



CENTERVILLE CITY PLANNING COMMISSION AGENDA

Due to Planning Commission Chair Daly's Determination public meetings will be held electronically via Zoom. Public meetings conducted via Zoom may be terminated at any time due to hackers or inappropriate content.

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON MARCH 24, 2021 AT THE CENTERVILLE CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. 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

1. Chair's Determination Letter

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Centerville Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic.

Join Zoom Meeting

<https://zoom.us/j/99329063901?pwd=cjEyTE9Kb1Q5Rk1sQkRqa0IvcXp4UT09>

Meeting ID: 993 2906 3901

Passcode: 311179

Dial by your location +1 253 215 8782 US (Tacoma)

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Kevin Daly, Commission Chair

D. COMMISSION BUSINESS

2. Administrative Decision - Conditional Use Permit - VetIQ
Veterinary Services as an accessory use in the Walmart Store at 200 North 400 West.
3. Parking Standards Review - Continued Discussion
Continued Review of Parking Standards - ***Industrial Uses***
4. Land Use Training - Municipal Land Use, Development, and Management Act - Part 3 - General Land Use Provisions
Land use training and discussion regarding Part 3 (General Land Use Provisions) of the Municipal Land Use, Development, and Management Act
5. Community Development Director's Report
Next Planning Commission Meeting - April 06, 2021:
Tentative Applications:
- *Hafoka Conceptual Site Plan - Single-family Dwelling*

Note: Previous Drink Shop Application may not need a Commission Approval

City Council Report:

- *No Actions to Report*
- *Staff Made Request at City Council Budget Work Session - 03-16-2021*

E. MINUTES REVIEW AND ACCEPTANCE

March 10, 2021

F. ADJOURNMENT

Mackenzie Wood
Centerville Assistant Planner

CENTERVILLE

Staff Backup Report 3/24/2021

Item No. 1.

Short Title: Chair's Determination Letter

Initiated By:

Staff Representative:

SUBJECT

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Centerville Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic.

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Meeting ID: 993 2906 3901

Passcode: 311179

Dial by your location +1 253 215 8782 US (Tacoma)

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

□ March 2021 Chair Determination Letter



CENTERVILLE CITY

250 North Main Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

Mayor

Clark A. Wilkinson

City Council

Tamilyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

City Manager

Brant T. Hanson

Public Body: Planning Commission

Date: 3/5/2021 | 9:55 AM PST

Written Determination Letter to Conduct

Electronic Meetings without an Anchor Location Due to Substantial Health and Safety Risk

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Planning Commission of Centerville City with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic.

I hereby authorize the above listed public body of Centerville City to conduct electronic meetings without an anchor location for the duration of this determination. This determination and the reasons stated herein shall be included in the public notice for each meeting held electronically without an anchor location and shall be read at the beginning of each meeting. Public notice for each meeting shall also include directions for accessing the online meeting and information on how a member of the public may view or make a comment at the meeting.

This determination shall be effective for 30 days from the date of this determination and will continue to be reviewed and monitored for possible reissuance.

DocuSigned by:

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Name: Kevin Daly

Title: Chair



CENTERVILLE

Staff Backup Report 3/24/2021

Item No. 2.

Short Title: Administrative Decision - Conditional Use Permit - VetIQ

Initiated By: Ryan Sexton, Applicant

Staff Representative: Mackenzie Wood, City Planner

SUBJECT

Veterinary Services as an accessory use in the Walmart Store at 200 North 400 West.

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

▢ 3-24-21 PC Staff Report VetIQ CUP

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: WALMART STORES, INC

APPLICANT: VIPPETCARE
c/o RYAN SEXTON
932 S BRIDGEWAY PLACE
EAGLE, ID 83616
(ryan.sexton@vippetcare.com)

PROPERTY LOCATION: 200 NORTH 400 WEST

PARCEL SIZE: 19.99 ACRES

ZONING DISTRICT: COMMERCIAL-VERY HIGH

APPLICATION: CONDITIONAL USE PERMIT

BACKGROUND

The applicant is requesting a conditional use permit to operate a pet care facility within one of the tenant spaces in Walmart. Veterinary Service is listed as ‘an establishment that providing medical care and treatment for animals,’ and is listed as a conditional use within the Commercial-Very High Zone. The use proposed application would not provide kenneling or grooming facilities. The applicant proposes to use the separate entrance at the front of the building so that no pets are taken into the Walmart store.

