

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, October 12, 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 Mason Kjar
11 Matt Larsen
12 Christina Wilcox
13 Becki Wright, Vice Chair
14

15 **MEMBERS ABSENT**

16 Shawn Hoth
17 Heidi Shegrud
18

19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director
21 Lisa Romney, City Attorney
22 Whittney Black, Assistant Planner
23

24 **VISITORS**

25 Walker Wood, CW Urban
26 Interested citizens
27

28 **PLEDGE OF ALLEGIANCE**

29
30 **LEGISLATIVE PRAYER OR THOUGHT** Commissioner Wilcox
31

32 **PUBLIC HEARING – CONCEPTUAL SITE PLAN AMENDMENT RE-SUBMITTAL,**
33 **THE HIVE DEVELOPMENT AT 555 NORTH 400 WEST**
34

35 At the September 28, 2022 Planning Commission meeting, the applicant requested the
36 Commission table the application to further address comments made by the public and the
37 Commission. The applicant made alterations to the site plan to address some of the issues
38 discussed. Community Development Director Cory Snyder presented the altered site plan. He
39 reported the City Engineer made a preliminary review of the proposed drainage system and did
40 not have concerns, but a final review by the City Engineer would be necessary.
41

42 Walker Wood with CW Urban explained that the current grading was due to the 18-foot
43 fall from 400 West to Frontage Road. He said garages would be at grade with the road, and the
44 build-up that occurred was part of achieving a natural balance on the site. Mr. Wood described
45 the proposed underground drainage system, and said he believed the new drainage proposal
46 was an improvement. He spoke of an open house held on the site to help the applicant better
47 understand concerns of neighbors. Mr. Wood said the new proposal included a level rather than
48 sloped fence line along the north property boundary, and extended the retaining wall to the west
49 side of the property.
50

51 Mr. Snyder answered questions from the Commission about lighting. Commissioner
52 Wright thanked Mr. Wood for taking public and Planning Commission comments into
53 consideration.
54

1 At 7:19 p.m., Chair Daly opened a public hearing.

2
3 Alan Rohlfing, Centerville resident on Applewood Drive, thanked Mr. Wood for working
4 with the Applewood residents. Mr. Rohlfing said he had no problems with the proposed fence,
5 and said he hoped the proposed drainage system would be required to be reviewed and
6 approved by the City Engineer.

7
8 Zaun Barnes, Centerville resident on Applewood Drive, said he hoped the City would
9 enforce requirements regarding light. He said the proposed fence would be at the lowest point
10 along his property, adjacent to commercial development, and asked why the City had not
11 required a buffer between the two different zones. Mr. Barnes shared the opinion that if the City
12 allowed developers to include elements contrary to City ordinance in their master development
13 plans, there was no point in holding the Planning Commission meeting that evening.

14
15 Ryan Fowers, Centerville resident on 400 West adjacent to the subject development,
16 said it was his understanding that no one representing Centerville went out to development sites
17 to ensure developers followed initial building plans, and asked why that was the case. He asked
18 why Centerville would allow a builder to install a fence leaving space between the new fence
19 and an existing fence, creating a void of property that no one would maintain. Mr. Fowers
20 expressed appreciation for Mr. Wood's cooperation and communication.

21
22 Cathrine Draper, Centerville resident on Applewood Drive, thanked Mr. Wood for
23 answering her questions. She said as far as she could tell, the proposed drainage system and
24 fence looked like a good solution.

25
26 Chair Daly closed the public hearing at 7:28 p.m.

27
28 Mr. Snyder stated the City Engineer would review and verify the final drainage system.
29 He said he was not aware of any permanent lighting on the commercial site. Current lighting
30 was subject to construction lighting regulations. He explained that enforcement in Centerville
31 was done on a complaint basis; the City did not employ an enforcement officer. Mr. Snyder
32 stated the City Engineering Office and Building Inspector did inspect construction and field
33 changes. He explained there was no law requiring a fence to be installed precisely on a property
34 line. Mr. Snyder shared history of The Hive development applications and approvals. He
35 explained that a buffer was present on the commercial site in the form of setbacks, required
36 trees, and the required six-foot fence. Chair Daly commented that the Planning Commission
37 began reviewing applications for The Hive in 2020, with a transparent public process
38 throughout.

