

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, December 13, 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 7:08 p.m.

7
8 **MEMBERS PRESENT**

9 David Hirschi, Chair

10 Kevin Daly

11 Cheylynn Hayman, Vice Chair

12 Kathy Helgesen

13 Gina Hirst

14 Logan Johnson

15
16 **MEMBERS ABSENT**

17 Becki Wright

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
25 **VISITORS**

26 Interested citizens (see attached sign-in sheet)

27
28 **PLEDGE OF ALLEGIANCE**

29
30 **OPENING COMMENT/LEGISLATIVE PRAYER**

31
32 **PUBLIC HEARING – ZONING TEXT AMENDMENT – HILLSIDE OVERLAY, CZC**

33 **12.42**

34
35 Cassie Younger, Assistant Planner, explained that similar to a request made by another
36 applicant several weeks prior to reduce the width of lots in the Hillside Overlay for single family
37 lots in Residential Zones, thus developing more of a “tiered” width standard for Residential-Low
38 lots in Hillside Zones; the applicant, Fred Hale, is requesting an amendment for lots in
39 Agricultural Zones located within the Hillside Overlay. Currently the standards for Agricultural
40 Zones within the Hillside Overlay are more restrictive than Residential Zones, requiring 125-foot
41 width, regardless of the slope for the agricultural property. Considering there is already a half
42 acre lot minimum for Agricultural Zones, Mr. Hale thought that these standards were too
43 restrictive for his plans for a subdivision. As such, staff thought it would be fair to mirror the
44 Agricultural-Low and Residential-Low Hillside Overlay restrictions as amended November 8,
45 2017 in CZC 12.42.040 (b), with the exception that the determining slope would be set at 10%
46 instead of 15%, as was done in the residential zones. The widths of the lots would then be
47 determined consistently based on 10% and 15% slopes between the two zones within the
48 Hillside Overlay.

Cory Snyder, Community Development Director, further explained that staff would prefer to remove any language in CZC 12.42.040 (b) regarding minimum lot size.

Fred Hale, applicant, explained that the suggested changes to CZC 12.42.040(b) would allow him to put in the subdivision. He also pointed out that the frontage of the lots is on a 1 ½% slope road. There is 9% slope from east to west. The proposed Lot 1 is 230 ft. wide on street level, but the front of the house would be facing east.

Mr. Snyder further commented on the applicant's point regarding the cross-slope as one that should be addressed when the Planning Commission looks to further refine the Hillside Overlay.

Chair Hirschi opened a public hearing at 7:16 p.m.

Steven Lauder – Mr. Lauder reminded the Planning Commission that in the last planning meeting residents of Jennings Lane that don't currently have sidewalks in front of their homes, were told that they would not be required to install a sidewalk. Mr. Lauder reiterated that it would be an undue burden to make residents of Jennings Lane pay for sidewalks when the streets are extremely wide and many of the residents have lived on Jennings Lane for a very long time without sidewalks. He would like it on record that he would not like to be forced to take on the added expense of installing sidewalks and that he does not want sidewalk placed on the entire length of Jennings Lane Road.

Judy Hancey – Ms. Hancey agreed with Steven Lauder comments.

Seeing that there were no further comments from the public, Chair Hirschi closed the public hearing at 7:18 p.m.

Mr. Snyder clarified that the comments from the public will be further addressed in the next public hearing.

Commissioner Helgesen and Chair Hirschi pointed out that items from the code language need to be clarified, as there seem to be errors. Lisa Romney displayed staff's recommended edits to the code language, and made additional edits as suggested by Commissioner Helgesen and Chair Hirschi.

"The minimum lot size and yard requirements of the underlying zone shall apply to all lots in the Hillside Overlay. In residential zones, all lots within slope areas greater than 10% and less than 15%, shall require a minimum width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet at the setback line. In agricultural zones, all lots within slope areas greater more than 10% and less than 15% shall require a minimum width of 100 feet wide at the setback line. All lots within slope areas of 15% or greater shall require a minimum width of 125 feet at the setback line."

