

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, November 15, 2017**

3 **7:00 p.m.**

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Kevin Daly

10 Cheylynn Hayman, Vice Chair

11 Kathy Helgesen

12 Gina Hirst

13 Logan Johnson

14 Becki Wright

15
16 **MEMBERS ABSENT**

17 David Hirschi, Chair

18
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Cassie Younger, Assistant Planner

23 Avalon Comly, Recording Secretary

24 Katie Rust, Recording Secretary

25
26 **VISITORS**

27 Interested citizens (see attached sign-in sheet)

28
29 **PLEDGE OF ALLEGIANCE**

30
31 **OPENING COMMENT/LEGISLATIVE PRAYER** Vice Chair Hayman

32
33 **PUBLIC HEARING – ZONING MAP AMENDMENT – DAVIS COUNTY REZONE – 641**
34 **E 200 SOUTH**

35
36 Cassie Younger, Assistant Planner, explained that the applicant, Davis County, wishes
37 to amend the Zoning Map for a slightly less than one-acre property located at 641 E 200 South
38 in Centerville, from Public Facility-Low to Residential-Low. The property is currently surrounded
39 on all sides by Residential-Low properties. Ms. Younger stated that per the proposed
40 amendment, the north side of the property would be going to the City to be turned into a passive
41 green space, the eastern parcel would remain zoned as Public Facility-Low and would remain a
42 trail connecting 100 South and 200 South, and the southern half of the property would be
43 divided into between three and five different Residential Low parcels. Ms. Snyder showed a
44 map of the proposed Zone Map Amendment to demonstrate the proposed change. Ms. Younger
45 explained that based on the four Approval Standards, staff did not see any reason not to
46 recommend the Zone Map Amendment to the City Council, and pointed out that the property is
47 currently overgrown with weeds and fenced off, so rezoning the property as Residential-Low
48 would improve the aesthetic of the neighborhood. Community Development Director Cory

1 Snyder further explained that because a County detention facility above the property has been
2 completed, this property, which had been used for a detention facility, is no longer needed and
3 is essentially being deemed surplus land.

4
5 Commissioner Daly stated that he does not agree with the characterization of the
6 property as overgrown or as an eyesore, as the staff report indicates, and instead feels that the
7 property looks natural. He stated that he looked forward to hearing from the public on that
8 matter. Mr. Snyder clarified that the property is underutilized and in a nuisance state right now.
9 Vice Chair Hayman further stated that the standard being considered is the extent to which the
10 proposed Zoning Map Amendment may adversely affect the adjacent property, rather than
11 whether the Zoning map amendment would improve the adjacent property.

12
13 Tony Thompson, representing the applicant Davis County, presented the County's
14 reasoning for requesting the Zoning Map Amendment. He confirmed that the County wishes to
15 subdivide the property into three lots, as that size of lot would allow for a nice home plan and
16 would complement the area. He reiterated that the vegetation on the lot is overgrown. He
17 provided some history of the lot and reiterated that the basin on this lot is no longer needed.

18
19 Vice Chair Hayman opened a public hearing at 7:18 p.m.

20
21 Jerry Vander Meyden – Mr. Vander Meyden stated that he lives across the street from
22 the property and does not consider it an eyesore. He acknowledged that there could be some
23 problems with "hoodlums" on the property, but also spoke about the natural beauty of the
24 property. Mr. Vander Meyden also wanted to make sure that all of the lots would be kept to
25 about 1/3 of an acre, as that matches the lot size of other properties in the area. Finally, he
26 suggested the area become a neighborhood park that could be maintained by the neighbors.

27
28 Byron Pells – Mr. Pells does not consider the lot to be an eyesore. He liked having the
29 natural environment there. If it becomes housing he is concerned that it not become tight
30 housing which would make the neighborhood too cramped.

31
32 Nancy Robinson – Mrs. Robinson, who lives across the street from the lot, stated that
33 she does not feel that the lot is an eyesore but she also does not want the responsibility of
34 maintaining it, and feels that it would be the City's responsibility to maintain it. She suggests
35 perhaps the lot should become a dog park. Finally, she stated that she appreciates that Davis
36 County wants it to be 3 lots, and that she would not mind seeing some neighbors across the
37 street as she thinks it would be an improvement.

38
39 Conner Simmons – Mr. Simmons asked whether the City would ever want to develop the
40 north side of the property. He stated that he thinks that it is a good idea to bring some newer
41 homes into the neighborhood and questioned why the County decided to only divide it into three
42 lots instead of more, as he had previously heard the lots would be 1/4 acre.

