



CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON NOVEMBER 10, 2021 AT CENTERVILLE CITY HALL COUNCIL CHAMBERS, 250 N. MAIN STREET. THE AGENDA IS SHOWN BELOW.

Meetings of the Planning Commission of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Jacob Smith, Administrative Services Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

The full packet of backups can be found at <http://centerville.novusagenda.com/agendapublic>.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

D. COMMISSION BUSINESS

1. Public Hearing - ADMINISTRATIVE DECISION - Conditional Use Permit - Truck World
2. ADMINISTRATIVE DECISION - Young Powersports - Parking Modification
3. Public Hearing - LEGISLATIVE RECOMMENDATION - Zone Text Amendment - Internal ADUs
4. Land Use Training - Municipal Land Use, Development, and Management Act - Part 9 - Vested Critical Infrastructure
Land use training and discussion regarding Part 9 (Vested Critical Infrastructure) of the Municipal Land Use, Development, and Management Act
5. Community Development Director's Report

Next Planning Commission Meeting - December 8, 2021:

Tentative Items:

- Pastures Phase 3 - Final Site Plan - Tabled earlier by PC
- Canyon Point - Final Site Plan

- *Hafoka Residence - Final Site Plan*

City Council Report:

- *Approved Development Agreement changes for Lots 2 and 3, Legacy Crossing Development*

Commission Goals Update:

- *Parking Update Study - study results expected to be presented 12/08/2021*
- *Subdivision Ordinance - underway with City Attorney, early 2022*
- *Food Truck Ordinance - in early draft form - coming soon*
- *Single-family on un-platted lots - not yet underway*
- *General Plan/Economic Study - to begin in early 2022*

E. MINUTES REVIEW AND ACCEPTANCE

October 27, 2021

F. ADJOURNMENT

Mackenzie Wood
Centerville Assistant Planner

CENTERVILLE

Staff Backup Report 11/10/2021

Item No. 1.

Short Title: Public Hearing - ADMINISTRATIVE DECISION - Conditional Use Permit - Truck World

Initiated By: Jim Flint, Applicant

Staff Representative: Cory Snyder, Community Development Director

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▢ 11-10-2021 PC Staff Report ACC Truck World CUP
- ▢ ACC Truck World CUP Letter
- ▢ Buffer Fence Plan
- ▢ Existing Lighting Fixtures

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: **HADLEY PROPERTY LLC
C/O SHARIF HADLEY
6516 GOLDEN BEAR
PARK CITY, UT 84098**

APPLICANT: **ACC AUTO SALES – TRUCK WORLD
C/O DARCY YANCIE
155 SOUTH FRONTAGE ROAD
CENTERVILLE, UT 84014
(darcyjyancie@gmail.com)**

PROPERTY: **155 SOUTH FRONTAGE ROAD
(FORMER LAND ROVER DEALERSHIP)**

ACREAGE: **3.9 ACRES (TOTAL SITE)**

ZONING: **COMMERCIAL – VERY HIGH (C-VH)**

APPLICATION: **CONDITIONAL USE PERMIT – AN EXPANSION OF THE
EXISTING FACILITY**

RECOMMENDATION: **COSIDER APPROVING WITH MODIFIED CONDITIONS
TO THE 2011 AMENDED CUP**

BACKGROUND

The applicant desires to receive a conditional use permit approval from the Planning Commission to allow them to utilize a parking lot expansion for their dealership located on the Frontage Road – the former Land Rover Dealership. Due to the changes being made to the 2011 approved amended CUP, the project requires another approval to again amend their CUP to allow use of the recently approved parking/display area.

CONDITIONAL USE PERMIT AMENDMENT REVIEW

In September of 2011, the former dealership obtained and amended CUP for the previous development phase related to that expansion. This amended CUP replaced the original CUP Approval and was re-approved with the following conditions:

Existing Conditional Use, as Amended in 2011:

1. *Strict compliance with adopted sign regulations for both temporary and permanent signs.*

2. *Compliance with all conditions of the permit. The City may at its discretion bring back the site plan and/or conditional use permit for compliance review if it is noticed that the use or site is not complying with the approval given.*
3. *Hours of operation shall be from 9:00 a.m. to 7:30 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays.*
4. *Any future expansion, beyond the amendments approved on October 12, 2011, into the undeveloped area shall require an amendment to the either the site plan or CUP approval, as may be applicable at the time of such future expansion or use of this unused area.*
5. *The use of the site is subject to the limitations imposed on it by the amended site final site plan approval of October 12, 2011.*
6. *Any division of the existing property into lots will subject the conditional use and site plan to further review and may void any prior approval. Furthermore, the division or sale of any portion of the property is prohibited without an approved lot split or subdivision.*
7. *The use will be limited primarily to new car sales.*

Staff Comments – Generally, the 2011 CUP amendment affected Conditions 4 and 5 to update the CUP permit in relation to that particular expansion. Now that the site is being fully developed with a new user, staff desires to raise the matter related to Condition 7. ACC Truck World mainly deals with pre-owned vehicles rather than “primarily new,” as was the case with the Former Land Rover. The C-VH Zone allows for both types of vehicle sales, subject to issuance of a CUP (see CZC 12.36.040, Commercial Uses).

Furthermore, according to Truck World’s Website for Centerville, their weekday hours are depicted from 10:00am to 8:00pm. If this is the case, Condition 3 of the approved CUP would need to be amended also.

Procedures For CUP Amendments – According to CZC 12.21.100(f), the procedure for amendments is the same process as the original procedure. However, keep in mind that even though there is a new owner, any CUP approval runs with the land NOT the owner. Due to the limited changes being made, staff will be focusing on the CUP review factors that may be affected or create an impact related to the expansion rather than the entirety of the use area of the property. If these factors are reviewed and determined appropriate, Staff believes that the development could be deemed eligible for a CUP Approval. Additionally, as mentioned above, the pre-owned vehicles sales use and its hours of the operation will also be included in such evaluated factors.

Use Change from New to Used Vehicle Sales – the definition separation between these two uses are rather minimal. New vehicles is associated with larger or brand name dealerships. Whereas Used vehicles is associated with smaller independent type businesses. Nowadays, the actual operation of a Used vehicle dealership can be just as large of an operation and a New vehicle dealership. Staff sees very little difference other than it is much more difficult to locate a larger dealership in commercial areas with small parcels, which is often the case in less intensive commercial zoning districts.

In this particular case, whether it is a new vs. used vehicles is really irrelevant. Staff would recommend the elimination of Condition 7 or creating a modification that simply calls for the

use is for both new (*existing approval*) and used vehicles (*the requested amended approval*). Therefore, staff finds that review factors of CZC 12.21.100(e)(5) A, B, C, and D support an approval of the change of use.

Weekday Business Hours Change, 10am to 8pm. – Business hours are used primarily to mitigate impacts from uses that are located near or adjacent to residential areas. Mainly, this area consists of commercial uses next to Interstate 15. Nevertheless, this is a small multi-family residential area located adjacent to the southeast corner of the site. Staff believes that the 10am change further reduces any morning time concerns for this residential area. Also, Staff does not believe that the extended time from 7:30pm to 8pm, does not significantly add any impact either. The main business uses of office and repairs will remain located on the other side of the site to the north. Staff also believes that the to be installed detention and buffer area will further reduce an business hour change. Therefore, staff finds that review factors of CZC 12.21.100(e)(5) B, H, I, and J support an approval of the change of business hours.

Use of Outdoor Lighting – Earlier in this report, Staff raised the issue regarding compliance with the require shielding of lighting fixtures. All lighting must be fully shielded, cut-off type fixtures that will not allow light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the fixture. Since, there is a residential zone adjacently located to the southeast of this site. Staff believes that with this final development phase, the use of outdoor lighting needs to comply in order to mitigate any potential light glare over into the residential area adjacent to the site. Therefore, staff believe that a condition regarding this would then meet review factors CZC 12.21. 100(e)(5) B, H, I, and J to support an approval.

Buffering Residential Uses – Earlier in this report, Staff referenced that a proposed buffer that complies with the CZC 12.51, Landscaping has been depicted on the site plan, along with the detention basin. This buffer/detention area would help mitigate the visual, sound, light glare, and other effects that this commercial use could create. Therefore, staff believe that a condition regarding this area of the development layout would then meet review factors CZC 12.21. 100(e)(5) B, H, I, and J to support an approval, with the need to correct the plans to depict the required type of fencing to be used.