CODE REQUIREMENTS

Centerville Zoning Code 12.21.100 (e) outlines five sections that each conditional use application must meet in order for approval.

- (1) A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.

Staff Response: The veterinary services use is a conditional permitted use in the commercial-very high zone.

- (2) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.

Staff Response: When Walmart was built, with the intention of accessory uses such as VetIQ, the construction, character, location, screening, and landscaping were installed. VetIQ will not be changing the character or noise levels or pollution of the site. The applicant proposes exterior signs, which will need to meet City Sign Ordinance, but sign permits are a separate application and will be reviewed when received.

- (3) No conditional use permit shall be authorized unless the evidence presented establishes:
- a. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - b. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - c. The proposed use will comply with regulations and conditions specified in this Title for such use; and
 - d. The proposed use will comply with applicable provisions of the General Plan.

Staff Response: The applicant has stated the space will be well insulated to avoid noise pollution for Walmart employees and customers. The proposed use is desirable to add a needed resource to the area and convenience for residents. Accessory uses are permitted in Commercial-Very High Zones and the Walmart Development planned for accessory uses and was approved to house accessory uses.

- (4) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection can be met.

- (5) The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:

- a. The suitability of the specific property for the proposed use;
- b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
- c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

- d. The economic impact of the proposed facility or use on the surrounding area;
- e. The aesthetic impact of the proposed facility or use on the surrounding area;
- f. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
- g. The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
- h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
- i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
- j. The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

Staff Response: Accessory uses were approved with the approval of the Walmart Center. Staff finds that the proposed veterinary services use does not detrimentally impact the neighborhood and has all the necessary utilities, traffic routes, and fire protection required.

PLANNING STAFF RECOMMENDATION

I hereby make a motion for the Planning Commission to approve the Conditional Use Permit for VetIQ for the use of Veterinary Services at 200 North 400 West, with the following conditions:

1. This Conditional Use Permit is limited to the use of Veterinary services as an accessory use at 200 N 400 W and shall run with the land.
2. The signage for the veterinary services use shall follow City sign ordinance.
3. This Conditional Use Permit is subject to compliance with applicable terms and conditions of that certain Development Agreement dated December 24, 2005, and recorded at the Davis County Recorder's Office on August 23, 2006, Entry No. 2195220, Book No.4102, Pages 266-330, as amended, regarding the development of the Centerville Wal-Mart Subdivision and Planned Center Project.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
3/24/2021**

Item No. 3.

Short Title: Parking Standards Review - Continued Discussion

Initiated By: Planning Commission

Staff Representative: Community Development Director

SUBJECT

Continued Review of Parking Standards - ***Industrial Uses***

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▢ 03-24-2021 Staff Memo - Parking Standards
- ▢ Industrial Uses - Parking Standards Comparison Summary

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

STAFF MEMORANDUM

DATE: MARCH 24, 2021

TO: CENTERVILLE CITY PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: OFF-STREET PARKING CONTINUED DISCUSSION

BACKGROUND

Due to the current on-going COVID-19 pandemic, the Planning Commission recently decided to forego undertaking several 2020/21 “*planning goals*” that involve substantial public participation. Instead, the Commission directed staff to bring forward matters previously raised several times in the past regarding the Off-Street Parking requirements of the Zoning Ordinance.

Additionally, as staff recalls, the Planning Commission also raised concerns about the frequency of receiving petitions to “modify parking” for certain specific uses, such as churches, flex space for industrial, and vehicle repairs facilities.