Commissioner Daly made a **motion** for the Planning Commission to recommend to the City Council to approved the proposed Hillside Overlay amendment, CZC 12.42.040(b), as modified below, and with suggested reasons for findings (a)-(e). Commissioner Helgesen seconded the motion, which passed by unanimous vote (6-0).

The minimum lot size and yard requirements of the underlying zone shall apply to all lots in the Hillside Overlay. In residential zones, all lots located within slope areas greater than 100% and less than 15%, shall require a minimum width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet at the setback line. In agricultural zones, all lots within slope areas greater more than 10% and less than 15% shall require a minimum lot-width of 100 feet wide at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot-width of 125 feet wide at the setback line.

Reasons for Findings

- a. The Planning Commission finds that the "decision to amend the zoning ordinance is a matter of within the legislative discretion of the City Council" as described in CZC 12.21.060.a.1.B.
- b. The Planning Commission find that amendments consistent with the goals, objectives and policies of the City's General Plan, as presented in the staff report.
- c. The Planning Commission finds that the amendment allows for variation based on the lot's topography rather than a "one size fits all" approach that bears improved fairness in the use of the overlay ordinance.
- d. The Planning Commission finds that this amendment would serve to treat the residential and agricultural zones fairly as regulated within the Hillside Overlay Zone, and remain consistent within the regulations and parameters of the code.
- e. Therefore, the Planning Commission finds that the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.

PUBLIC HEARING – PRELIMINARY SUBDIVISION – RIGBY COURT – 150 E JENNINGS LANE

Cory Snyder, Community Development Director, initially addressed public concerns about sidewalk requirements on Jennings Lane. He clarified that Centerville City specifications currently require improvements associated with the land of the subdivision to be installed. These improvements do include sidewalks under City specifications. This means that if Mr. Hale's proposed subdivision is built, the code requires him to install improvements on his property on Jennings Lane. Other residents, at this time, would not be required to install sidewalks on their property.

Mr. Snyder explained that Mr. Hale would have the options to apply for a Delayed Improvement Agreement to delay putting in the sidewalks on Jennings Lane for a period of time. Other properties on Jennings Lane would not then, at this point in time, be required to put in sidewalks. In the future, as sidewalks get constructed, the residents on Jennings Lane may see an effort to begin to complete the sidewalk system. He explained that there would be a lot of effort in the future to ensure that the sidewalk system is completed, but this is a possibility for them. There is currently no exemption from constructing sidewalks that would allow Mr. Hale to not put them in. If the residents of Jennings Lane would like to be exempted from putting in sidewalks in specific areas, they could ask the Council for an exemption and the Council would have to weigh the liability of not putting them in and create such an exemption.

Regarding the matter up for Public Hearing, Mr. Snyder explained that Mr. Hale would like to receive preliminary review and approval to enable the preparation of the final subdivision plat and construction plans for four house lots within the A-L Zone. He explained that the geotechnical report showed that there were very minimal problems with the property from a geologic standpoint and no problems with soils as the soil is pure sand. Mr. Hale submitted this geotechnical report to the City Engineer who was comfortable with the preliminary approval. Mr.

1
2 Snyder expressed his concerns with the technical slope issues with regard to the right-of-way
3 and ensuring that any cuts made near the road are done far enough back to ensure that the
4 road is not undermined. He said he feels the construction drawings need to be refined with the
5 City Engineer to make sure that the Hillside Overlay cuts and fills standards are being met.
6 Nevertheless, staff recommended moving the preliminary approval forward.
7

8 Fred Hale, Applicant, said in the staff meeting the slopes and fills were discussed a lot.
9 He referenced discussions in staff meetings to put on the drawings that fills must go beyond the
10 sidewalk three (3) or four (4) feet. He says the subdivision will be nice because there is a slope
11 from east to west, and the homes would have flat driveways with walkout basements.
12

13 Chair Hirschi opened the matter for public hearing at 7:37 p.m.
14

15 Julia Peterson – Ms. Peterson expressed her concern about secondary water for the
16 north side of the property. She said she was not happy with the idea of getting water from 1825
17 North and was curious about how they would get water. She did express that she likes Fred
18 and is happy with having 4 new houses behind her property.
19