43
44 Bryan Espenschied – Mr. Espenschied stated that back when the catch basin was first
45 put in on the lot, the neighborhood was solicited to help make improvements to the lot, including
46 planting trees, putting in a watering system, creating a trail, and building a bridge; in return the

1 City told the neighborhood the lot would be their neighborhood park. Additionally, Mr.
2 Espenschied said the lot was always used as a cut-through between blocks, until a fence was
3 put around the lot. He said the lot was very well maintained until the City put that fence around
4 the site and he didn't understand why they did that. If he had the funds, Mr. Espenschied said
5 that he would buy the 3 lots from the County and turn them back over to the City, but he doesn't
6 think the City wants to pay to maintain the lot. Mr. Espenschied acknowledged that he was
7 glad the City got the north side of the site in the deal with the County, which is the Old Mill site
8 that he feels is a historic site. Ultimately, Mr. Espenschied stated that he would like the City to
9 let the neighborhood have their park, especially given the work the residents invested into it.
10 Mr. Espenschied did say that would not like the land to go back to the County's control, but he
11 was hoping that the Planning Commission could influence the City to turn the lot into an open
12 green space again.

13
14 Seeing that there were no further comments from the public, Vice Chair Hayman closed
15 the public hearing at 7:30 p.m. and invited the applicant to respond.

16
17 Representatives from Davis County, Tony Thompson and Barry Burton responded to the
18 comments made by residents. Mr. Thompson acknowledged that the property is dear to the
19 neighborhood as their park. He reiterated that the east side of the property would remain a
20 passageway and would connect to the north side of the property that is more of a park setting.
21 The mill site plaque is on the north side and will remain. Mr. Thompson states that the County
22 took many of the resident's concerns into account as they were deciding what to do with this
23 property. Mr. Burton then commented that the County is dividing the property to recuperate
24 some of the money they put into the area, and they are dividing it into three larger lots because
25 they felt that lot size was more appropriate to the neighborhood and would attract larger, more
26 upscale homes.

27
28 Cory Snyder and Lisa Romney explained that the north side of the lot is currently
29 intended by the City to be a smaller size park, as this area is currently encumbered by a
30 significant flood control easement and an access easement. Ms. Romney explained that we
31 cannot bind future Councils, but, as Mr. Snyder then further explained, these encumbrances
32 would make it difficult to develop the area at a future time.

33
34 Commissioner Johnson asked if the County intends to sell the property with an individual
35 tax ID or subdivide it themselves. Applicant representative Tony Thompson says the decision
36 on that is still pending.

37
38 Commissioner Wright asked for clarification on the total acreage of parcel. Lisa Romney
39 stated that entire original property was 2.0115 acres, and the property to be divided is 0.97
40 acres.

41
42 Commissioner Daly asked if this two-acre property was included in the calculation for
43 park space per thousand residents that was discussed a few months ago. Mr. Snyder did not
44 recall that detention area being a part of that calculation, though he did recall referencing it as
45 passive space in that neighborhood.

1 Cassie Younger clarified that she did not mean to offend with her comment that the land
2 was an eyesore but felt that it was unwelcoming with the fence and the no trespassing sign
3 when she was there.

4
5 Vice Chair Hayman opened the matter up for debate at 7:40 p.m.
6

7 Commissioner Daly commented that he is concerned with taking publicly owned land
8 and rezoning it for residential development, especially because of the recent concern about park
9 space. He questioned if perhaps this was a good opportunity to take the whole property and
10 turn it into a park. He stated that because there is a finite amount of public land available the
11 opportunity should be taken now to protect and preserve this open space. He feels that this
12 could be used as an opportunity to preserve the number and location of parks in the area and
13 encouraged the Commissioners to vote no on this request.
14

15 Commissioner Wright asks what the valuation of the property is. Lisa Romney reminded
16 the Commissioners of the factors that need to be considered with a rezone and went over
17 Approval Standards set forth in CZC 12.21.080(e). She stated that the City Council has already
18 made a determination not to purchase the entire property as spelled out in the Interlocal
19 Agreement entered into between the City and the County. Pursuant to this Agreement, the
20 County has deeded the northern portion of the property to the City in exchange for waived
21 development fees.
22

23 Commissioner Wright stated she is a huge proponent for maintaining public lands, but
24 she felt the way that the agreement over this lot occurred benefits the city. She explained that
25 1) the City was able to maintain land to the north, including a historic site, 2) the floodplain area
26 was maintained, 3) the County has been responsive to the needs of the land by lowering the
27 number of lots they were trying to create to be respectful to surrounding properties, and 4) the
28 trail was able to be maintained. She stated that things were thought out thoroughly by the
29 County and weighed carefully and she is in support of this amendment as a result.
30