PARKING DISCUSSION PROGRESS TO DATE

- **Residential Uses** - Reviewed at the 01-13-21, PC Meeting – No Changes Proposed
- **Public/Civic Uses** – Reviewed 01-27-21, PC Meeting – Limited Changes Identified
- **Commercial Uses** – Reviewed 03-10-21 – Limited Changes Identified
- **Industrial Uses** – Under Review by PC 03-24-2021 – see Agenda Attachments

Residential Uses:

- NONE identified – *ADU’s need to be addressed with recently adopted laws by the State*

Public/Civic Uses:

- Auditorium/Stadium
- Church/Place of Worship
- Club/Service Organization
- Cultural Service
- Operations Center
- Protective Service
- Reception Center
- Public/Vocational Schools

Commercial Uses:

- Bank or Financial Institution

- *Bed & Breakfast, Home*
- *Office, General*
- *Personal Instruction Service*
- *Recreation & Entertainment Indoor*
- *Research Service*
- *Vehicle & Equipment Rental or Sale*
- *Vehicle & Equipment Repair*
- *Self-storage Facility*

Industrial Uses: To be Determined – See Meeting Attachments

PARKING TABLE REVIEW AND ANALYSIS

INDUSTRIAL USES PARKING COMPARASION

<i>USE</i>	<i>CZC CODE</i>	<i>Notes/ Additional Standards</i>	<i>FARMINGTON</i>	<i>NORTH SALT LAKE</i>	<i>WEST BOUNTIFUL</i>	<i>STAFF SUGGESTION OR COMMENTS</i>
Automobile wrecking yard	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Determines]	This use is NOT currently allowed
Heavy industry				NOT DEFINED [PC Discretion]		This use is NOT currently allowed
Freight terminal				1 space per 1,000 sq. ft. or 1 space per employee, whichever is greater		No Changes Suggested
Junk or salvage yard				NOT DEFINED [PC Discretion]		This use is NOT currently allowed
Laundry services				NOT DEFINED [PC Discretion]		No Changes Suggested
Manufacturing			2 spaces per 1,000 sq. ft. of gross floor area, plus 1 space for each company vehicle, operating from premises. 1 space per 1000 sq. ft. of gross floor area for	1 space per 1,000 sq. ft. or 1 space per employee, whichever is greater		No Changes Suggested

			warehousing or area used for storage.			
Mineral extraction			NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]		This use is NOT currently allowed
Wholesale and warehousing			SAME AS MANUFACTURING	1 space per 1,000 sq. ft. or 1 space per employee, whichever is greater		Due to Flex-space declaring most of the area as storage, changes are really needed

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
3/24/2021**

Item No. 4.

Short Title: Land Use Training - Municipal Land Use, Development, and Management Act - Part 3 - General Land Use Provisions

Initiated By: Lisa Romney, City Attorney

Scheduled Time:

SUBJECT

Land use training and discussion regarding Part 3 (General Land Use Provisions) 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) for 2021. This month's training includes reading and discussing Part 3 (General Land Use Provisions). Topics in Part 3 include planning commission powers and duties, state and federal property, school property, plain language, and ordinance interpretation.

ATTACHMENTS:

Description

- ▣ LUDMA - Part 3 - General Land Use Provisions

Effective 5/9/2017

Part 3
General Land Use Provisions

10-9a-301 Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

- (1)
 - (a) Each municipality shall enact an ordinance establishing a planning commission.
 - (b) The ordinance shall define:
 - (i) the number and terms of the members and, if the municipality chooses, alternate members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office;
 - (iv) the authority of the planning commission;
 - (v) subject to Subsection (1)(c), the rules of order and procedure for use by the planning commission in a public meeting; and
 - (vi) other details relating to the organization and procedures of the planning commission.
 - (c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (2) The legislative body may authorize a member to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Amended by Chapter 70, 2017 General Session

10-9a-302 Planning commission powers and duties.

- (1) The planning commission shall review and make a recommendation to the legislative body for:
 - (a) a general plan and amendments to the general plan;
 - (b) land use regulations, including:
 - (i) ordinances regarding the subdivision of land within the municipality; and
 - (ii) amendments to existing land use regulations;
 - (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
 - (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
 - (e) application processes that:
 - (i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (ii) shall protect the right of each:
 - (A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;
 - (B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and
 - (C) participant to be heard in each public hearing on a contested application.
- (2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.