39
40 Commissioner Kjar said he had not heard a compelling reason for the presence of more
41 fill in the backyards than originally anticipated. Mr. Snyder answered questions from the
42 Commission regarding private property fence requirements and responsibilities.

43
44 Mr. Wood said the HOA would have maintenance responsibility of the drainage system.
45 He said he would work with the Fowers to find the best solution for the fence gap. Mr. Wood
46 said backyards on the north side of the property had not been final graded. He said fill was
47 added to the backyards to address both privacy and slope. Mr. Wood thanked the neighbors for
48 staying engaged in the process.

49
50 The Planning Commission discussed conditions of approval. Commissioner Wright said
51 she would prefer the Planning Commission to review the final site plan rather than delegate final
52 site plan approval to the Zoning Administrator. Chair Daly expressed agreement.
53 Commissioners Kjar, Wilcox, and Larsen said they would be comfortable delegating final site

plan approval to the Zoning Administrator. Commissioners expressed appreciation for the willingness of both the applicant and the neighbors to work together to find the best solution.

Commissioner Kjar **moved** for the Planning Commission to accept the Conceptual Site Plan requesting an increased fence height for The Hive Development, with the following conditions, including delegation of formal site plan approval to the Zoning Administrator, and for the following reasons for action. Commissioner Larsen seconded the motion. Commissioner Wright **moved to amend** the motion to require formal site plan review and approval by the Planning Commission. Chair Daly seconded the motion to amend. Commissioner Wright said she believed the amount of public input received warranted Planning Commission review of the final site plan. The **motion to amend passed** by majority vote (3-2), with Commissioners Daly, Wright, and Kjar in favor, and Commissioners Wilcox and Larsen dissenting. The **amended motion passed** by unanimous vote (5-0).

Conditions:

1. The proposed increased fence height of 1' to 3' shall be limited to the submitted plans depicted on Sheet C5.2 and C5.3, Grading Plan – Amended and the Retaining Wall System designed by Focus Engineering & Surveying, LLC, dated August 24, 2022, as further amended by submissions on October 5, 2022, October 6, 2022, and as further modified by drainage plan presented to the Planning Commission on October 12, 2022.
2. However, the fencing shall be reduced/limited to the allowable 48-inch height in the front yard setback area of 400 West – See CZC 12.55.110(b) – missed labeled/typed as (a).
3. The Applicant shall prepare and submit a Final Site Plan for amending the fencing, retaining system, drainage plan for formal site plan approval from the Planning Commission [See CZC 12.21.110(e)(4), Final Site Plan].
4. This accepted amendment to the fencing, retaining, and drainage plan shall be reviewed and deemed acceptable by the City Engineer, for compliance with applicable ordinances and codes adopted by the City.
5. This accepted amendment to the fencing, retaining wall system, and the drainage plan may be modified in compliance with the City Engineer's recommendations, provided however, the modification does not exceed the proposed 1'-3' increase in height.
6. A building permit for the fencing and retaining wall system shall be submitted and obtained from the City's Building Division, subject to approval by the Building Official.
7. This accepted amendment to the fencing and retaining wall system may be modified in compliance with the City Building Official's recommendations, provided, however, the modification does not exceed the proposed 1'-3' increase in height.

Reasons for action:

- a) The Planning Commission finds that according to CZC 12.55.110, Fences and Walls, the Planning Commission may approve a fence, wall, or similar structure not to exceed 10 feet in a rear area or side yard in the R-H Zone.
- b) The Planning Commission finds that on February 24, 2021, as part of the original Final Site Plan approval, the Commission communicated and encouraged the possibility of allowing an increased fence height.
- c) The Planning Commission finds that the increased fence height will assist in buffering the new development in this higher density zone that is adjacent to the residential low zone to the north (see CZC 12.55.110(4)(B)).

