

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, August 23, 2023
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

Mason Kjar
Matt Larsen, Vice Chair
Tyler Moss
LaRae Patterson

MEMBERS ABSENT

Shawn Hoth
Heidi Shegrud, Chair

STAFF PRESENT

Cory Snyder, Community Development Director
Whittney Black, Assistant Planner

VISITOR

Austin Sharp

LEGISLATIVE THOUGHT/PRAYER Vice Chair Larsen

PLEDGE OF ALLEGIANCE

PARKING MODIFICATION REQUEST – TOP GEAR MOTORS LLC, 1052 WEST 500 NORTH

At the July 12, 2023 Planning Commission meeting, Top Gear Motors LLC applied for a Conditional Use Permit. During that review, it was noted there was not enough parking at the proposed site to accommodate the proposed use and other existing uses (39 parking spaces needed, 37 parking spaces provided). Assistant Planner Whittney Black explained the applicant had now applied for a parking modification to address the parking issue.

Ms. Black said staff was of the opinion that because of the nature of the business and business operations of HVAC Outfitters, a shared parking agreement could solve the issue of two deficient spaces. She said the applicant had originally anticipated displaying 8-15 vehicles, but had revised the plan to 5-7 vehicles onsite at a time (6-7 vehicles could fit inside the shop depending on size and parking order). The owner and operator of HVAC Outfitters submitted a statement explaining his business typically only occupied 1-2 of the parking spaces, and Top Gear Motors would serve customers by appointment only, which would limit the number of customers present at one time.

Ms. Black noted that, although there would only be three users on the property at that time, the site had potential to serve up to five users, and further parking modifications may be necessary in the future. Staff suggested that at that point, the proposed modification should expire, and the parking spaces would be put back into the "bank" for the entire site. Parking spaces would be redistributed based on use, and if necessary a new parking modification would be required. The applicant commented that up to three vehicles could be displayed outside.

Commissioner Moss **moved** for the Planning Commission to approve the parking modification as follows, for the following reasons for action. Commissioner Patterson seconded the motion, which passed by unanimous vote (4-0).

- 1) The proposed parking modification is for the on-site parking located at 1052 W 500 N, parcel number 06-154-0203.
- 2) This parking modification permits the shared use of 2 of the 37 on-site parking spaces.
- 3) This parking modification is narrowly defined for and limited to the following uses:
 - i. Construction Sales and Services
 - ii. Wholesale and Warehousing
 - iii. Vehicle Rental or Sale, Used, Limited
- 4) The uses sharing the parking lot shall not produce a substantial demand for parking at the same time.
- 5) Required parking spaces reserved for persons with disabilities shall not be reduced.
- 6) The parking lot shall be continuously available unless an alternative legal parking lot is provided.
- 7) All parking spaces shall be available without charge.
- 8) No future building additions, enlargements, or new buildings within whole or part of a shared use site arrangement, which requires additional on-site parking, shall be undertaken unless the original on-site required parking count is provided, or a new parking modification is approved by the City.
- 9) Any changes to the uses, as defined in this parking modification, or any proposed additional uses to the site shall NOT be undertaken, unless additional approvals are obtained from the City, including, if necessary, a new parking modification.
- 10) This parking modification shall become null and void if the conditions of this approval are found to be in violation or the approved uses are altered or abandoned in a manner that requires additional parking capacity, unless otherwise approved by the City.
- 11) The property owner shall sign an "affidavit of acknowledgement" to agree to the terms and conditions of this parking modification and intent to comply with the approval, which shall be returned to the Community Development Department.
- 12) This "parking modification" shall not become effective until the affidavit of acknowledgement is submitted, as per Condition 11.

Reasons for action:

- a) The Planning Commission finds that according to CZC 12.52.110(a), Parking Modifications, the Planning Commission may modify the number of parking spaces required.
- b) The Planning Commission finds that based on the information provided, the analysis from planning staff, and due to the nature of the current actual uses and the proposed vehicle sale or rental, used, limited use, the ordinance required calculations are unnecessary at this time.
- c) Therefore, the Planning Commission finds that, with the conditions imposed, the parking modification will accommodate the current parking demand for the site.

**CONDITIONAL USE PERMIT FOR VEHICLE RENTAL OR SALE, USED, LIMITED –
TOP GEAR MOTORS LLC, 1052 WEST 500 NORTH SUITE 30**

This item was tabled at the July 12, 2023 Planning Commission meeting. Ms. Black said the proposed number of vehicles to be displayed had been reduced to 5-7. With approval of the parking modification (previous agenda item), staff recommended approval of the Conditional Use Permit.

Commissioner Moss **moved** to approve the Conditional Use Permit for Top Gear Motors LLC located at 1052 W 500 N Suite 30, with the following conditions and for the following reasons for action. Commissioner Kjar seconded the motion, which passed by unanimous vote (4-0).

Conditions:

1. This Conditional Use Permit shall apply to the user space located at 1052 W 500 N STE 30, or otherwise known as Top Gear Motors LLC.
2. This permit shall not be transferred to another similar user, unless approved by the City.
3. This Conditional Use Permit approval is for vehicle rental or sale, used, limited in the Industrial-High Zone.
4. All display vehicles shall be operable and in good condition, and the display vehicles shall be limited to no more than six (6) vehicles.
5. The display area shall NOT incur the use of any required parking stalls and shall be located in an area that does NOT conflict with needed parking and vehicle circulation lanes.
6. All customers shall be served by appointment only.
7. The loading and unloading of vehicles for sale from a commercial transport truck is prohibited.
8. This Conditional Use Permit shall adhere to the conditions of the parking modification approved by the Planning Commission for the property located at 1052 W 500 N, parcel number 06-154-0203, on August 23, 2023.
9. If the use does not adhere to the parameters of this conditional use permit or creates additional impacts beyond the approved conditions addressed by the CUP, the permit shall be amended and if not mitigated may be revoked per CZC 12.62.060.

Reasons for action:

- a. A complete application for a conditional use permit has been submitted per CZC 12.21.100(d)(1).
- b. The application meets the required established evidence for an approval of a conditional use permit under CZC 12.21.100(e)(3).
- c. With the approved parking modification, the request for a conditional use permit meets the factors to be reviewed and considered for an approval under CZC 12.21.100(e)(5) (A-J).
- d. The proposed use, vehicle rental or sale, used, limited is a conditional use in the Industrial-High Zone under CZC 12.36.040.
- e. Therefore, the Planning Commission finds that with the implementation of the conditions of approval the criteria for issuance of the CUP have been satisfied, as described in the applicable staff report.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The Planning Commission was scheduled to meet next on September 13, 2023.

MINUTES REVIEW AND APPROVAL

Minutes of the August 9, 2023 Planning Commission Meeting were reviewed. The Planning Commission approved the minutes by unanimous vote (4-0).

ADJOURNMENT

At 7:15 p.m., Vice Chair Larsen **moved** to adjourn the meeting. Commissioner Patterson seconded the motion, which passed by unanimous vote (4-0).


Jennifer Robison, City Recorder

9-13-2023
Date Approved