PLANNING STAFF RECOMMENDATION

PROPOSED ACTION FOR CUP APPROVAL: *“I hereby make a motion for the Planning Commission to approve an amended CUP for the ACC Truck World expansion, located at 155 South Frontage Road, subject to the following conditions of approval:*

1. *The Approved Land Use for the site is for both new and/or used vehicle sales, and any typical accessory uses associated with the operation of a vehicle sales dealership, as allowed by the regulations of the Zoning Ordinance.*
2. *The use of the site is subject to all existing and amended site final site plan approvals, and more specifically, as submitted or amended in conjunction with the October 27, 2021 Final Site Plan Approval granted by the Commission.*

3. *The Business Hours of Operation for Vehicle Sales and the associated accessory use of repairs shall be limited 10:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays.*
4. *All outdoor lighting shall be fully shielded using cut-off type fixtures that will not allow light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the light fixture.*
5. *The 30-foot buffer/detention shall be installed, along with the ordinance required fence, and shall properly maintained, as depicted on the associated Final Site Plan for this development.*
6. *The use and site shall be in compliance with adopted sign regulations for both temporary and permanent signs.*
7. *Any future amendments to the CUP and/or Final Site Plan shall be subject to the applicable amendment procedures defined by the Zoning Ordinance.*

SUGGESTED REASONS FOR THE ACTION:

- a. *The Planning Commission finds that both Vehicle Sales, New or Used are a conditional uses in the C-VH Zone, as listed in Table of Uses, 12-36-Commercial Uses.*
- b. *The Planning Commission finds that in reviewing factors of CZC 12.21.100(e)(5) A, B, C, and D, there is evidence to support an approval of the change of use from “primarily new” to allowing pre-owned vehicle sales.*
- c. *The Planning Commission finds that in reviewing factors of CZC 12.21.100(e)(5) B, H, I, and J there is evidence to support an approval of the change of business hours.*
- d. *The Planning Commission finds that in reviewing factors of CZC 12.21. 100(e)(5) B, H, I, and J there is evidence to support Condition 4, which addresses the use of outdoor lighting.*
- e. *The Planning Commission finds that in reviewing factors of CZC 12.21. 100(e)(5) B, H, I, and J there is evidence to support Condition 5, which addresses the need to buffer the adjacent residential development located to the southeast corner of the site.*
- f. *Therefore, the Planning Commission finds that with the conditions imposed and the findings made, requirements for a CUP approval of CZC 12.21.100(e) have been met and the amended CUP request shall then be approved.”*

TRUCK WORLD

Conditional Use Permit Narrative

The Truck World site in Centerville, Utah seeks to expand it's existing Site Plan and Conditional Use Permit to include the southerly portion of it's existing site. The parcel boundaries aren't expanding - this is in essence an 'infill' project, to bring into productivity and beautify a portion of the property that has been less than developed.

Not detrimental to the health, safety, or general welfare of persons residing or working in the vicinity:

The proposed applications (Amended Final Site Plan & CUP) are for improving the on-site "infill" undeveloped portions of the site. There are no apparent health concerns as proposed project activities will improve the site by reducing dust and siltation potential. Safety-wise, there are no proposed additional access locations onto the frontage road inducing additional traffic conflict movements. Proposed improvement activities are embedded on-site. The general welfare is enhanced by asphalt improvements that will reduce nuisance erosion, and significant overgrowth that will be removed and replaced with beautifying landscaping. The improvements fill out and complete undeveloped on-site areas, thus complementing and completing parcel development.

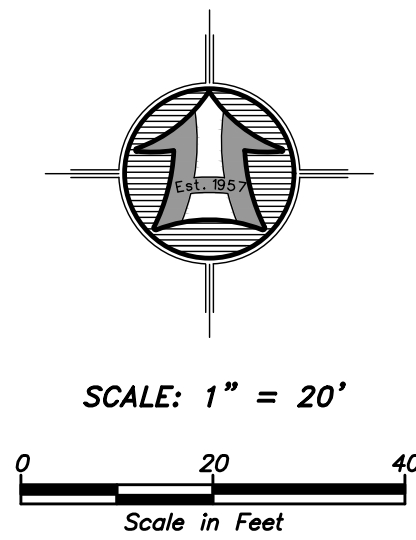
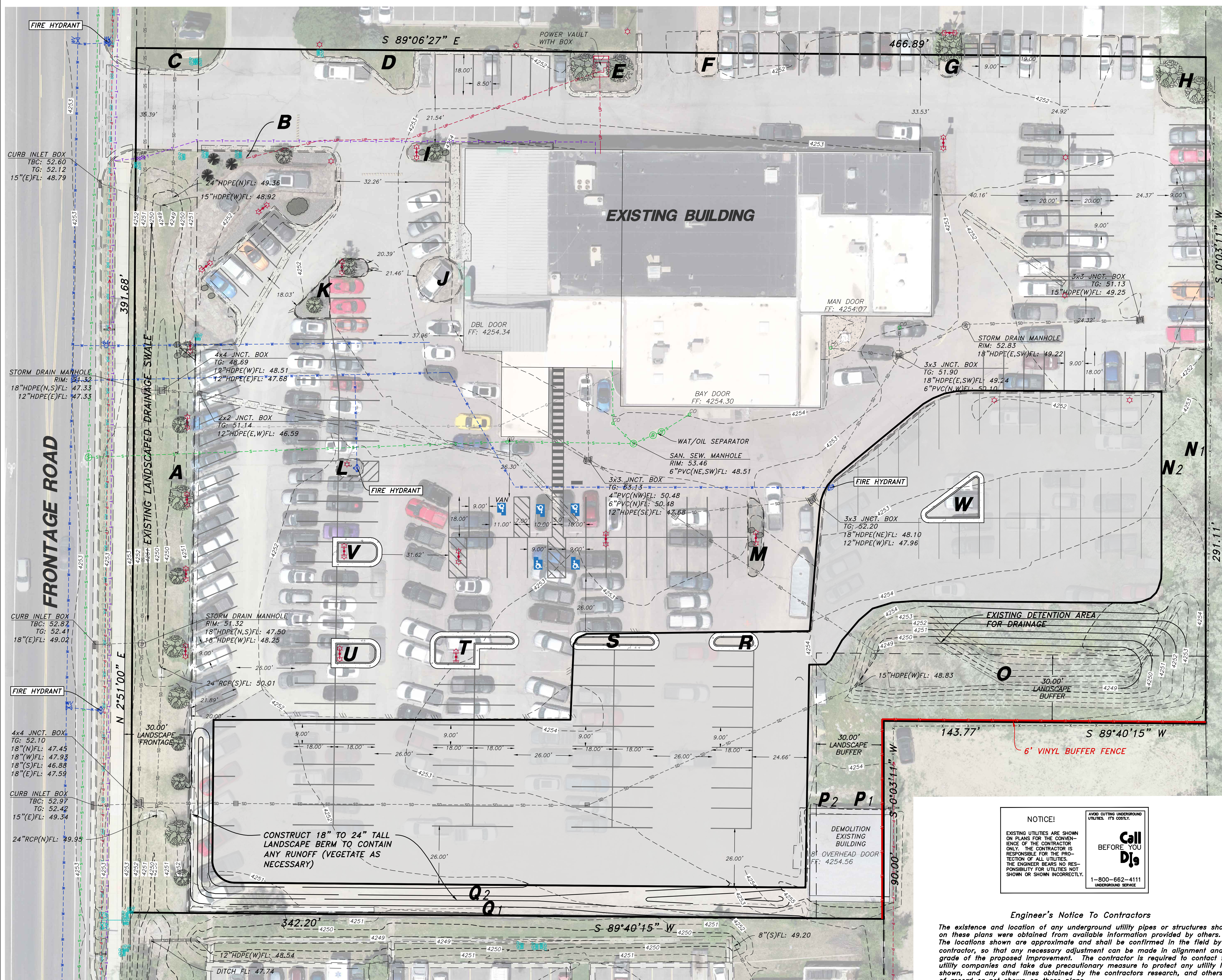
Not injurious to property or improvements in the vicinity:

The site's northern boundary will continue to have a harmonious inter-access relationship with the commercial site to the north. The proposed southern berming and landscaping will improve drainage aspects with Les Schwab by better keeping drainage aspects of the two sites divided. The southeast overgrowth will be replaced by evergreens that will provide a tasteful residential buffer. The existing encroaching building will be removed. In general, proposed improvements will be enhancing rather than injurious to neighboring properties.

Particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community:

The site location and use has been previously ratified by previous permitting - the existing (and continued) business use is zone-conforming. A truck sales facility along a commercial frontage road is appropriate. The site is embedded and complementary to the other adjoining commercial businesses along the frontage road.

SITE PLAN



SITE LANDSCAPE:

TOTAL PARCEL AREA = 171,496 SQ.FT.

REQUIRED 15% MIN. = 25,724 SQ.FT.

PROVIDED:	AREA	SQ.FT.	COVER	TREES	SCHRUBS
				(EXISTING)	
"A"	8,304	GRASS	(9)	(2)	
"B"	476	ROCK	(5)	(3)	
"C"	314	GRASS	0	0	
"J"	0	ROCK	0	0	
"N1"	1,099	TREES	2	0	
"O"	8,891	GRASS	16	0	
"P1"	1,512	GRASS	4	0	
"Q1"	2,234	GRASS	6	0	

TOTAL 22,830 SQ.FT. LANDSCAPE = 13.31%
PLUS PARKING LANDSCAPING = 7.13%
TOTAL LANDSCAPING = 20.44%

PARKING AREA LANDSCAPE:

TOTAL PARKING AREA = 112,989 SQ.FT.

REQUIRED 7% MIN. = 8,050 SQ.FT.

PROVIDED:	AREA	SQ.FT.	COVER	TREES	SCHRUBS
"D"	362	GRASS	(1)	0	
"E"	500	ROCK	(2)	0	
"F"	86	ROCK	0	0	
"G"	80	ROCK	(1)	0	
"H"	440	ROCK	(3)	0	
"I"	256	ROCK	(1)	(2)	
"K"	277	ROCK	(2)	0	
"L"	70	ROCK	0	0	
"M"	193	ROCK	0	(3)	
"N2"	1,099	TREES	2	0	
"P2"	1,512	GRASS	4	0	
"Q2"	2,234	GRASS	5	0	
"R"	55	ROCK	1	0	
"S"	102	ROCK	2	0	
"T"	236	ROCK	2	0	
"U"	132	ROCK	1	0	
"V"	132	ROCK	1	0	
"W"	292	ROCK	2	0	

TOTAL 8,058 SQ.FT. LANDSCAPE = 7.13%

TOTAL AREA LANDSCAPE PROVIDED 20.44%
TOTAL REQUIRED TREES 1/500 SF- 51 TREES
FOR STREET FRONTAGE 1/25 LF- 15 TREES
TOTAL INTERIOR PARKING LOT LANDSCAPE 7%
TOTAL INTERIOR PARKING LOT TREES & SHRUBS
FOR EVERY 6 REQUIRED STALLS: 1 TREE
FOR EVERY 6 REQUIRED STALLS: 2 SHRUBS
BUFFER LANDSCAPING
30 FT ALONG RESIDENTIAL ZONE

LEGEND:

- SUBDIVISION BOUNDARY
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING SECONDARY WATER LINE
- EXISTING STORM DRAIN PIPE
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED SECONDARY WATER LINE
- PROPOSED STORM DRAIN PIPE
- SAW-CUT REQ'D.
- EXISTING FENCE
- EXISTING 1' CONTOUR
- EXISTING 1' CONTOUR
- EXISTING SEWER MANHOLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING STORM DRAIN INLET
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE
- PROPOSED SEWER MANHOLE
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN INLET
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- EXISTING CURB & GUTTER
- EXISTING SIDEWALK
- PROPOSED CURB & GUTTER
- PROPOSED SIDEWALK
- PROPOSED ASPHALT PAVEMENT
- EXISTING TREES & SHRUBS
- PROPOSED TREES

NOTICE!
EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.
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1-800-662-4111
UNDERGROUND SERVICE

Engineer's Notice To Contractors

The existence and location of any underground utility pipes or structures shown on these plans were obtained from available information provided by others. The locations shown are approximate and shall be confirmed in the field by the contractor, so that any necessary adjustment can be made in alignment and/or grade of the proposed improvement. The contractor is required to contact the utility companies and take due precautionary measure to protect any utility lines shown, and any other lines obtained by the contractors research, and others not of record or not shown on these plans.

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Drawn By: SRH Date: 11/10/21
Designed By:
Checked By:
Approved By:
Scale: 1" = 20'
Drawing File: 21-5-27v19 090821.dwg
JOB NUMBER: 21-5-27

SITE PLAN FOR
ACC AUTO SALES
TRUCK WORLD
155 SOUTH FRONTAGE ROAD
CENTERVILLE, DAVIS COUNTY, UTAH









Focus: Mackinac Island Journal (<http://www.mackinacislandjournal.com>)
Event: Friday, October 23, 2015, 11:00-12:00 PM
Topic: 2015 Fall
City/County:
Subject: October 23, 2015 Mackinac Island Planning Commission
 You can view the Mackinac Island Planning Commission Agenda and Meeting at <http://www.mackinacislandjournal.com>
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You can now access the Councilville City Planning Commission Agenda and Working Materials (October 27, 2020) on News Agenda at the following link: <https://councilville.com/news-agenda/councilville>

Mackenzie Wood
 Assistant City Planner
 866.477.6287
Mackenzie.wood@cityofmiamia.gov

This email has been checked for viruses by Trend Micro software.

Anthony Sirelli
General Manager
Truck World

CENTERVILLE

Staff Backup Report

11/10/2021

Item No. 2.

Short Title: ADMINISTRATIVE DECISION - Young Powersports - Parking Modification

Initiated By: Steve Peterson, Applicant

Staff Representative: Planning Staff - Cory Snyder

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 11-10-2021 PC Staff Report Young Power Sports Parking Modification
- ▣ Young Power Sports Parking Study
- ▣ Young Power Sports Parking Layout Plan

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

AGENT: STEVE PETERSON
2484 WASHINGTON BLVD – STE 510
OGDEN, UTAH 84401
(stevep@clhae.com)

PROPERTY OWNER: YOUNG AUTOMOTIVE GROUP
645 NORTH MAIN STREET
LAYTON, UTAH 84041

PROPERTY LOCATION: 695 WEST 400 SOUTH (WITH THE PROPERTY BEHIND ALONG FRONTAGE ROAD)

ACREAGE: 6.35 ACRES (BOTH PROPERTIES COMBINED)

ZONING: COMMERCIAL HIGH (C-H to C-VH, PENDING REZONE PETITION), AND
COMMERCIAL – VERY HIGH (C-VH)

APPLICATION: PARKING MODIFICATION

STAFF RECOMMENDATION: CONSIDER APPROVAL WITH CONDITIONS

BACKGROUND

As the Planning Commission is aware, Condition 3 of the related Conceptual Site Plan Acceptance, in part, states the following:

“If the applicant decides to seek a parking modification, such modification shall be submitted to the City and scheduled for Commission review before [submittal of the Final Site Plan] ...”

The Applicant has decided to seek a parking modification, based on their specific needs. The applicant has submitted a “*parking study*” to avoid creating unnecessary parking areas that will be essentially unused, which would allow them additional building space to meet their desire to develop a power sports complex.

PARKING MODIFICATION STANDARDS

- ✓ CZC 12.52.110 (a) Modification Permitted. The number of parking spaces required under CZC 12.52.060 may be modified in accordance with the provisions in this Section. The purpose of such modifications is to avoid creating unnecessary parking areas that will be essentially unused. In considering a modification, the Planning Commission may require a parking study to be completed as provided in Subsection (e).
- ✓ CZC 12. 52.110(e)(2). The Planning Commission shall determine the required number of parking spaces after:
 - A. Considering the recommendations of the parking study and any recommendations from City staff; and
 - B. Making the findings required under Subsections (c) or (d) of this Section, as the case may be
- ✓ CZC 12.52.110(c)Commercial, Office, Mixed-Use Development. The Planning Commission may modify the number of parking spaces required or allowed for commercial, office, or mixed-use development after considering the following factors and finding that adequate parking will be provided:
 1. Total number of spaces that would otherwise be required for each individual establishment in the development;
 2. Hours of operation for each business establishment located in the development, including peak business hours;
 3. Estimated trade-off between businesses which are open when others are closed;
 4. Availability of on street or shared parking;
 5. Transportation alternatives, including proximity to transit stations; and
 6. Car or van pooling programs available to users of the development.