20 Seeing that no one else wished to comment, Chair Hirschi closed the public hearing at
21 7:39 p.m.
22

23 Mr. Hale answered that he checked secondary water when he first started inquiring
24 about the property and he was initially told by Weber Basin that he could go to Main Street, pick
25 up the secondary water line there and bring it east. However, they are now saying that he has
26 to get it from somewhere else. Weber Basin's first choice is for him to go east to pick it up and
27 bring it down Jennings Lane into the subdivision. His other choice would be to pick it up from
28 1825 Jennings Lane and bring it south into the easement out the back of the properties. He
29 said this item has not been decided yet. In summary, Mr. Snyder said the subdivision will not be
30 finalized until the secondary water issue is addressed.
31

32 Commissioner Helgesen made a **motion** for the Planning Commission to approve the
33 Preliminary Plan for the Rigby Court Subdivision with directives (1)-(6) and reasons for the
34 action (a)-(e). Vice Chair Hayman seconded the motion.
35

36 Commissioner Hirst raised concerns that she is not comfortable moving forward with
37 approval of the Preliminary Plan until issues with cuts are formally addressed and the City
38 Engineer has confirmed in writing that these issues are satisfactorily addressed.
39

40 The vote passed by majority vote (5-1), with Commissioner Hirst dissenting.
41

42 Directives

- 43 1. This Preliminary Approval is subject to the City's Approval of the applicant's petition
44 to amend the Hillside Overlay Zone provisions, or the subdivision plan layout shall be
45 altered to comply with the adopted/modified provisions, prior to submittal of any Final
46 Subdivision application and submittal.
47 2. A Final Subdivision Applications shall be submitted in accordance of CMC 15.04 of
48 the Subdivision Ordinance.
49 3. The Final Subdivision Plat shall provide the following notes for the private alley or as
50 recommended by the City Attorney:
51 • The private alley has been provided by the original developer for the
52 convenience of accessing the rear yards of all lots within the subdivision.
53

- A City right-of-way “encroachment permit” is required for construction of and use of the alley’s drive access point from the public roadway.
 - The use of the private alley is an “accessory amenity” for the convenience of the lot owners to establish any allowable accessory use of the lots.
 - The private alley shall not be used for any commercial/industrial nature or other like practices that generates frequent and consistent traffic to and from the rear yard of the lots.
4. The construction plans for the subdivision shall address the provision of secondary water service and shall acquire any needed off-site easements prior to any approval and recordation of a final subdivision plat.
 5. The submittal of the Final Subdivision Plat and Plans shall be submitted to the City’s Development Review Committee (DRC) and shall be deemed complete and in compliance with the Hillside Overlay provisions and this preliminary plan approval, prior to scheduling the final plat for review by the Planning Commission.
 6. If any dispute arises between the DRC and the applicant during the final subdivision review by the DRC, the DRC shall remand this preliminary approval back to the Planning Commission for resolution, prior to scheduling the final subdivision for Planning Commission consideration.

Reasons for the Action

- a) The Planning Commission finds that the preliminary subdivision could likely comply with the applicable regulations, provided the applicant’s petition to amend the Hillside is approved by the City.
- 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) Nonetheless, the Planning Commission finds that the preliminary plans have not fully developed or prepared the related subdivision construction drawings to ensure compliance with the Hillside Overlay Ordinance.
- d) Therefore, due to these engineering technical matters, the Planning Commission is assigning the City’s Development Review Committee (DRC) to receive the final subdivision construction drawings from the applicant.
- e) Furthermore, the Planning Commission is requesting the DRC to analyze, evaluate, and determine whether the subdivision is compliant with the standards, prior to the Commission’s review of the final subdivision plat.

**PUBLIC HEARING – CONCEPTUAL SUBDIVISION – CONDO CONVERSION –
BOULDER SUBDIVISION**

Commissioner Johnson recused himself from considering this matter as he works in the building under consideration.

