

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, September 28, 2022**

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

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

7
8 **MEMBERS PRESENT**

9 Kevin Daly, Chair
10 Shawn Hoth
11 Mason Kjar
12 Matt Larsen
13 Heidi Shegrud
14 Christina Wilcox
15 Becki Wright, Vice Chair (arrived at 7:09 p.m.)

16
17 **STAFF PRESENT**

18 Cory Snyder, Community Development Director
19 Lisa Romney, City Attorney
20 Whitney Black, Assistant Planner

21
22 **VISITORS**

23 Walker Wood, CW Land
24 Interested citizens

25
26 **PLEDGE OF ALLEGIANCE**

27
28 **LEGISLATIVE PRAYER OR THOUGHT** Chair Daly

29
30 **PUBLIC HEARING – CONCEPTUAL SITE PLAN AMENDMENT, THE HIVE**
31 **DEVELOPMENT AT 555 NORTH 400 WEST**

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33 Community Development Director Cory Snyder explained the applicant desired to
34 amend their Site Plan Approval regarding fencing along the northern property line. Due to final
35 site grading along the single-family lots, the desire was now to add a one-foot to three-foot
36 retaining wall, and then install the approved 6-foot fence on top of the retaining wall. The final
37 height of the fence would then range from 7 feet to 9 feet. Mr. Snyder said the Planning
38 Commission seemed, at the time of Site Plan Approval, to give encouragement to seek approval
39 for a taller fence. Mr. Snyder explained current setbacks and fence design standards.

40
41 Commissioner Shegrud disclosed that she lived adjacent to The Hive development, but
42 not adjacent to the area proposed for the fence change. She said she believed she could be fair
43 and objective.

44
45 Mr. Snyder said the developer had installed a 6-foot fence along the north property line
46 on The Hive property. Adjacent property owners to the north could choose whether or not to
47 remove their existing fences. The grading issue that developed during the construction process
48 prompted the developer to request approval for a retaining wall topped with a 6-foot fence.
49 Commissioner Shegrud commented that an increased fence height could function as a type of
50 buffer between the commercial and residential zones along the western portion of the property.

51
52 Responding to a question from Commissioner Larsen, Mr. Snyder said the developer
53 committed to a 20-foot rear setback on the north property line during the initial public process.
54 Commissioner Larsen expressed the opinion that a 10-foot fence would be too tall, and asked if
55 it would be possible to limit the height to a maximum of 8 feet.

1 Walker Wood, representing the applicant, explained that the slope of the backyards was
2 greater than originally anticipated. He said the applicant believed the proposed retaining wall
3 and fence would be the best option for both The Hive development and the residential
4 properties to the north for privacy and for drainage. Mr. Wood said the applicant's preference
5 was for the fence to be a straight line following the slope of the property. He explained drainage
6 retention plans, and said the height of the retaining wall would gradually reduce from east to
7 west and end in a drainage swale. Mr. Wood said the applicant would be open to stepping the
8 fence height from east to west if the City desired. Commissioner Larsen said he would rather
9 see the fence slope than step.

10
11 Responding to a question from Commissioner Kjar, Mr. Wood said the applicant spoke
12 with adjacent property owners along Applewood Drive following the February 2021 approval,
13 and found the preference for a six-foot fence versus an eight-foot fence to be inconsistent. The
14 applicant then chose to install the approved six-foot fence on The Hive property. Mr. Snyder
15 said he knew The Hive reached out to Applewood Drive residents, but did not know the level of
16 response received. Mr. Wood said a representative of the applicant recently went door to door
17 on the south side of Applewood Drive to discuss the most recent proposal, and left a letter if
18 property owners were not home.

19
20 The Planning Commission discussed drainage systems on The Hive property.
21 Responding to a question from Commissioner Kjar, Mr. Wood said the City was appraised when
22 it became clear that the grading would be altered. Mr. Snyder said the City was made aware,
23 but the assumption at the time was that the applicant would keep to the approved plan with the
24 fence.

25
26 Chair Daly opened a public hearing at 7:46 p.m.

27
28 Zaun Barnes, Centerville resident, said he lived at the west end of Applewood Drive
29 adjacent to The Hive commercial office building. He said he would be fine with a 10-foot fence
30 as a buffer between the properties because of the lights from the commercial property that
31 shined directly into his bedroom at night. He said he thought a straight fence line would look
32 better from a distance than a gradually sloped fence line. Mr. Barnes asked what would prevent
33 the Applewood Drive backyards from turning into a pond with the raised elevation of The Hive
34 backyards.