- (3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
- (4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.
- (5) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.

Amended by Chapter 434, 2020 General Session

10-9a-303 Entrance upon land.

The municipality may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

- (1) preparation of its general plan; or
- (2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-304 State and federal property -- Mountainous planning district.

- (1) Unless otherwise provided by law, nothing contained in this chapter may be construed as giving a municipality jurisdiction over property owned by the state or the United States.
- (2)
 - (a) Except as provided in Subsection (2)(b), for purposes of this chapter, a municipality, a municipal planning commission, or a municipal land use authority does not have jurisdiction over property located within a mountainous planning district, as that term is defined in Section 17-27a-103.
 - (b) Subsection (2)(a) does not apply to a municipality if:
 - (i)
 - (A) the municipality is wholly located within the boundaries of a mountainous planning district; and
 - (B) the municipality was incorporated before 1971;
 - (ii) the municipality exercises the municipality's extraterritorial jurisdiction under Section 10-8-15; or
 - (iii) subject to Subsection (2)(c), a local health authority has granted the municipality joint authority to regulate the municipality's watershed areas.
 - (c) The exception under Subsection (2)(b)(iii) applies only for matters related to regulation of the watershed within a watershed area.

Amended by Chapter 448, 2017 General Session

10-9a-305 Other entities required to conform to municipality's land use ordinances -- Exceptions -- School districts and charter schools -- Submission of development plan and schedule.

- (1)
 - (a) Each county, municipality, school district, charter school, local district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality.

- (b) In addition to any other remedies provided by law, when a municipality's land use ordinance is violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.
- (2)
 - (a) Except as provided in Subsection (3), a school district or charter school is subject to a municipality's land use ordinances.
 - (b)
 - (i) Notwithstanding Subsection (3), a municipality may:
 - (A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
 - (B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).
 - (ii) The standards to which a municipality may subject a charter school under Subsection (2)(b)
 - (i) shall be objective standards only and may not be subjective.
 - (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (2)(b)(i).
 - (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.
- (3) A municipality may not:
 - (a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
 - (b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
 - (c) require a district or charter school to pay fees not authorized by this section;
 - (d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;
 - (e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;
 - (f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or
 - (g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:
 - (i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or
 - (ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.

- (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the siting of a new school with the municipality in which the school is to be located, to:
 - (a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and
 - (b) maximize school, student, and site safety.
- (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:
 - (a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and
 - (b) provide recommendations based upon the walk-through.
- (6)
 - (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
 - (i) a municipal building inspector;
 - (ii)
 - (A) for a school district, a school district building inspector from that school district; or
 - (B) for a charter school, a school district building inspector from the school district in which the charter school is located; or
 - (iii) an independent, certified building inspector who is:
 - (A) not an employee of the contractor;
 - (B) approved by:
 - (I) a municipal building inspector; or
 - (II)
 - (Aa) for a school district, a school district building inspector from that school district; or
 - (Bb) for a charter school, a school district building inspector from the school district in which the charter school is located; and
 - (C) licensed to perform the inspection that the inspector is requested to perform.
 - (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.
 - (c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and municipal building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.
- (7)
 - (a) A charter school shall be considered a permitted use in all zoning districts within a municipality.
 - (b) Each land use application for any approval required for a charter school, including an application for a building permit, shall be processed on a first priority basis.
 - (c) Parking requirements for a charter school may not exceed the minimum parking requirements for schools or other institutional public uses throughout the municipality.
 - (d) If a municipality has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school provides a waiver.
 - (e)
 - (i) A school district or a charter school may seek a certificate authorizing permanent occupancy of a school building from:
 - (A) the state superintendent of public instruction, as provided in Subsection 53E-3-706(3), if the school district or charter school used an independent building inspector for inspection of the school building; or