Cory Snyder, Community Development Director, explained that the applicant desires to subdivide an existing building and create a condominium plat for four spaces within the building. TruGolf, Inc., which currently occupies the building, would remain in the near term, but the applicant is desiring to create condo spaces for future venture purposes. He noted, however, that parking for the site is currently based on an “office/warehouse” use and that if there were a parking demand change, this change may exceed the existing capacity of the site. He cautioned that it should be added to the plat notes that parking needs to stay within existing parameters. Mr. Snyder said that staff recommends acceptance of the conceptual plan.

John Stout, applicant, addressed the parking matter, and said that parking needs would most likely get lighter.

At 7:51 p.m., Chair Hirschi opened the matter for public hearing and closed the public hearing seeing that no one wished to comment.

Chair Hirschi stated that he finds that condominiums like those proposed tend to add to viability of the businesses because there is a sense of ownership of the property, instead of being a rental. He feels it is a good idea as long as CC & R's are in place and an association is well formed.

Vice Chair Hayman made a **motion** for the Planning Commission to accept the Conceptual Plan for the Boulder Condominium Subdivision, with directives (1)-(5) and reasons for action (a)-(c). Commissioner Hirst seconded the motion, which passed by majority vote (4-0), with Commissioner Johnson having recused himself from voting, and Commissioner Daly absent at time of voting.

Directives

1. A Preliminary Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance.
2. The Preliminary Subdivision Plans shall also address the compliance with requirements of the Utah Condominium Ownership Act, as set forth in Utah Code.
3. The Preliminary Subdivision Plans identify and depict the desired condominium spaces and common area spaces.
4. The Preliminary Plans are to address compliance with any related building and fire code provisions regarding the conversion of the building into condominium spaces.
5. The parking capacity and limitations are to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building.

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 directives, this proposed subdivision plan is to ensure compliance with the Subdivision Development Standards and the Utah Condominium Ownership Act.
- c) The Planning Commission finds that the applicable review standards of the Subdivision Ordinance pertaining to a Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.

**PUBLIC HEARING – CONCEPTUAL SUBDIVISION – SMALL SUBDIVISION WAIVER
– LEGACY COMMONS 1250 WEST AND PARRISH LANE**

Commissioner Johnson previously recused himself from considering this matter as he works for the applicant.

Cory Snyder, Community Development Director, explained that the City Council previously approved a Planned Development for the property, and now the applicant desires to subdivide/reconfigure the property into 2 lots so that he may secure the purchase of Lot 2 for the hotel. He explained that under Utah State law, properties of ten (10) lots or less can be exempted from the formal subdivision platting process. Centerville City ordinances will allow

properties of two (2) lots or less to be exempted from the formal platting process, only if they are not part of a previous subdivision and do not need to dedicate a road. The applicant is seeking such a "Small Subdivision Waiver" to skip the preliminary and final subdivision process and go directly to final approval. This lot would qualify for the Small Subdivision Waiver, as it does not require the dedication of land for a street or other public purposes to meet the objectives of the related PDO approval, it does not appear that 1250 West or Parrish Lane are to be widened in the future, and the subject property has not been involved in any type of previous subdivision approval. Mr. Snyder mentioned that the developer is seeking a possible drop lane and limited right turn into the hotel, but that to date UDOT has taken the position of NOT allowing any type of access from Parrish Lane. He also mentioned some PDO approval related issues that would indicate there is still a gap between a Small Subdivision in simple form, and something that is a planned development. Mr. Snyder thinks it would be best to plat it, but suggests the Commission consider accepting it.

Vice Chair Hayman asked why UDOT doesn't want to add a drop lane to turn right. Mr. Snyder responded that the simple explanation is that Parrish Lane is a Category 3 Road so cuts to the road need to be minimized. The drop lane that is across the street was added through a lawsuit, and not through UDOT directly. UDOT purchased the value of a no-access line and has no intent to sell it.

Spencer Wright, applicant, stated that he had nothing to add but is willing to answer questions. The Planning Commission had no questions for the applicant.

