

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, JANUARY 8, 2014, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council 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 Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's website: www.centervilleut.net

Tentative Time: *The times shown below are tentative and are subject to change during the meeting*

- 7:00 A. WELCOME AND ROLL CALL
 B. PLEDGE OF ALLEGIANCE
 C. PRAYER OR THOUGHT
 D. BUSINESS
 i. Election of chair and vice-chair for the Planning Commission (per Title 12 – Zoning, Section 12-20-050)
 ii. Review Planning Commission Meeting Schedule for 2014
- 7:05 1. MINUTES REVIEW AND ACCEPTANCE
 December 11, 2013 meeting minutes
- 7:10 2. PUBLIC HEARING | SONIC RESTAURANT | 250 WEST PARRISH LANE
 Tabled from December 11, 2013 meeting
 Consideration of conceptual site plan for Sonic Restaurant, to be located at 250 West Parrish Lane (Ray's Muffler site), in the C-VH Zone.
 Charles "Chip" Ashley, CEI Engineering, Applicant
- 7:30 3. PUBLIC HEARING | COMMUNITY PARK EXPANSION | 1250 NORTH 800 WEST
 Consideration of the following items:
 a. Zone map amendment (rezone) for property being used for the expansion of the Centerville Community Park, from A-L (agricultural-low) to PF-L (public facility-low) and;
 b. Conceptual site plan (*tabled from December 11, 2013 meeting*) for expansion of the Centerville Community Park; which consists of additional sports fields and parking.
 Bruce Cox, Parks & Recreation Director, Applicant
- 7:50 4. PUBLIC HEARING | ZONING TEXT AMENDMENT | NOTICING & PUBLIC HEARINGS
 Tabled from December 11, 2013 meeting
 Consideration of various proposed zoning ordinance text amendments regarding noticing and public hearing requirements for the City.
 Lisa Romney, City Attorney, Applicant

- 8:10 5. **DISCUSSION ONLY | WORK GOAL FOR WEST CENTERVILLE NEIGHBORHOOD PLAN**
Recommend the preferred process and public input for amending the West Centerville
Neighborhood Plan
- 8:30 6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
a. Upcoming Meetings
 • PC Meeting January 22, 2014: *Fred Hale PDO Development; Wright Development
Group Office Building*
- 8:35 E. **Adjournment**

Posted January 3, 2014 by Community Development





Centerville City Planning Commission 2014 Meeting Schedule

Meetings of the Centerville City Planning Commission are generally held at 7:00 p.m. on the second and fourth Wednesday of each month (except in the months of November and December, where usually only one meeting will be held on the second Wednesday). Unless, otherwise determined by the Planning Commission, all meetings are held in the Centerville City Hall Building, Council Chambers, 250 North Main Street, Centerville, Utah.

The meeting schedule for 2014 shall be as follows:

January 8, 2014	January 22, 2014
February 12, 2014	February 26, 2014
March 12, 2014	March 26, 2014
April 9, 2014	April 23, 2014
May 14, 2014	May 28, 2014
June 11, 2014	June 25, 2014
July 9, 2014	July 23, 2014
August 13, 2014	August 27, 2014
September 10, 2014	September 24, 2014
October 8, 2014	October 22, 2014
November 12, 2014	
December 10, 2014	

An application must be submitted three (3) weeks in advance to the desired meeting date (see attached calendar). The application will be reviewed for completeness and when it's deemed complete, the project will be scheduled for the next available Planning Commission meeting.

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, December 11, 2013

7:00 p.m.

A quorum being present at Centerville 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

Tamilyn Fillmore

David Hirschi

Brian Holman, arrived at 8:15 p.m.

Scott Kjar

Kevin Merrill, Chair

Debra Randall

Steven Markham

STAFF PRESENT

Corvin Snyder, Community Development Director

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

VISITORS

Interested Citizens

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Randall

MINUTES REVIEW AND APPROVAL

Minutes of the Planning Commission meeting held November 13, 2013 were reviewed and amended. Commissioner Hirschi made a **motion** to approve the minutes as amended. The motion was seconded by Chair Merrill and passed by unanimous vote (5-0).