- (B) a municipal official with authority to issue the certificate, if the school district or charter school used a municipal building inspector for inspection of the school building.
 - (ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53E-3-706(3)(a)(ii).
 - (iii) A charter school may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school used a school district building inspector for inspection of the school building.
 - (iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any municipal requirement for an inspection or a certificate of occupancy.
- (8)
- (a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:
 - (i) as early as practicable in the development process, but no later than the commencement of construction; and
 - (ii) with sufficient detail to enable the land use authority to assess:
 - (A) the specified public agency's compliance with applicable land use ordinances;
 - (B) the demand for public facilities listed in Subsections 11-36a-102(16)(a), (b), (c), (d), (e), and (g) caused by the development;
 - (C) the amount of any applicable fee described in Section 10-9a-510;
 - (D) any credit against an impact fee; and
 - (E) the potential for waiving an impact fee.
 - (b) The land use authority shall respond to a specified public agency's submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.
- (9) Nothing in this section may be construed to:
- (a) modify or supersede Section 10-9a-304; or
 - (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

Amended by Chapter 415, 2018 General Session

10-9a-306 Land use authority requirements -- Nature of land use decision.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Enacted by Chapter 84, 2017 General Session

CENTERVILLE

Staff Backup Report 3/24/2021

Item No.

Short Title: March 10, 2021

Initiated By:

Staff Representative:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 3-10-21 Planning Commission Draft Minutes

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, March 10, 2021
7:00 p.m.

A quorum being present electronically via Zoom and live streamed on the Centerville City YouTube channel due to Infectious Disease COVID-19, the meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT

Kevin Daly, Chair
Cheylynn Hayman
Mason Kjar
Heidi Shegrud
Spencer Summerhays, Vice Chair
Christina Wilcox
Becki Wright

STAFF PRESENT

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

DETERMINATION

Chair Daly read a determination regarding electronic meetings without an anchor location due to COVID-19

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Commissioner Wright

PARKING STANDARDS REVIEW

Continuing the Planning Commission review of off-street parking requirements in the Zoning Ordinance, Community Development Director Cory Snyder presented a comparative table of commercial use parking requirements in Centerville and neighboring cities. The Planning Commission discussed changes recommended by Staff. Regarding Planning Commission "discretion", Commissioner Summerhays emphasized the need to avoid the appearance of capricious or arbitrary decisions. Commissioner Wright commented on the relationship between parking requirements and landscape requirements. Chair Daly said he believed the Commission needed to be careful going forward regarding parking for permitted or expanded uses in different zones. Commissioner Hayman spoke of the give and take in the process.

Mr. Snyder said he was aware of a general movement in planning to worry less about parking, particularly in urban areas, with reasoning that the square footage of a building was a better market return for everyone than huge expansive parking lots. He commented that landscaping could play a critical role in the aesthetics and air quality of a community. Mr. Snyder spoke of the idea that parking and spill-out created congestion, and congestion led to slower speeds, traffic calming measures, and better economic activity.

Commissioner Hayman said she agreed with the sections identified by Staff for change. Mr. Snyder said he would look at generalizing some of the use requirements. The Planning Commission was scheduled to next review Industrial Zone parking requirements. Chair Daly suggested parking requirements related to ADUs should be addressed with ADU provisions. Responding to a question from Commissioner Shegrud, Mr. Snyder said he believed language

could be drafted that would allow the Planning Commission to request a parking study with commercial applications if deemed necessary.

PROPOSED ZONING CODE AMENDMENTS – FROM LUDMA TRAINING – PART 1 AND PART 2

City Attorney Lisa Romney presented proposed changes to the Centerville Zoning Code based on recent training and review of Part 1 (General Provisions) and Part 2 (Notice) of the Utah Land Use Development and Management Act, and answered questions from the Planning Commission.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Mr. Snyder reported the Mayor was supportive of scheduling a joint Planning Commission/City Council work session to discuss goals. The Planning Commission was scheduled to meet next on March 24, 2021.

MINUTES REVIEW AND ACCEPTANCE

Minutes of the February 24, 2021 Planning Commission meeting were reviewed. Commissioner Hayman **moved** to accept the minutes. Commissioner Summerhays seconded the motion, which passed by unanimous vote (7-0).

ADJOURNMENT

At 8:01 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Hayman seconded the motion, which passed by unanimous vote (7-0).

Janet Denison, City Recorder

Date Approved

Katie Rust, Recording Secretary