35
36 Bridget Fowers, Centerville resident adjacent to the east end of the development, said
37 she appreciated the conversation about the fence height and the grading. She shared
38 photographs showing that with the former trailer park, the ground levels were even, and shared
39 a photograph taken that day showing the ground level on The Hive property had increased 3-4
40 feet. Ms. Fowers said the swale drain line on The Hive property should be 1-2 feet below her
41 fence line to prevent water from entering her property, but she showed with a photograph that
42 the drain line was equal to the bottom of her fence. She used a photograph to show that, in her
43 opinion, her 6-foot fence provided no privacy from The Hive property, and expressed support for
44 a taller fence on The Hive development. Ms. Fowers said her biggest concern was the swale
45 drain, and said she believed her property was the highest point along the north property line of
46 The Hive development. She said it was her understanding that her neighbors were also in
47 support of a higher fence.

48
49 Jonathan Lysenko, Centerville resident, said he lived on Applewood Drive. He stated the
50 neighborhood really was in favor of the higher fence. Mr. Lysenko spoke of neighborhood
51 conversations with the developer, and said he did not feel communication with the
52 neighborhood was carried forward the way the Planning Commission had agreed for it to
53 happen. He stated that every single neighbor along Applewood Drive would like an 8-foot fence.

1 Mr. Lysenko said he agreed with Mr. Barnes that the commercial building was really tall and
2 really close to the residential properties.

3
4 Kathleen Rohlfiing, Centerville resident on Applewood Drive, said she had removed her
5 back fence of 40 years when the developer put up the 6-foot fence along the property line in
6 March. She said she had been concerned that her backyard would be exposed with removal of
7 the 6-foot fence, said she had a dog and a pond, and said the developer had assured her that
8 her property would be treated with utmost respect. Ms. Rohlfiing said she was surprised on the
9 16th to find that the fence was completely gone without prior notification. She spoke of four
10 families with children and dogs with yards completely exposed without prior notification. She
11 said she wanted communication and respect.

12
13 Ryan Fowers, Centerville resident, said he agreed with Mr. Lysenko that a picture had
14 been painted by the developer that the neighbors could not come to a consensus regarding
15 fence height. He stated that was not the case. He expressed the opinion that a small alleyway
16 between fences on the properties was a danger. He said the developer had never reached out
17 to him, but he had made an effort to reach out to the developer many times. Mr. Fowers
18 emphasized that a retaining wall did not equal drainage, and said he knew from experience that
19 water always moved to the lowest point.

20
21 Alan Rohlfiing, Centerville resident on Applewood Drive, said he had been pleased with
22 the quality and installation of the 6-foot fence installed by the developer. He said he chose to
23 remove his fence and landscape to the property line when the fence was installed. Mr. Rohlfiing
24 said he was surprised when the fence was removed without prior notification to the neighbors.
25 Mr. Rohlfiing questioned why the fence would be removed before obtaining approval from the
26 City. He expressed support for a higher fence.

27
28 Spencer Hurley, Centerville resident, said he agreed with Mr. Rohlfiing that he had been
29 pleased with the 6-foot fence installed by the developer, and said he had also landscaped to the
30 new fence. He said a temporary fence was installed the next day after the fence was removed,
31 but for the time in between, his children and dog could easily have run onto the construction
32 site. He said the wall was nice for both privacy and safety. Mr. Hurley said there was now a 4 or
33 5-foot difference in the ground level of his backyard and the backyard in the new development,
34 and it made sense to him that the ground water would start filling in the ditch and moving to his
35 property.

36
37 Ellen McConkey, Centerville resident on Frontage Road directly west of Applewood
38 Drive, said she would like to see the cement retaining wall extended all the way to the sidewalk
39 on Frontage Road because of the gap now present between The Hive property and her
40 property. She expressed support for a 10-foot fence.

41
42 Chair Daly closed the public hearing at 8:11 p.m.

43
44 Mr. Wood apologized for the breakdown in communication from the developer, and said
45 he would be the main point of contact going forward. He said the developer was working with
46 professionals regarding drainage, and said they would make sure the original plan that was
47 approved was still sufficient for any modifications made on site. Mr. Wood acknowledged that
48 the overnight before the temporary fence was installed was unacceptable, and recognized the
49 impact on the shared property line. Responding to a question from Commissioner Wilcox, Mr.
50 Wood said the final grading had not yet occurred.

51
52 Mr. Wood said the developer had not proposed taking the retaining wall all the way to
53 the west side of the property line because of the drainage plan. Commissioner Kjar listed
54 privacy, lighting, and buffering as reasons to extend the taller fence height to the west corner.