31 Commissioner Daly countered several of the points made by Commissioner Wright by
32 explaining that the north side of the property and the trail were not deeded to the City out of
33 benevolence, but because those areas of the property are not able to be developed.
34 Commissioner Wright clarified that regardless of whether or not the decisions made regarding
35 the property were done out of benevolence, they did represent a benefit to the city.
36

37 Vice Chair Hayman stated that she is also a proponent of open spaces, but the applicant
38 has a right to expect the Commission to look at and make decisions about the Zoning Map
39 Amendment on the four approval standards and there has not been any indication that this re-
40 zone is inconsistent with those standards. For that reason, she stated she is inclined to
41 approve.
42

43 Commissioner Johnson raised a concern that whether or not the County decides to sell
44 the property as one individual parcel could change whether the property is ultimately subdivided
45 into three lots or into five lots. Commissioner Wright questioned if there was a way to prevent
46 this. Cory Snyder explained that reasonably with other requirements involved this is not likely to

1 happen, though it could, but this agreement is a good compromise between many competing
2 issues.

3
4 Commissioner Wright makes the point that pocket parks are a huge financial burden to
5 the City and, in turn, the residents and worries that this is very close to another park that is
6 already in that area, so as to the suggestion of whether to turn the area into a large park rather
7 than subdividing it into a residential area, she would like that to be considered. Commissioner
8 Daly stated that this is why he doesn't feel this area needs to be a grassed over park, but rather
9 to be left somewhat natural.

10
11 Commissioner Helgesen reminded the commissioner's that this is not the City's public
12 land and the City does not have the money to acquire it.

13
14 Commissioner Hirst reminded the Commissioners that with schools included, the parks
15 figure in Centerville is currently 8.5 acres per thousand. The national average is 10 acres, but
16 that figure does not include the 160 acres on the hillside. She further stated that it is not the
17 Commissioner's position to decide how the City spends money, and because Centerville is not
18 far off the national average of 10 acres per thousand of park land, it may not be the best use of
19 the City's money anyway to purchase this land and turn it all into a park.

20
21 Commissioner Johnson made a **motion** to recommend approval of the Zone Map
22 Amendment for 641 East 200 South land parcel 02-104-0109 from Public Facility-Low to
23 Residential-Low with suggested reasons for the action (1)-(3). Commissioner Helgesen
24 seconded the motion, which passed by majority vote (5-1), with Commissioner Daly dissenting.

25
26 Reasons for the Action

- 27 1. The Planning Commission finds that the proposed Zone Map Amendment is
28 consistent with the General Plan for Neighborhood 1, Southeast Neighborhood. [12-
29 480-2].
30 2. The Planning Commission find that the Zoning Map Amendment approval criteria, as
31 stated in CZC 12.21.080(e), have been adequately evaluated and the request is
32 deemed consistent with the criteria.
33 3. Therefore, the Planning Commission finds that the R-L Zoning designation ought to
34 be approved.

35
36 **PUBLIC HEARING – CONCEPTUAL SUBDIVISION APPLICATION – 150 JENNINGS**
37 **LANE**

38
39 Cory Snyder, Community Development Director, discussed the proposed Conceptual
40 Subdivision Plat for Rigby Court for a 4-lot family subdivision in an Agricultural-Low Zone. He
41 explained that the proposal would be to create four roughly half-acre lots on a cul-de-sac on the
42 uphill side of the property, and create a private lane. Mr. Snyder raised that one issue is that
43 this property is in the Hillside Overlay zone. In an Agricultural-Low Zone, without the Hillside
44 Overlay this subdivision would meet the agricultural- low standards. Staff raised some concerns
45 in their report, however, that if the slope of the lots is over 10% then the lots would need to be
46 adjusted to the required ¾ acre minimum size, and that the lots do not meet the minimum

1 required hillside lot width of 25 feet so the roadway depths would need to be lengthened. Mr.
2 Snyder explained that staff recommends the applicant be allowed to move forward with
3 preliminary review, but that he would need to address dimensional issues, cut and fill slope
4 standards, and provide a geologic hazard study.

5
6 Fred Hale, applicant, commented that he has had his eye on this property for years, and
7 just wanted to build another house in Centerville. He did not know he needed to check the soil
8 quality, but thought the lots lend themselves well to single-family homes.

9
10 Vice Chair Hayman opened the matter for public hearing at 8:09 p.m.