Chair Hirschi opened the matter for public hearing at 8:07 p.m.

Logan Johnson – Mr. Johnson commented that UDOT engineers are very careful.

Seeing that no one else wished to comment, Chair Hirschi closed the public hearing at 8:07 p.m.

Commissioner Hirst made a **motion** for the Planning Commission to approve the small subdivision waiver/lot split for the Legacy Commons Subdivision, with conditions (1)-(3) and reasons for the action (findings) (a)-(d). Commissioner Helgesen seconded the motion, which passed by majority vote (5-0), which Commissioner Johnson having recused himself from voting.

Conditions

1. The small subdivision waiver/lot split shall be for the Legacy Commons Subdivision, PARCELS: 06-006-0082, 0083, 0102
2. The following items shall be effective or addressed as part of this small subdivision waiver approval:
 - a. This review and approval does not represent any site plan approval for future development on either lot. Any future site plans submitted shall meet all applicable City Ordinances and applicable governing documents for the property.
 - b. The applicant shall prepare a final linen plat for the property, as per the City subdivision standards.
 - c. The applicant shall prepare the required subdivision construction drawings for the minimum needed improvements (e.g. drainage and public improvements) to be installed for the subdivision and be deemed acceptable by the City Engineer

- d. The Plat shall show all required street frontage and interior lot line PUE easements. Any additional easements, such as cross-access or parking shall be prepared, as directed and deemed acceptable by the City Engineer and City Attorney.
- e. Prior to recording the small subdivision waiver plat, applicant shall submit an updated title report for the entire property area for review and approval of encumbrances and ownership by the City Attorney and City Engineer.
- f. The following plat notes shall be set forth on the final plat for the small subdivision waiver:
 1. Approval of the small subdivision waiver plat by Centerville City does not constitute any representation as to the adequacy of subsurface soil conditions nor the location or depth of ground water tables
 2. A note of the plat shall be provided referring and indicating that the development of the property is subject to the approved PDO Development Plan.
 3. All owners shall be required to provide utility easements for all as-built utilities after the utilities are installed if they do not lie within the boundaries of an existing PUE.
3. The applicant shall pay all applicable impact fees and post the related bonds for public improvements prior to recordation of the subdivision.

Reasons for the Action (Findings)

- a. The Planning Commission finds that the subdivision qualifies for the small subdivision waiver, in accordance with the criteria found in Section 15-2-107 of the Subdivision Ordinance.
- b. The Planning Commission finds that the two lots are consistent with the approved Legacy Commons PDO Approval.
- c. The Planning Commission finds that the proposed subdivision meets the required lot development standards for the C-VH Zone. [Chapter 12-34]
- d. The Planning Commission finds that with the conditions imposed, the general requirements for all subdivisions have been addressed and fulfilled [Chapter 15-5].

PUBLIC HEARING – ZONING TEXT AMENDMENT – CZC 12.22, REGARDING DEFERRAL AGREEMENT ALLOWANCES

Lisa Romney, City Attorney explained that the City Council wanted staff to refine and fix subtle inconsistencies between the City's Municipal Code and Zoning Ordinances regarding deferral agreements. Ms. Romney said that in making these changes she tried to put all the substance and process into Title 10, which deals with streets, as she felt this was more of an issue for the Public Works Department and the City Council. Staff would normally recommend that public improvements not be deferred, but there are often very good reasons for deferring. Ms. Romney also explained that she tried to add in a lot more detail on the request for deferral so that applicant will carry the burden of providing all of the information needed to make a decision about granting a deferral. She pointed the Commissioners' attention to page 3, subsection (f) of proposed Ordinance No. 2018-01 to consider the factors that the City Council would now use to decide whether to grant a deferral agreement.

Chair Hirschi suggested adding in Section (2), Subsection (f), Item (4) "Unless such new subdivision is in an area of the City specifically designated as an area where no sidewalks are required."

Commissioner Daly asked about whether the Landmark Commission should be involved in the decision about what areas to designate to not require sidewalks. Mr. Snyder said they would look for the Landmark Commission's input in designating those areas.