1 Mr. Wood responded that additional fence height on the west end could be accommodated if
2 desired. Commissioner Kjar asked if the applicant had recognized there may be additional
3 issues outside of drainage. Mr. Wood said he had learned of additional considerations that
4 evening, and acknowledged the interest expressed in extending the taller fence height the full
5 length of the property line.
6

7 Chair Daly suggested the Planning Commission table the application to give the
8 applicant time to discuss with property owners and come back with a potentially expanded
9 application. Mr. Wood responded there were multiple contracts set to close on the single-family
10 properties, and families planning to move into the homes, and the applicant would like to have
11 the issue resolved for those properties as soon as possible. He asked if the application could be
12 modified that evening to extend the taller fence to the west corner. Mr. Snyder said the City
13 Engineer and the Building Official would need time to fully evaluate all factors on the extended
14 area. He suggested tabling the application to the next Planning Commission meeting. Mr.
15 Snyder said he agreed with Chair Daly's suggestion to get feedback from all neighboring
16 property owners. City Attorney Lisa Romney commented that the ordinance did not require
17 applicants to contact the neighboring property owners. Contact would be done as a courtesy
18 only. Public notice by the City would need to be expanded if the application were expanded. Mr.
19 Wood said he would like the opportunity to reconnect with the neighborhood, and requested that
20 the Commission table the application.
21

22 Commissioner Kjar asked that when the applicant returned, they be prepared to address
23 more comprehensively why the grading was changed. Commissioner Shegrud expressed
24 interest in knowing who from the City approved an onsite change in grading. Mr. Snyder
25 responded that construction plans changed frequently in the field. Commissioner Wright also
26 asked the applicant to address how the change in grade would affect the drainage plan. Mr.
27 Snyder cautioned the Planning Commission to focus the conversation on whether it could be
28 designed to still be functional with the original grading plan, and if not, why.
29

30 Responding to a question from Mr. Wood, Mr. Snyder said the eight feet for the fence
31 height would be measured from the lower point on the opposing properties.
32

33 Chair Daly **moved** to table the application at the applicant's request to the next Planning
34 Commission meeting. Commissioner Wright seconded the motion, which passed by unanimous
35 vote (7-0).
36

37 **PUBLIC HEARING – ZONE TEXT AMENDMENTS, LANDSCAPING REGULATIONS**
38 **CZC 12.51**
39

40 Mr. Snyder said the City Council requested that the Planning Commission and staff
41 review commercial/industrial/public facility landscaping requirements with a focus on improving
42 water use efficiency and conservation. Staff reviewed regulations of the Zoning Ordinance with
43 a focus on the following:
44

- 45 • Reducing the planting ratio to other elements such as mulches, gravel and other
46 allowable hardscaping features.
- 47 • Expanding the allowable use of decorative gravel in the landscaping design.
- 48 • Expanding the use of drought tolerant plantings rather than water resource intensive
49 turf and grasses in landscaping designs.
50

51 The Planning Commission discussed changes proposed by staff. Responding to a
52 question from Commissioner Shegrud regarding the following proposed language: "the
53 expansive area use of water resource intensive turf and grasses shall be avoided," Mr. Snyder

confirmed that the language would apply to the potential new City cemetery, unless the language were specified to apply only to commercial and industrial development. The Commission discussed changing the language to read "for commercial and industrial development, the expansive area use of water resource intensive lawn or turf shall be avoided," striking "and grasses".

Chair Daly opened a public hearing at 8:56 p.m., and closed the public hearing seeing that no one wished to comment.

Commissioner Wright made a **motion** for the Planning Commission to recommend approval of the proposed Zoning Code Text Amendment to CZC 12.51, Landscaping and Screening, as proposed by Planning Staff with the change discussed under A(a)(iii) and any non-substantive changes, for the following reasons for action. Commissioner Shegrud seconded the motion, which passed by unanimous vote (7-0).

Reasons for action:

- a. The Planning Commission finds that the proposed text amendments are not in conflict with the goals, objectives, and policies of the City's General Plan.
- b. The Planning Commission finds that the proposed text amendments can be deemed acceptable and/or consistent with review factors of CZC 12.21.080(e).
- c. The Planning Commission finds that efforts toward conserving our water resources is an important need for the City and in this regional area of the State.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

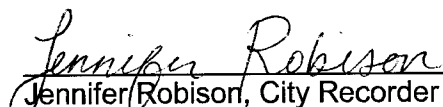
The Planning Commission was scheduled to meet next on October 12, 2022. Mr. Snyder reported on recent actions of the City Council.

MINUTES REVIEW AND APPROVAL

Minutes of the September 14, 2022 Planning Commission meeting were reviewed, and changes requested. Commissioner Kjar **moved** to approve the minutes as amended. Commissioner Larsen seconded the motion, which passed by unanimous vote (7-0).

ADJOURNMENT

At 9:03 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Wright seconded the motion, which passed by unanimous vote (7-0).


Jennifer Robison, City Recorder

10-12-2022
Date Approved