SUMMARY OF PARKING STUDY

The parking study was performed by Reeve and Associates, Inc. The proposed on-site parking lot layout depicts a total capacity of 245 parking stalls – see attached layout scenario for this report. According to the parking study, using trip generation and time of day criteria, the study has concluded that the peak use parking need will be 164 stalls. Hence, the proposed site layout leaves a minimum of 81 unoccupied stalls at any one given time.

This parking study supports the findings 1 through 3 related to approving a parking modification. Findings 4 through 6 relate to off-site or alternative trip generation, which would moot for this assessment, due to there being excess stalls available if ever needed.

Additionally, the land uses of vehicle sales and vehicle repair vs. parking is not new in past Commission discussions. Staff is aware of the “draft parking study” that the is nearing its final form that the Commission has requested in the recent past. Currently, the parking ratio for these uses is 4 stalls/per 1,000 sq. ft. The draft version is suggesting a reduction in parking stall demand to 2.5 stalls/per 1,000 sq. ft., which would equate to a 193 parking stalls for a 77,181 sq.

ft. building. Although, this study has not been reviewed and not adopted, staff believes that the applicant's parking study more closely matches what our own study is suggesting. Therefore, staff is not overly concerned about granting a parking modification for the proposed development.

PLANNING STAFF RECOMMENDED MOTION

[SUGGESTED MOTION] "I hereby make a motion for the Planning Commission to **GRANT A PARKING MODIFICATION** for Young Power Sports Development, to be located at 695 West Porter Lane, subject to the following conditions:

1. *This modification is only for Vehicle Rental or Sale, New, Limited and Vehicle Rental or Sale, Used, Limited and is not transferable to another location within the City. However, this modification may be transferred to another identical use at this location.*
2. *The associated Final Site Plan submittal must depict a minimum parking count of about 245 stalls. Nonetheless, due to the estimated 81 excess stalls, the Planning Commission may alter the final count to ensure compliance with all applicable development standards at Final Site Plan review and approval.*

OR

Optional 2 - *The associated Final Site Plan Approval shall depict a minimum parking count of 2.5 stalls per 1,000 gross floor area of the building.*

REASONS FOR ACTION:

- a) *The Planning Commission finds that a parking modification is permitted with approval from the Planning Commission based on a parking study [CZC 12.52.110(e)(2)].*
- b) *The Planning Commission finds that the submitted parking study has been used to calculate parking demand based on the land use recommendations from the ITE [CZC 12.55.110].*
- c) *The Planning Commission finds that the parking study involved using trip generation and time of day criteria, in which the study concluded that the peak use parking need will be 164 stalls.*
- d) *The Planning Commission finds that the parking analysis supports the findings 1 through 3 related to approving a parking modification [CZC 12.52.110(c)]."*

Reeve & Associates, Inc.

October 13, 2021

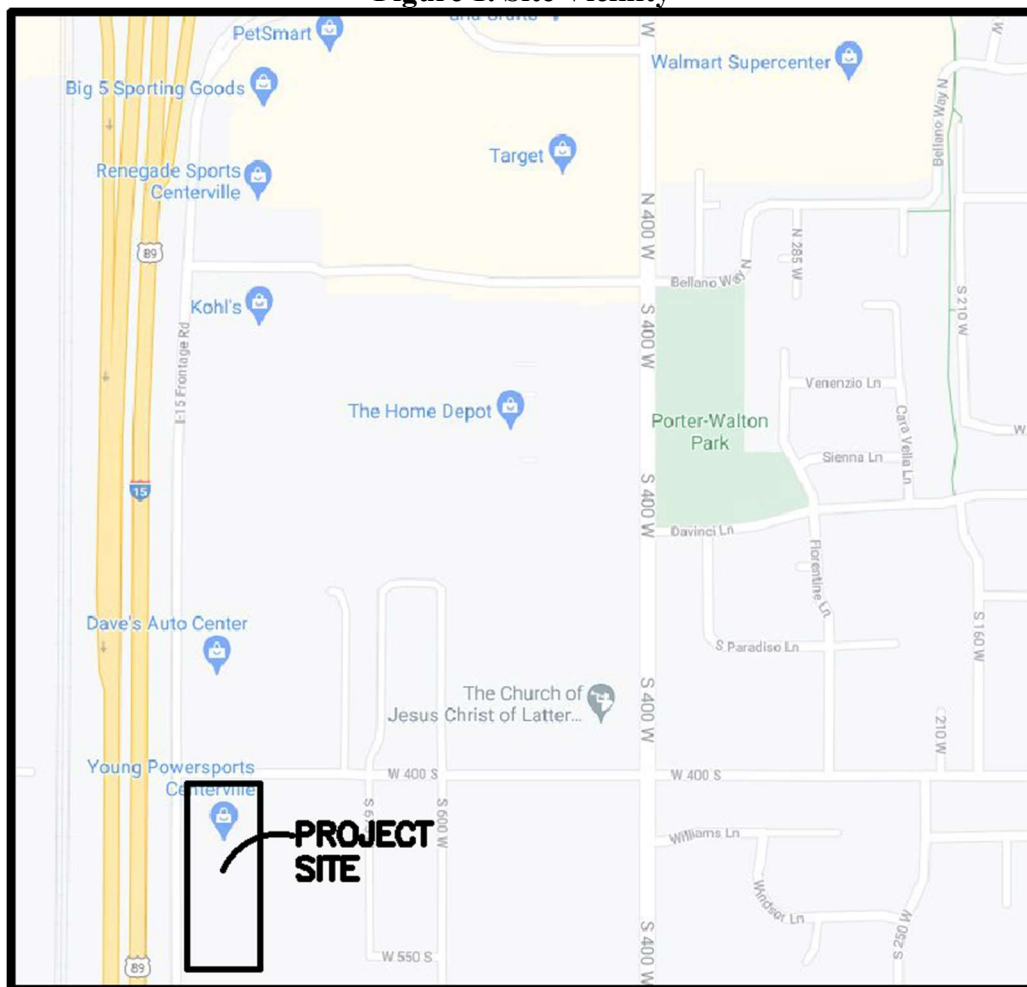
Centerville City Public Works Department
655 N 1250 W
Centerville, UT 84014



Project: *Young Powersports Centerville*
Subject: *Parking Analysis Letter*
Reeve Job Number: *6528-54*

The purpose of this letter is to support the redevelopment of Young Powersports Centerville. This project is located at 461 South Frontage Road in Centerville, UT. See Figure 1 for a vicinity map of redevelopment. This parking analysis studies the peak parking requirements based on trip generation for the fully redeveloped site.

Figure 1. Site Vicinity



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Reeve & Associates, Inc.



The analysis was performed using data from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Edition, UDOT's urban AADT curve, and the current site layout. There is a total of 245 parking stalls provided for in the current layout.

The methodology used for this analysis was to compare the ITE generated trips to the stalls provided. This site fell under multiple ITE categories which include Recreational Vehicle Sales (842) and Automobile Care Center (942). The square footage of each use was used to calculate the number of trips generated. Use (842) generates 184 daily trips, and use (942) generates 1,167 daily trips. The sum of the two generated traffic amounts from each use were used for the total site generation equating to 1,351 daily trips.

The daily generated traffic was then converted into an hourly breakdown using a modified UDOT AADT curve. This curve was modified to fit within the business hours of Young Powersports Centerville. It is assumed that the business will operate with 34 employees who will arrive 1 hour before opening to the public, and stay 1 hour after closing to the public. The business is open to the public from 9 am to 6 pm. See Table 1 and Figure 2 for an hourly parking breakdown.