11
12 Cherrie Clay – Ms. Clay stated that currently the road is a quiet dead-end street. She
13 stated that the neighbors would prefer that sidewalks not be added during the process of adding
14 this new development. She also raised concerns that many of the full-grown trees in the
15 neighborhood had to be removed so that Mr. Hale could put in a sewer-line and retaining walls.

16
17 Seeing that no one else wished to comment, Vice Chair Hayman closed the public
18 hearing at 8:12 p.m.

19
20 Mr. Snyder clarified that sidewalks are the current City specification and would be
21 required to be in front of just the property that Mr. Hale plans to develop, unless there was a
22 good cause not to put them in. It would then require a City Council decision to defer the
23 sidewalk requirement. He also addressed the issue of vegetation and stated that the trees on
24 this property are not protected by the City.

25
26 Vice Chair Hayman invited the applicant to respond to public comments and the
27 applicant declined.

28
29 Vice Chair Hayman opened the matter up for debate at 8:16 p.m.

30
31 Commissioner Wright stated that she feels this is a good use of the land, and the size of
32 the lots are appropriate and consistent with the area.

33
34 Commissioner Hirst made a **motion** for the Planning Commission to accept the
35 Conceptual Plan for the Rigby Court Subdivision, with Directives (1)-(5) and suggested reasons
36 for the action (a)-(c). Commissioner Wright seconded the motion, which passed by unanimous
37 vote (6-0).

38
39 Conditions:

- 40
41 1. A Preliminary Subdivision Application shall be submitted in accordance of CMC
42 15.03 of the Subdivision Ordinance.
43 2. The Preliminary Subdivision Plans shall also address the requirements of the Hillside
44 Overlay Preliminary Review, as listed in CZC 12.42.030.
45 3. The dimensions for the lots and building areas are to be amended to meet the
46 standards as outlined in the Hillside Overlay Development Standards, 12.42.040.
47 4. The submittal of the preliminary plat needs to address the cut and fill slope protection
48 standards and be deemed compliant and acceptable by the City Engineer.
49 5. As part of the preliminary subdivision plans, a soils and geologic hazard study needs
50 to be submitted and deemed compliant and acceptable by the City Engineer.
51

Suggested Reasons for the Action:

- a) The Planning Commission finds that the conceptual subdivision appears to be consistent with the City's General Plan.
- b) The Planning Commission finds that with the identified changes, this proposed subdivision plan may have the potential to meet the Development Standards, not only for the A-L Zone, but also for the Hillside Overlay for a single-family subdivision, as outlined in CZC 12.42
- c) The Planning Commission finds that the applicable review standards of the Subdivision Ordinance pertaining to Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.

PUBLIC HEARING – CONDITIONAL USE PERMIT – CUPBOP CATERING, LIMITED

Cassie Younger, Assistant Planner, presented the proposed matter of the Conditional Use Permit for CupBop Catering at 181 South Main Street. She explained that the City Council passed Ordinance 2017-27 last week which adds the definition of "Catering Limited" to the Centerville Table of Uses as a Conditional Use Permit in a Commercial-Medium Zone. There was a text amendment made to the final adopted definition of their use which prohibits offsite dissemination of any detectable odors. She further explained the conditions which are being recommended for addition in the Conditional Use Permit. These include conditions to ensure minimization of adverse effects to surrounding tenants and properties including parking conflicts, dissemination of odors, delivery times, and protection of public right-of ways and traffic circulation.

Commissioner Daly asked if CupBop wanted to add some kind of walk-up food service, whether that would be allowed, and whether they would need to provide an additional parking study. Mr. Snyder replied that if at some point in time the City entertained the use for CupBop to be able to serve food, then there would need to be a modification to their permit to be able to add that use to their site.

The applicant, Nate Hatch, was invited to speak and he declined the invitation.

At 8:26 p.m., Vice Chair Hayman opened a public hearing and closed the public hearing seeing that no one wished to comment.

Commissioner Johnson questioned how it is possible to regulate odor emissions. Lisa Romney explained that the City does have the authority to regulate smell and discussed ways to regulate it. She stated that it can be difficult to regulate after a business is already in existence, and as such conditions regulating smell in this case have been added to the definition of use.

Commissioner Helgesen states that she was concerned with the look of what she felt was an industrial use, especially as it pertains to parking large trucks on the property overnight.