PUBLIC HEARING | PARADISE AUTO LLC | 1155 WEST 650 NORTH

Consideration of a conditional use permit for Paradise Auto LLC to conduct vehicle rental or sale, used, limited, located at 1155 West 650 North, in the I-H Zone. Brad Larsen, Applicant

Brandon Toponce, Assistant Planner, reported the applicant has submitted an application for a conditional use permit for the use of vehicle sales in the Industrial-High Zone. The applicant currently leases the proposed space for vehicle repair and wishes to add vehicles sales to his business. The vehicle sales portion of his current business would be minimal with only 5-10 cars being sold per month. The applicant is not proposing to expand the building or outside space and will only utilize the space he currently leases. The vehicles for sale will remain mostly inside the building. There are other auto sale businesses in this area and the use is consistent with the General Plan. It appears the proposed use will not have a negative impact on surrounding properties and is in harmony with surrounding uses. The applicant will be required to follow hours of operation and hours for delivery of cars. The applicant will be required to keep the site clean and maintained. If the applicant chooses to wash vehicles on site then best management practices must be followed.

Brad Larsen, applicant, said this will be a small dealership. There are only two (2) employees, he and one other. He explained there will be minimal painting and touch-up done on site. Any vehicle requiring a larger paint service will be done at a local business. He said they also plan to use local car wash businesses. They do not anticipate washing vehicles on site.

Chair Merrill opened the public hearing. There was no comment. He closed the public hearing.

Chair Merrill made a **motion** for the Planning Commission to approve the conditional use permit for Paradise Auto LLC, located at 1155 West 650 North, with the following conditions:

Conditions:

1. All applicable fees shall be paid.
2. This conditional use permit shall apply only to the space that Paradise Auto LLC will occupy, located at 1155 West 650 North.
3. The applicant shall designate at least 4 stalls to the auto sales business.
4. All display vehicles shall be operable and in good condition, and the display of vehicles shall be limited to no more than 5 vehicles placed on the cement pad on the north side of Paradise Auto's building.
5. If the applicant desires to wash the vehicles on-site, he shall work with the Centerville City Drainage and Utility Supervisor to create a BMP to ensure EPA and City requirements for drainage of water from the washing of vehicles have been satisfied.
6. All deliveries and transporting of vehicles shall occur between the hours of 6:00 a.m. to 9:00 p.m.
7. All deliveries shall occur on-site and not in the street.

8. The applicant shall submit an Automobile Dealer License from the State of Utah to the Business License Coordinator.
9. A sign permit application shall be submitted to City staff for approval of any proposed signage.

Reasons for the Action (Findings):

1. The applicant has submitted a full application for a conditional use permit [Section 12-21-100(d)(1)].
2. The use of vehicle and equipment rental or sales is a permitted use within the Industrial-High Zone with a conditional use permit [Chapter 12-36].
3. The use is consistent with the General Plan of Centerville City [Section 12-430-1].
4. The use does not appear to have any negative impacts to the existing property and the surrounding community [Section 12-21-100(e)(3)(A-D), Section 12-21-100(e)(5)(A-K)].

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (6-0).

PUBLIC HEARING | SONIC RESTAURANT | 250 WEST PARRISH LANE
Consideration of conceptual site plan for Sonic Restaurant, to be located at 250 West Parrish Lane (Ray's Muffler site), in the C-VH Zone. Charles "Chip" Ashley, CEI Engineering, Applicant