- 1 d) Therefore, the Planning Commission finds that, with the conditions imposed, the
2 increased fence height is a benefit to the surrounding properties and/or help to buffer
3 the use and is in the City's best interest for the development of the property.
4

5 **PUBLIC HEARING – CONDITIONAL USE PERMIT, CLUBHOUSE MOTOR**
6 **COMPANY AT 71 NORTH 1400 WEST**
7

8 Chair Daly disclosed that he had known the applicant since junior high, but had no
9 financial interest in the project, and believed he could be objective. Assistant Planner Whitney
10 Black explained the applicant had applied for a Conditional Use Permit for the limited sale of
11 used vehicles in the Industrial-High Zone located at 71 North 1400 West. The applicant wished
12 to open a part-time hobby business selling used vehicles. The vehicles would be stored indoors
13 in the flex office/warehouse space of an existing building. The applicant had indicated there
14 would be no repairs on site, and customers would be served by appointment only.
15

16 Ms. Black said the application appeared to be consistent with the General Plan. She said
17 staff believed the existing site would be adequate for operating a small dealership, and the
18 business would have little to no impact on the surrounding area. Based on the information
19 provided by the applicant, staff were confident the proposed use would have minimal to no
20 impact on the health, safety, and welfare of the area. Ms. Black said it was unclear how vehicles
21 would be delivered to the site, and the 24 parking spaces at the location were already allocated
22 by City ordinance to other businesses operating at the location.
23

24 The Planning Commission discussed the possibility of a parking modification for the use,
25 or a shared parking arrangement within the site. Ms. Black commented that the building
26 currently had two other vacant tenant spaces. Responding to a question from Commissioner
27 Kjar, Mr. Snyder stated an off-site parking arrangement may be possible.
28

29 Sam Anderson, applicant, said he was currently leasing the same space for an e-
30 commerce purpose, and received a business license from Centerville without any parking
31 issues. He said he was unaware of the parking issue prior to the meeting. The Planning
32 Commission discussed possibilities. Mr. Anderson emphasized that sale vehicles would be
33 parked inside, and he would only need one outside parking space for himself. Commissioner
34 Wright commented that he would also need a customer parking space.
35

36 Mr. Anderson said he would be willing to agree to a delivery trailer size limit. Mr. Snyder
37 suggested a condition that no off-site loading or unloading would be allowed in public rights-of-
38 way. Staff confirmed the owner of the building had signed an affidavit acknowledging the
39 parking situation. Ms. Black said the original site plan assigned the subject tenant space three
40 parking spaces.
41

42 Chair Daly opened a public hearing at 8:44 p.m., and closed the public hearing seeing
43 no one present to comment. Chair Daly made a **motion** for the Planning Commission to table
44 the Conditional Use Permit request for Clubhouse Motor Company located at approximately 71
45 North 1400 West, and direct the applicant to either provide an analysis addressing the matter of
46 insufficient parking in accordance with CZC 12.52.300 for this use as well as all users/tenant
47 spaces on the site, or until such a time as a parking modification had been applied for and
48 approved by the City in accordance with CZC 12.52.110. Commissioner Kjar seconded the
49 motion, which passed by unanimous vote (5-0).
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51 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
52

53 Mr. Snyder reported there were currently no items for the scheduled October 28, 2022
54 meeting agenda. The Planning Commission chose to cancel the October 28 meeting.
55

MINUTES REVIEW AND APPROVAL

Minutes of the September 28, 2022 Planning Commission meeting were reviewed. Commissioner Wright **moved** to accept the minutes as unamended. Commissioner Wilcox seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 8:50 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Wright seconded the motion, which passed by unanimous vote (5-0).


Jennifer Robison, City Recorder

11-9-2022
Date Approved