Applicant Nate Hatch replied that trucks are typically gone during the day. For the summer they are gone all day, and for the winter trucks are gone at lunchtime and sometimes at dinnertime. On the north side of the building there is a space for a truck which is also fenced in, so one would not be able to see much of the trucks loading and unloading. He stated that on the south side there is a big area as well that is ideal for loading and unloading. He explained that the three transport vehicles are made up of a van, a food truck and a trailer and he stated that catering transport vehicles are going to be kept discreet. He stated that the trucks would need to be parked outside of the building at night per health code regulations.

Commissioner Wright made a **motion** for the Planning Commission to approve the Conditional Use Permit for CupBop for the use of "Catering, Limited" at 181 South Main, with conditions (1)-(7) and reasons for recommendation (a)-(g). Vice Chair Hayman seconded the motion.

Conditions:

1. This Conditional Use Permit is limited to the use of "Catering, Limited" for CupBop catering, represented by Cal-Co Distribution Services at 181 South Main Street, Suite B.
2. The applicant cannot disseminate any detectable ambient food source odors beyond the bounds of the property in accordance with the definition of "Catering, Limited" as set forth in CZC 12.12.040.
3. A parking study should be performed to determine the adequate number of parking stalls for this site and deemed acceptable to the Zoning Administrator, prior to issuance of a business license for the use.
4. The hours of operation of this business shall be limited to 7:00 a.m. to 5:00 p.m., as stated by the applicant.
5. Deliveries shall be limited to hours outside of the noise ordinance restriction of 9:00 p.m. to 6:00 a.m., as stated in Municipal Code 7.09.020 and also be coordinated with the adjacent tenant space for off hours operating for daytime deliveries.
6. Loading and unloading shall be limited to on-site, not in the public right of way, and delivery trucks shall not block access and parking for the adjacent businesses.
7. The applicant shall have no more than three (3) catering transport vehicles on site at one time.
8. Any trailer or accessory vehicle shall be parked and stored on the north side of the building behind the screening (not in the designated parking stalls).
9. Any food truck shall be parked and stored in the loading area on the south side of the building (not in the designated parking stalls).

Reasons for Recommendation:

- a) The Specific Property is suitable for the proposed use
- b) The proposed use is in harmony with the existing uses in the vicinity
- c) The proposed use is not injurious to potential or existing development in the vicinity
- d) The economic impact of the proposed use is consistent with the surrounding area
- e) The aesthetic impact of the proposed use is also consistent with the surrounding area.
- f) There is adequate transportation access, and parking/ loading space for the proposed use.
- g) There are adequate safeguards in place to minimize adverse effects to the health safety and welfare of the city from the proposed facility or use.

Commissioner Johnson and Commissioner Daly asked for clarification on what would happen if a detectable ambient food-source odor is reported. Ms. Romney and Mr. Snyder discussed that factual information would need to be collected to establish that ambient odor exists and then a CUP revocation hearing would most likely be held. Other enforcement tools may also be available under applicable City ordinances.

Commissioner Hirst and Commissioner Helgesen raised concerns that trucks parked outside of the establishment overnight would not be aesthetically pleasing on Main Street. Mr. Snyder replied that unloading and loading spots have been provided, but the number of trucks or size of trucks parked outside a business cannot be regulated.

Vice Chair Hayman questioned whether it would be permissible for CupBop to advertise their business with a large sign above their door or at the corner of their property. She questioned, if so, what the difference is between advertising in that way, and parking large trucks with advertising slogans on them outside of a business establishment. Mr. Snyder explained that there are regulations on the size of the signage that can go outside of a business.

Commissioner Hirst clarified that her main concern with the trucks parking outside of the CupBop Catering at night is how big they are. The applicant suggested a workable solution to the concern would be to put the trailer on the north side of the building which is mostly fenced, with the dumpster in front of it, and park the truck on the south side of the building, which is also fenced. He referenced the site plan to explain his proposal and stated in this proposal the trucks would be back off of Main Street.

Commissioner Helgesen asked that conditions (8)-(9) be added to the motion. Vice Chair Hayman asked if Commissioner Wright would accept an amendment to the motion to add conditions (8)-(9). Commissioner Wright accepted the amendment at 8:50 p.m.

The motion passed by unanimous vote (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The next Planning Commission meeting is scheduled for December 13, 2017.

CITY COUNCIL'S REPORT

Cory Snyder, Community Development Director, updated the Planning Commission on actions recently taken by the Council.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the October 25th, 2017 meeting were reviewed and amendments suggested. At 8:56 p.m. Commissioner Helgesen made a **motion** to accept the minutes as amended. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:59 p.m., Vice Chair Hayman made a **motion** to adjourn the meeting. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).



David Hirschi, Chair

12-13-17

Date Approved



Avalon Comly, Recording Secretary