Table 1. Hourly Parking Breakdown

<i>Time of day</i>	<i>Percentage of Trips</i>	<i>Occupied Stalls</i>	<i>Available Stalls</i>
8:00 AM	2.52%	34	211
9:00 AM	8.97%	121	124
10:00 AM	7.86%	106	139
11:00 AM	8.16%	110	135
12:00 PM	8.46%	114	131
1:00 PM	8.74%	118	127
2:00 PM	9.47%	128	117
3:00 PM	10.57%	143	102
4:00 PM	11.75%	159	86
5:00 PM	12.13%	164	81
6:00 PM	8.83%	119	126
7:00 PM	2.52%	34	211

Solutions You Can Build On™

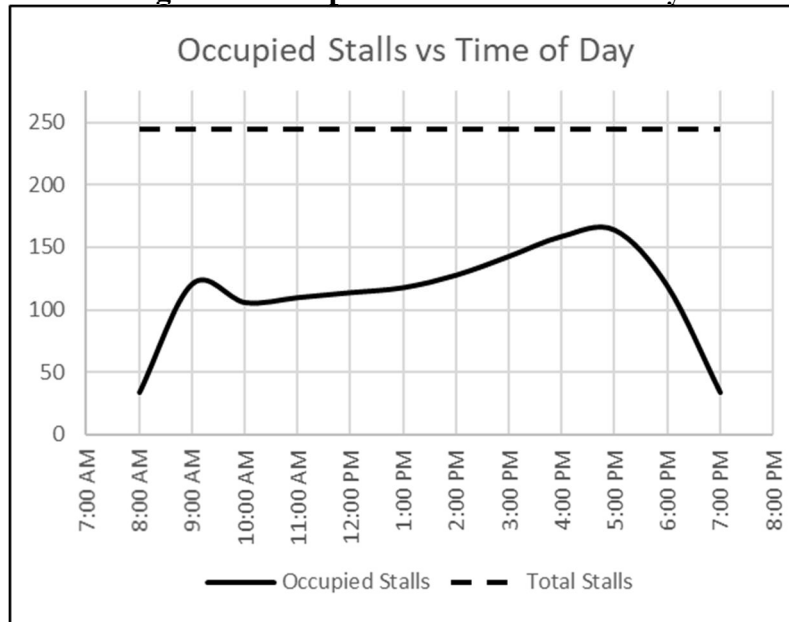
Civil Engineering / Land Planning / Structural Engineering / Landscape Architecture / Land Surveying

5160 South 1500 West • Riverdale, Utah 84405 • Tel: 801-621-3100 • Fax: 801-621-2666

Email: office@reeve.co • Website: www.reeve.co



Figure 2. Occupied Stalls vs Time of Day



In summary, the maximum required parking stalls in a given day is 164 stalls at 5:00 P.M., leaving 81 stalls unoccupied for the site. Therefore, enough parking stalls are provided for this site's usage. We hope that the information provided is sufficient to aid in the redevelopment of Young Powersports Centerville. If you have any questions, or we can be of further assistance, please let us know.

Sincerely,

Jeremy Draper, PE, MBA
Civil Engineering Director
Reeve & Associates, Inc.
jeremy@reeve.co

Jake Leatham, EIT
Civil Engineer
Reeve & Associates, Inc.
jake@reeve.co



Parking Calculations Young Powersports Centerville 10/13/21 JFL 6528-54

Daily Trip Generation

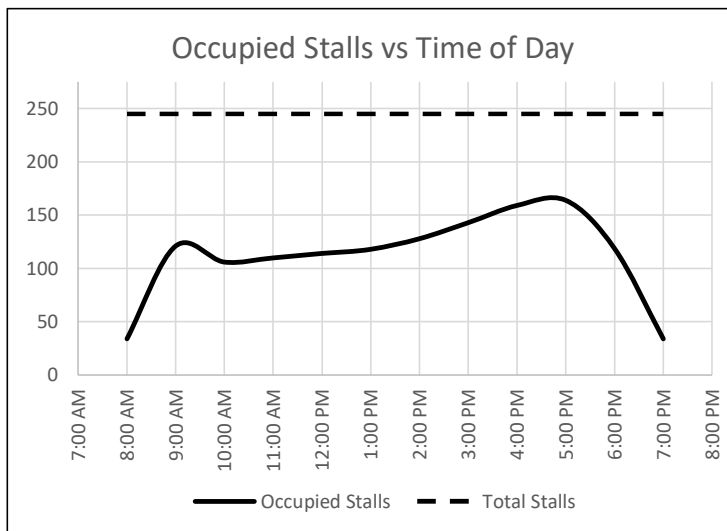
	<i>GFA (ft2)</i>		
Service	40,330		
Sales	36,851		
Total	77,181		
Land Use: Recreational Vehicle Sales			
ITE Code: 842			
	<i>Weekday</i>		
Building Square Footage =	36,851	Land Use: Automobile Care Center	
Trips per 1000 SF =	5.00	ITE Code: 942	
Total Daily Trips Generated =	184		
	<i>Weekday</i>		
Building Square Footage =	40,330		
Trips per 1000 SF =	3.51		
Peak PM Trips Generated =	142		
Total Daily Trips Generated =	1167		

Parking Analysis

Total Provided Spaces **245** stalls

ITE Trip Gen. Parking Analysis

	Percentage of	Occupied	Available	
Time of day	Trips	Stalls	Stalls	
8:00 AM	2.52%	34	211	*34 Employees estimated
9:00 AM	8.97%	121	124	
10:00 AM	7.86%	106	139	
11:00 AM	8.16%	110	135	
12:00 PM	8.46%	114	131	
1:00 PM	8.74%	118	127	
2:00 PM	9.47%	128	117	
3:00 PM	10.57%	143	102	
4:00 PM	11.75%	159	86	
5:00 PM	12.13%	164	81	
6:00 PM	8.83%	119	126	
7:00 PM	2.52%	34	211	
	Max Occupied Stalls		164	Therefore, enough parking stalls are provided for this building usage.
	Min Available Stalls		81	



MARK	DATE	DESCRIPTION
------	------	-------------

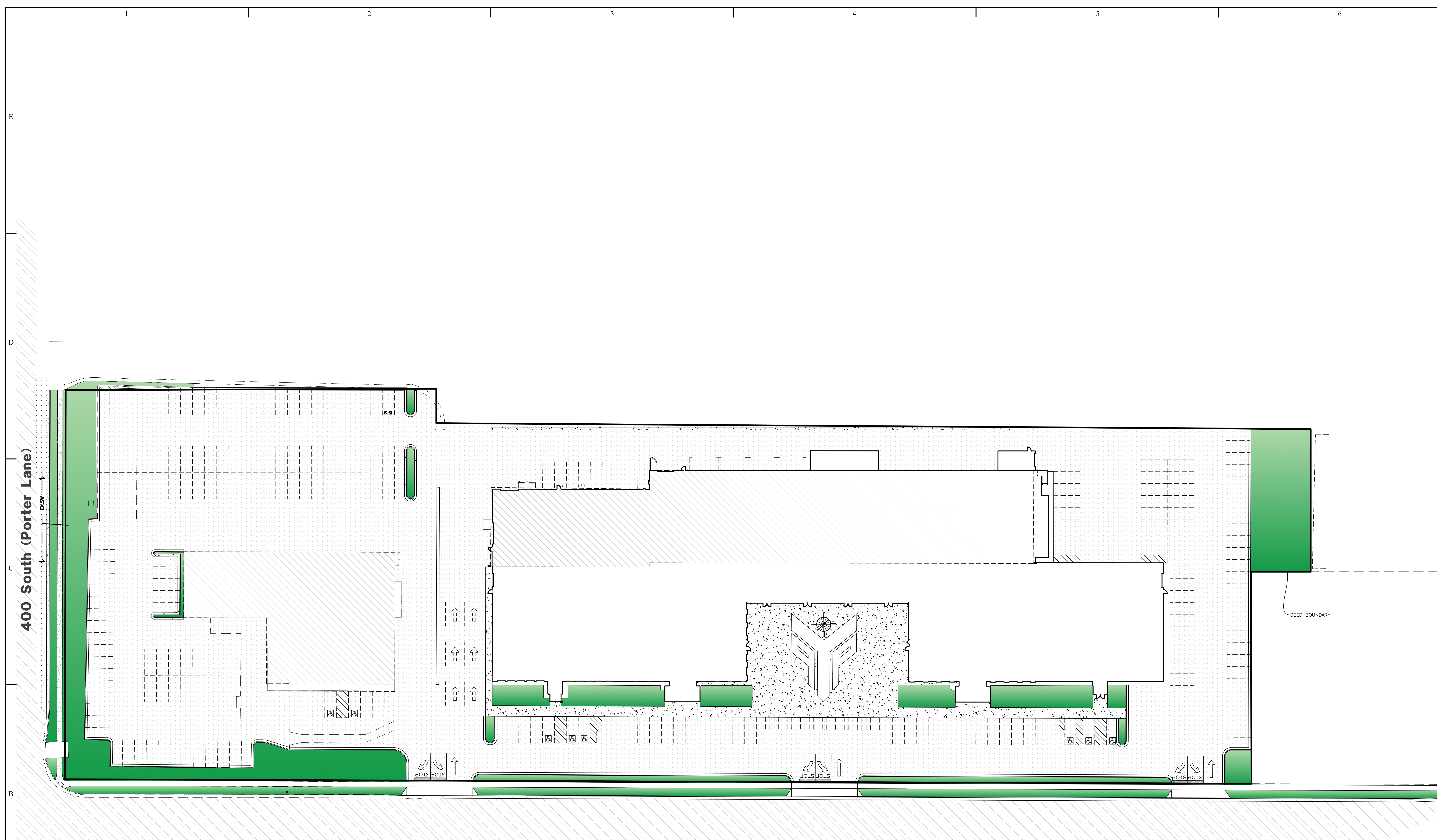
ISSUE:	6/04/2021
PROJECT NO:	21020
CAD DWG FILE:	6528-54
DRAWN BY:	CDK
CHK'D BY:	JAD