Vice Chair Hayman said she is generally fine with the idea of designating areas where sidewalks are not required. But she said she is also in favor of narrowing the approach to designating those areas due to safety concerns of children walking to school in the road. Ms. Hayman inquired of Ms. Romney where someone would find which areas are specifically designated to not need sidewalks. Ms. Romney said she anticipates an ordinance amendment could specify the details. Ms. Hayman further questioned what "contiguous" means in Section (2), Subsection (f), Item (3). This was discussed by the Commission and understood to mean that the word contiguous was modifying the street in front of the lot.

Commissioner Daly asked how one would know that payments were made to the City based on wording in Section (2), Subsection (d). Ms. Romney explained that historically when a deferral agreement was granted, the developer had to pay the money for future improvements up front. The problem with that method was that when it was time to install the improvements at a later date, the previously paid amount was no longer enough to cover the cost of the improvements. At this time, the money is not being collected up front when a deferral agreement is entered into, but at the time the public improvements are required to be installed. Ms. Romney said Section (2), Subsection (d) was left in the ordinance, in the event that a future City Council decides to go back to collecting the money up front.

Commissioner Daly asked what the recourse would be if the resident doesn't or can't pay when it is time for the deferral period to be over. Ms. Romney said the City would have an option to put a lien on the property, but that the City generally works with the property owner before it gets to that point.

Chair Hirschi opened the matter for public hearing at 8:37 p.m. and closed the public hearing seeing that no one wished to comment.

Commissioner Daly commented that he liked the idea of cleaning up the deferral agreement, and would like more discussion at some point about which areas will be designated to not have sidewalks, and would like to involve others in that discussion.

Chair Hirschi agreed with Commissioner Daly's comments and says that there are places in Centerville which he could see being designated to not have sidewalks.

Commissioner Hirst said she thinks it's fine if a neighborhood doesn't want sidewalk and curb & gutter. But she also said she agrees with Vice Chair Hayman's comments that safety issues be taken into consideration when thinking about what areas to designate.

Vice Chair Hayman made a **motion** for the Planning Commission to recommend to the City Council to approve the proposed amendments, as presented by the City Attorney, with reasons for the action (findings) (a)-(c). Commissioner Hirst seconded the motion, which passed by unanimous vote (6-0).

PRELIMINARY SUBDIVISION – MOSS ACRES 2026 NORTH MAIN

At the applicant's request, this item was tabled until the next regularly scheduled Planning Commission meeting.

DRAFT PLANNING COMMISSION CALENDAR 2018

Chair Hirschi pointed out that there is a conflict with the February 14, 2018 meeting. He suggested deferring making a decision on a new date for the meeting until it was known when the building would be available.

Commissioner Hirst made a **motion** to approve the proposed 2018 meeting schedule with the exception of determining availability for an alternate date for the Feb. 14th meeting. Commission Johnson seconded the motion, which passed by unanimous vote (6-0).

MINUTES REVIEW AND ACCEPTANCE

The minutes of the November 15, 2017 Joint Work Session were reviewed and amendments suggested. Commissioner Daly made a **motion** to accept the minutes as amended. Vice Chair Hayman seconded the motion, which passed by a unanimous vote (6-0).

The minutes of the November 15, 2017 Planning Commission meeting were reviewed and amendments suggested. Commissioner Helgesen made a **motion** to accept the minutes as amended. Commissioner Daly seconded the motion, which passed by a unanimous vote (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The next Planning Commission meeting is scheduled for January 10, 2018.

Cory Snyder, Community Development Director, discussed items on the agenda for the Planning Commission to discuss in January and in the next joint work session with the City Council.

Possible ways to set and accomplish goals for 2018 were discussed.

ADJOURNMENT

At 8:58 p.m., Vice Chair Hayman made a **motion** to adjourn the meeting. The motion passed by unanimous vote (6-0).



David Hirschi, Chair

1-10-2018

Date Approved



Avalon Comly, Recording Secretary