PERMIT SET
4 June 2021

A	SHEET TITLE
---	-------------

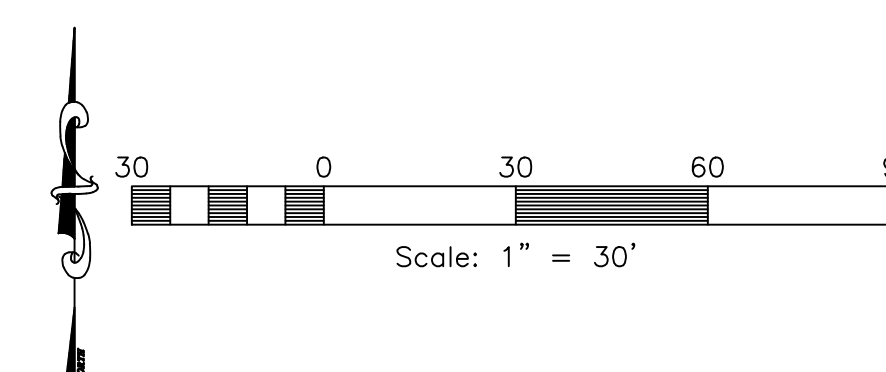
LAYOUT EXHIBIT

	C-101



800 West Street (Frontage Road)

PROPOSED SITE DATA	
<u>PARKING:</u>	243 STALLS PROVIDED (8 A.D.A.) 33 MOTORCYCLE STALLS
<u>PARCEL AREA:</u>	254,293 S.F. (5.83 ACRES)
<u>BUILDING AREA:</u>	80,285 S.F.
<u>HARDSCAPE AREA:</u>	142,497 S.F. (3.27 ACRES)
<u>LANDSCAPING AREAS:</u>	
PARKING LOT AREA:	678 S.F.
PATIO AREA:	10,418 S.F.
ROW AREA:	6,839 S.F.
OTHER AREA:	23,660 S.F.
TOTAL AREA:	41,595 S.F. (0.95 ACRES)
LS RATIO:	16.3%



WHEN SITE PLAN APPROVAL IS REQUIRED, NO BUILDING PERMIT FOR THE CONSTRUCTION OF ANY BUILDING, STRUCTURE, OR OTHER IMPROVEMENT TO THE SITE SHALL BE ISSUED PRIOR TO APPROVAL OF THE REQUIRED PLAN, NO CLEARING, GRUBBING, GRADING, DRAINAGE WORK, PARKING LOT CONSTRUCTION OR OTHER SITE IMPROVEMENT SHALL BE UNDERTAKEN PRIOR TO SITE PLAN APPROVAL.

CENTERVILLE

Staff Backup Report

11/10/2021

Item No. 3.

Short Title: Public Hearing - LEGISLATIVE RECOMMENDATION - Zone Text Amendment - Internal ADUs

Initiated By: City Council

Staff Representative: Planning Staff - Cory Snyder

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 11-10-2021 PC Staff Report Text Amendment for ADU Ordinance

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

PETITIONER: **CENTERVILLE CITY COUNCIL**
 c/o CLARK WILKINSON, MAYOR
 250 NORTH MAIN STREET
 CENTERVILLE, UTAH 84014

APPLICATION: **ZONING CODE TEXT AMENDMENT**

APPLICANT REQUEST: **AMEND INTERNAL ACCESSORY DWELLING UNITS (ADUs) ORDINANCE CHANGING OWNER RESIDENCY REQUIREMENT FROM 180 TO 183 DAYS**

RECOMMENDATION: **CONSIDER RECOMMENDING APPROVAL**

BACKGROUND

As the Planning Commission may be aware, during the initial review and adoption of the original Internal ADU Ordinance, the City Council desired a follow-up discussion regarding some of the specific ordinance provisions. These provisions were “ownership interest/residency definition, temporary leave allowances, and ADU termination provision.” As staff recalls, the Council Members desired to further narrow//limit/refine the defined terms of these provisions.

On October 19, 2021, the City Council reviewed these matters and then directed staff and the Commission to consider altering the ownership residency definition from 180 days to 183 days. The 183-day timeframe matches the State Statutes regarding primary residence status for property taxation. Below is the essence of the language used in the state statute:

*Utah Code 59-2-103. Rate of assessment of property -- Residential property..."Part-year residential property located within the state is allowed the residential exemption described in Subsection (3) if the part-year residential property is **used as residential property for 183 or more consecutive calendar days** during the calendar year for which the owner seeks to obtain the residential exemption."*

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider one (1) factor when making a recommendation and a final decision for a zone text amendment. The required factor are found in CZC 12.21.080(e) of Centerville City’s Zoning Ordinance. Staff’s review and conclusions for this factor is provided below:

1. Is the proposed amendment consistent with the goals, objectives, and policies of the City’s General Plan?

✓ **Section 12-490.F, Moderate Income Housing Plan**

Goal 6-D – “Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City”

- City Objective 6-D.4 – “Consider Adopting an ‘accessory dwelling’ Ordinance with design standards. Such allowances may also be considered ‘conditional uses’ in single family zones...”
- City Objective 6-D.5 – “Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.”

✓ **Section 12-450-6. Coordination Of Transportation Planning With Moderate-Income Housing Needs**

Goal 1 – Moderate Income Housing placement opportunities should be based on their proximity to various collector or arterial transportation corridors.

Policy 1.A: As the City develops and adopts provisions and/or strategies for the allowance of accessory dwelling units or accessory apartments, the first focus for deciding appropriate locations should be properties fronting or substantially located within ½ block (i.e., 300 feet), along specified major collectors, minor arterials, and major arterial transportation corridors.

Policy 1.B: Owner-Occupied Accessory Dwelling Units should be encouraged along the following transportation corridors... [language describes various corridors]

Staff’s Conclusion – These objectives are centered around allowing for the use of ADUs. Keeping in mind that the state statues now require municipalities to allow internal ADUs, the proposed ordinance amendment remains consistent with the City’s General Plan.

PLANNING STAFF RECOMMENDATION

[Suggested Action - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed Zoning Text Amendment for Internal Accessory Dwelling Units increasing the owner-residency definition to 183 Days, with the following reasons for action:

- a) The Planning Commission finds that the City Council directed the staff and Commission to review the owner residency definition and consider a modification to 183 days.*
- b) The Planning Commission finds that proposed ordinance amendment remains consistent with the City's General Plan.*
- c) The Planning Commission finds that proposed ordinance amendment is consistent with state statutes regarding the owners property rate of taxation for a primary residence.*

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
11/10/2021**

Item No. 4.

Short Title: Land Use Training - Municipal Land Use, Development, and Management Act - Part 9 - Vested Critical Infrastructure

Initiated By: Lisa Romney, City Attorney

Staff Representative: Lisa Romney, City Attorney

SUBJECT

Land use training and discussion regarding Part 9 (Vested Critical Infrastructure) of the Municipal Land Use, Development, and Management Act

RECOMMENDATION

BACKGROUND

The Planning Commission has agreed to read the Municipal Land Use, Development, and Management Act (LUDMA) as a 2021 training goal. This month's training includes reading and discussing the last section of LUDMA including Part 9 (Vested Critical Infrastructure). Congratulations for making it through the entire Act.

ATTACHMENTS:

Description

- ▣ LUDMA - Part 9 - Vested Critical Infrastructure

Effective 5/14/2019

Part 9
Vested Critical Infrastructure Materials Operations

10-9a-901 Definitions.

As used in this part:

- (1) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
- (2) "Critical infrastructure materials operations" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
- (3) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
 - (a) owns, controls, or manages a critical infrastructure materials operations; and
 - (b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
- (4) "Vested critical infrastructure materials operations" means critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the municipality that existed or was conducted or otherwise engaged in before:
 - (a) a political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations; and
 - (b) January 1, 2019.

Enacted by Chapter 227, 2019 General Session

10-9a-902 Vested critical infrastructure materials operations -- Conclusive presumption.

- (1)
 - (a) Critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the municipality are conclusively presumed to be vested critical infrastructure materials operations if the critical infrastructure materials operations permitted by the municipality, existed or was conducted or otherwise engaged in before January 1, 2019 and before when a political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations.
 - (b) A person claiming that a vested critical infrastructure materials operations has been established has the burden of proof to show by the preponderance of the evidence that the vested critical infrastructure materials operations has been established.
- (2) A vested critical infrastructure materials operations:
 - (a) runs with the land; and
 - (b) may be changed to another critical infrastructure materials operations conducted within the scope of a legal nonconforming use or the permit for the vested critical infrastructure materials operations without losing its status as a vested critical infrastructure materials operations.

Enacted by Chapter 227, 2019 General Session

10-9a-903 Rights of a critical infrastructure materials operator with a vested critical infrastructure materials operations.

Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials operations adopted after the establishment of the critical infrastructure materials operations, the rights of a critical infrastructure materials operator with vested critical infrastructure materials operations include the right to:

- (1) use, operate, construct, reconstruct, restore, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings; and
- (2) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials operations.

Enacted by Chapter 227, 2019 General Session

10-9a-904 Notice.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operations, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Vested Critical Infrastructure Materials Operations

This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

Enacted by Chapter 227, 2019 General Session

10-9a-905 Abandonment of a vested critical infrastructure materials operations.

- (1) A critical infrastructure materials operator may abandon some or all of a vested critical infrastructure materials operations use only as provided in this section.
- (2) To abandon some or all of a vested critical infrastructure materials operations, a critical infrastructure materials operator shall record a written declaration of abandonment with the recorder of the county in which the vested critical infrastructure materials operations being abandoned is located.
- (3) The written declaration of abandonment under Subsection (2) shall specify the vested critical infrastructure materials operations or the portion of the vested critical infrastructure materials operations being abandoned.

Enacted by Chapter 227, 2019 General Session

CENTERVILLE

Staff Backup Report

11/10/2021

Item No. 5.

Short Title: Community Development Director's Report

Initiated By: Planning Commission

Staff Representative: Community Development Director

SUBJECT

Next Planning Commission Meeting - December 8, 2021:

Tentative Items:

- *Pastures Phase 3 - Final Site Plan - Tabled earlier by PC*
- *Canyon Point - Final Site Plan*
- *Hafoka Residence - Final Site Plan*

City Council Report:

- *Approved Development Agreement changes for Lots 2 and 3, Legacy Crossing Development*

Commission Goals Update:

- *Parking Update Study - study results expected to be presented 12/08/2021*
- *Subdivision Ordinance - underway with City Attorney, early 2022*
- *Food Truck Ordinance - in early draft form - coming soon*
- *Single-family on un-platted lots - not yet underway*
- *General Plan/Economic Study - to begin in early 2022*

RECOMMENDATION

BACKGROUND

CENTERVILLE

Staff Backup Report 11/10/2021

Item No.

Short Title: October 27, 2021

Initiated By:

Staff Representative:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 10-27-21 Planning Commission Draft Minutes

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, October 27, 2021
7:00 p.m.

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

MEMBERS PRESENT

Kevin Daly, Chair
Mason Kjar
Matt Larsen
Heidi Shegrud
Spencer Summerhays
Christina Wilcox

MEMBER ABSENT

Becki Wright

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner

VISITORS

Russell Wilson, Symphony Homes
Kevin Anderson, Symphony Homes
Craig Salmon, Salmon HVAC
Jim Flint, Hanson and Associates

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Commissioner Shegrud

FINAL SUBDIVISION – SUMMERHILL LANE

Community Development Director Cory Snyder expressed the opinion that the Final Subdivision Plan submittal for the Summerhill Lane Development was complete, and the applicant met all conditions of Preliminary Plat Approval. He explained that the Packer Family filed an Appeal of the Preliminary Subdivision Approval for Summerhill Lane. The filed appeal raised the following two aspects of the approval: “(1) The Preliminary Plat did not include or otherwise reflect the Packer Easement even though the Easement was noted as Exception 17 in the Symphony Homes’ title report submitted with its application; (2) The Packers are also entitled to a prescriptive easement from the north end of the 400 West Street to their property. This is not an easement of record, but one claimed by usage.” Mr. Snyder informed the Commission that just prior to the holding of the Appeal Hearing with the Board of Adjustment, the Packer Family and Symphony Homes reached a settlement regarding the filed appeal. The settlement included the following elements:

- a) Symphony would revise the preliminary plat to include said “Prescriptive Easement,” as was discussed by the parties.
- b) Both sides would reserve their rights, claims, defenses, etc. for litigation.

Upon completion and resubmittal of the Revised Preliminary Subdivision Plat, the City received notice from the Packer Family’s Attorney that the Appeal was officially withdrawn. Consequently, the Revised Preliminary Plat submitted to the City by Symphony Homes was

1 included in the packet for Planning Commission consideration. Mr. Snyder advised that it was
2 not his or the Planning Commission's role to adjudicate on a claim of use not recorded against
3 the property. The prescriptive easement was included on the Revised Plat.
4

5 Responding to questions from the Planning Commission regarding buyer awareness of
6 the prescriptive easement, Mr. Snyder and City Attorney Lisa Romney stated potential buyers
7 would be able to see the notice of interest on the Plat. Mr. Snyder emphasized he did not
8 believe it was the Planning Commission's role to take either side. He spoke of the risks to all
9 parties moving forward, and commented on the Planning Commission's responsibility to make a
10 decision based on current City Code. Chair Daly said he understood it was not the Planning
11 Commission's role to perfect the claim, but pointed out that if the claim were to be perfected,
12 several lots on the north side of the street would be affected.
13

14 Commissioner Summerhays asked what mechanism was in place to update the Plat
15 after a final decision. Mr. Snyder responded that a plat amendment could change the notes, but
16 no mechanism was in place to force a plat amendment. Property owners would be able to
17 respect the easement, if perfected, without amending the plat. The Planning Commission
18 reviewed the Revised Preliminary Subdivision Plat.
19

20 Commissioner Shegrud asked who determined conditions placed on easements. Mr.
21 Snyder said easements were defined by type and purpose. The prescriptive easement under
22 discussion was not perfected or defined. It was the role of a judge in a court of law to define the
23 easement if a settlement was not reached by the parties.
24

25 Ms. Romney stated it was staff's position that the prescriptive easement and the
26 easement a pertinent had not been perfected and was not in the Title Report; therefore, it was
27 not existing and was not required under City ordinance to be shown on the Final Plat. She
28 suggested including a condition of approval specifying that Lots 120-134 were affected by the
29 notice of interest. Commissioner Summerhays expressed the opinion that failing to include such
30 a condition would potentially be harmful to future buyers.
31

32 Russ Wilson, Land Manager with Symphony Homes, stated the purported easement
33 was noted on the Final Plat and in the Title Report. He said a notice would be provided to
34 potential homebuyers that the purported easement existed. Mr. Wilson said lot sizes and
35 proposed home sizes would not be affected if the purported easement were established by a
36 court of law. Responding to Commissioner Kjar, Mr. Wilson confirmed Symphony Homes
37 intended to be bound by the statement that notice would be provided to potential homebuyers of
38 the purported easement.
39

40 Mr. Wilson explained the applicant worked extensively with the City Engineer to design a
41 drainage system. Responding to a question from Commissioner Shegrud, Mr. Wilson described
42 plans for open space in the development. Kevin Anderson, attorney for Symphony Homes,
43 stated his opinion of the Planning Commission's scope of consideration for the Final Subdivision
44 request. He said Symphony Homes had worked very hard to satisfy all City Code requirements.
45 Mr. Anderson recognized there was risk to Symphony Homes in moving forward with the
46 purported easement, and explained the applicant desired to move forward with developing lots
47 not impacted by the easement claim. He described the alley that would exist behind the affected
48 lots if the purported easement were established by a court of law.
49

50 Chair Daly commented that the situation had been difficult. He expressed the opinion
51 that the Final Plat application complied with City Code. Commissioner Wilcox said she agreed.
52 Commissioner Summerhays expressed concern that the specific lots affected by the notice of
53 interest were not noted on the Final Plat. Ms. Romney repeated that City Code required existing
54 easements to be specified on a final plat, and the notice of interest was not an existing

1 easement. She repeated the suggestion to include a condition of approval specifying that Lots
2 120-134 were affected by the notice of interest. Ms. Romney requested that the Planning
3 Commission add a condition that the developer shall enter into a long-term storm water facilities
4 maintenance plan with the City if required under City permit.

5
6 Chair Daly **moved** to recommend approval of the Final Subdivision Plat and Plan for the
7 Summerhill Lane Subdivision to the City Council, as submitted by the applicant to the
8 Commission, with the following conditions and reasons for action. Commissioner Wilcox
9 seconded the motion, which passed by majority vote (4-2), with Commissioner Shegrud
10 dissenting, and an abstention from Commissioner Kjar.

11
12 Conditions:

- 13
14 1. Developer shall enter into a long-term storm water facilities maintenance plan with
15 the City if required under City permit.
16 2. Applicant shall add affecting Lots 120-134 to Plat Note #2 on the Final Plat.
17 3. Developer shall provide notice of claim of interest to potential purchasers of Lots
18 120-134.

19
20 Reasons for Action:

- 21
22 a) The Planning Commission finds that in November of 2020, the City approved a PDO
23 Rezone and Conceptual Plan for the Summerhill Lane Subdivision.
24 b) After review of the Final Subdivision Plan submittal, the Planning Commission finds
25 that the Final Subdivision Plan submittal is substantially consistent with the approved
26 PDO Rezone and Conceptual Plan Approval and associated terms and conditions of
27 that approval, as reviewed by the Commission in both the Preliminary and Final
28 Subdivision Plan submittals and staff reports.
29 c) After review of the Final Subdivision Plan submittal, the Planning Commission finds
30 that the Final Subdivision Plan submittal complies with the Preliminary Subdivision
31 Approval granted by the Planning Commission in April of 2021, as also represented
32 by the analysis of the Final Subdivision Plan in the associated Staff Report.
33 d) Therefore, in accordance with CMC 15.04.050, the Planning Commission finds that if
34 the Planning Commission determines that the final plat is in conformity with all
35 requirements and the ordinances of the City, the Commission shall recommend
36 approval of the final plat to the City Council.

37
38 **FINAL SITE PLAN – THE PASTURES PHASE 3**

39
40 Assistant Planner Mackenzie Wood stated the applicants submitted plans to build out
41 the third phase of The Pastures Business Park. She explained that a landscaping plan, an
42 irrigation plan, and accurate parking stall counts for current uses were not provided. Mr. Snyder
43 commented that the amount of parking needing for flex space varied widely depending on use.
44 In the Conceptual Application, the applicant and staff reviewed parking based on Warehouse
45 and Office uses. However, with further investigation, the use list of the site varies from the
46 proposed uses in the application. Staff reviewed the current uses and their required off-street
47 parking counts and found there was a wide discrepancy between approved uses and actual
48 uses, approved parking and required parking.

49
50 The Planning Commission and staff discussed parking requirements. Commissioner
51 Shegrud said she believed from personal experience that some of the current uses at The
52 Pastures Business Park did not need as much parking as was required.
53

Commissioner Kjar pointed out the applicant resubmitted a letter from the Army Corps of Engineers from 2011, but not a verification as requested. Ms. Wood agreed and suggested the lack of verification was another reason to table the Final Site Plan.

Craig Salmon, applicant, explained that nothing had changed with regard to the wetlands. He presented proposed updated parking stall counts, and said he considered his entire development to be shared parking (117 parking stalls). Mr. Salmon said he calculated required parking to be 110 stalls with current uses. He explained that the dance studio and karate studio operating hours began around 4:00 or 5:00 p.m., after many of the other uses in the complex had completed business for the day. He asked the Planning Commission to accept the shared parking request, and said he would prefer to not be required to commission a parking study. Mr. Salmon suggested that the ability to adjust parking requirements based on logical discussion should be granted to the Community Development Director/Zoning Administrator.

Responding to a question from Commissioner Kjar, Mr. Salmon confirmed he had acquired additional property for the project and changed the configuration since receiving the 2011 Army Corps of Engineers letter. He stated the property acquired from UDOT was not part of the wetland area, and emphasized that nothing had changed in the project that affected the wetlands.

Commissioner Summerhays said he wanted to be as flexible with parking as possible within City Code. Mr. Snyder responded the Planning Commission did have latitude within the Code. Ms. Romney stated the applicant could request a parking modification and make the argument that sufficient parking existed for current uses. Chair Daly summarized that the applicant could apply for a parking modification, or wait until the City had completed an update of parking requirements. Mr. Snyder added that the applicant could address parking needs for all current uses based on City categories in a parking tabulation with the Final Site Plan.

Mr. Snyder explained that staff were assuming the wetlands delineation had expired. Chair Daly **moved** to table the Final Site Plan for The Pasture Phase 3 at 1230 North 1300 West with the following directives. Commissioner Shegrud seconded the motion. Commissioner Kjar said he was deeply concerned that the Planning Commission had spelled out specific requirements that were not met by the applicant apparently because the applicant felt he did not need to. The motion passed by unanimous vote (6-0).

Directives:

1. Provide accurate parking stall counts for current uses in accordance with CZC 12.52.300, and request Parking Modification.
2. Provide a landscape plan in accordance with CZC 12.51.040.
3. Provide a temporary irrigation plan to maintain plantings.
4. Provide a letter from the Army Corps of Engineers clearing the property for wetlands, or a valid delineation of the wetlands.

FINAL SITE PLAN – ACC AUTO (TRUCK WORLD)

Mr. Snyder explained the applicant submitted application for Conditional Use Permit (CUP) and Final Site Plan. The application for CUP did not address everything expected, and the deadline for providing public notice of a hearing for CUP was missed. In order to facilitate the applicant's need to begin construction, Mr. Snyder suggested including CUP approval within 45 days as a condition of Final Site Plan approval. Mr. Snyder answered questions from the Commission regarding CUP conditions. Jim Flint with Hanson and Associates, representing the

applicant, said the applicant would address issues related to the CUP by the November 10 Planning Commission meeting.

Chair Daly **moved** to approve the Final Site Plan for the Final Expansion Phase for ACC Truck World, located at 155 South Frontage Road, subject to the following conditions and with the following reasons for action. Commissioner Kjar seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. The Final Site Plan approval is limited to the proposed expansion and site improvements, as depicted in the Final Site Plan submittal to the Commission, or as amended by the City.
2. All outdoor lighting shall be fully shielded using cut-off type fixtures that will not allow light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the light fixture.
3. The applicant shall obtain secondary water service from the applicable third-party company and construct all necessary improvements and payment of any related fees.
4. The applicant shall submit the required final improvement construction drawings for storm water management and any related bonding and fees, which shall be deemed acceptable to the City Engineer.
5. The applicant shall obtain an amended CUP approval within 45 days of the Final Site Plan approval, which shall at minimum address the following:
 - a. Alteration of the land use to the sale of pre-owned vehicles,
 - b. The desired business hours of operation, and
 - c. The mitigation of potential impacts to the adjacent residential area located to the southeast (e.g., use buffering, lighting, screening, etc.).

Reasons for Action:

- a. The Planning Commission finds that the Final Site Plan submittal is substantially consistent with the Conceptual Site Plan Acceptance and its related directives.
- b. The Planning Commission finds that conditions may be imposed with a Final Site Plan approval, as necessary to achieve compliance with applicable code requirements.
- c. The Planning Commission finds that, subject also to the conditions of approval, the proposal complies with the requirements found in the Zoning Ordinance, in regard to development standards in the CV-H Zone and Final Site Plan Approval Standards.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The Planning Commission was scheduled to meet next on November 10, 2021. Mr. Snyder reported on recent actions by the City Council. The Planning Commission reviewed a list of Commission goals.

MINUTES REVIEW AND ACCEPTANCE

Minutes of the October 13, 2021 Planning Commission meeting were reviewed and amendments requested. Commissioner Summerhays **moved** to accept the amended minutes. Commissioner Larsen seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 9:25 p.m., Chair Daly made a **motion** to adjourn the meeting. Commissioner Wilcox seconded the motion, which passed by unanimous vote (6-0).

Jennifer Hansen, City Recorder

Date Approved

Katie Rust, Recording Secretary

DRAFT