Cory Snyder, Community Development Director, reported the applicant desires to demolish the current Ray's Muffler site and develop a Sonic fast food restaurant. The fast food use will require a conditional use permit approval at a later date. Mr. Snyder reviewed the proposed conceptual site plan. This site is in the Parrish Lane Gateway area which requires heightened standards and amenities, including pedestrian orientation, increased landscaping, increased architecture, etc. The proposed plan shows the necessary landscape buffers but lacks landscaping details. The plan provides a pedestrian pathway as required which will need to be noticeable by either stamped/colored concrete or pavers. The plan provides the required additional building enhancements and architecture. The plan shows a parking canopy with drive-up stalls along Parrish Lane. These stalls meet the required setback from Parrish Lane but staff is concerned the canopy detracts from the architecturally enhanced building behind it. Staff is not sure the frontage is the best location for the canopy. Staff suggested a small landscaped wall be placed on top of the berm to buffer the vehicles parked in these drive-up stalls and draw the eye from the canopy to the landscaping. A small landscaped wall has been utilized at other fast food establishments in the area to provide a buffer from parking.

1 Commissioner Fillmore said she has serious concerns with this conceptual site plan. She
2 said the Parrish Lane Design Guidelines have strong "shall." It is expected that the building be
3 the prominent feature to welcome pedestrians, not a drive-up canopy. She said the proposed
4 building is the best feature with its enhanced architecture. She understands there is a balance
5 between pedestrian and vehicle, but feels there must be a better option. She suggested flip
6 flopping the building and pushing it to the Parrish Lane frontage. Then double stacking the
7 parking and drive-up canopy to the rear of the site.

8
9 Mr. Snyder agreed there is strong language in the ordinance to push for a better option,
10 but there is nothing that prohibits the canopy or drive-up parking along the frontage as long as it
11 meets the required setbacks, which it does. Staff believes the canopy is acceptable, but strongly
12 encourages a landscaped wall or other feature, including softened lighting, to minimize the visual
13 impact. Mr. Snyder said other layout options have been discussed and explained there is minimal
14 depth to the site. He explained the circulation pattern as proposed. The site will include one
15 ingress/egress. There is a landscaped median along the east property line, which if removed may
16 provide for better circulation between this site and the Big-O site to the east. This would also
17 require a relocation of a dumpster site. The applicant may need to work with Big-O on a possible
18 shared parking/cross access agreement. The applicant will also need to submit a traffic study to
19 prove their configuration and parking are adequate for their use, as the proposed parking is less
20 than required.

21
22 Dino Medina, applicant, said Sonic is excited to come to Centerville and will bring
23 approximately 100 jobs to the community. He said they are accepting of providing a landscaped
24 wall to buffer the canopy as suggested. In fact this will help buffer vehicle headlights from
25 Parrish Lane. They are also willing to work with Big-O in removing the landscaped median and
26 relocating the dumpster site in order to provide better circulation. He said Sonic is #4 in the
27 burger and ice cream world. He said Sonic has certain trademark aspects to its business. The
28 biggest trademark for Sonic is its drive-up parking stall service and canopy. He said they
29 considered several layout options, including moving the parking to the rear as suggested, but that
30 would take their trademark away. He said if patrons do not see the canopy and drive-up stalls
31 then Sonic loses their marketing value. He also explained there is a 15-foot public utility
32 easement at the rear of the site that would prevent placement of the canopy. The proposed layout
33 is also best because it allows for both the drive-up canopy stalls and the drive-thru window. He
34 said the site provides a pedestrian pathway to the outdoor seating area as required. This seating
35 area also includes an outdoor fireplace. Mr. Medina said most of the businesses along Parrish
36 Lane have parking along their frontage. He said the building is of high quality, but Sonic
37 requests to maintain their trademark feature. If the drive-up stalls are not in front, it will not
38 work.

1 Chair Merrill opened the public hearing. There was no comment. He closed the public
2 hearing.

3
4 Commissioner Markham said the depth of the site is unfortunate, but he has seen Sonic
5 restaurants that have used a different orientation where the canopy is not the prominent feature
6 from the frontage. He said patrons will know the business is a Sonic whether the canopy is out
7 front or not. He agreed the building is the best feature and he too would like to see the building
8 pushed to the front of the site with the canopy on the rear of the building or at the rear of the site.
9

10 Commissioner Fillmore said she believes this proposed site plan varies to far from the
11 Parrish Lane Design Guidelines. She appreciates Sonic's trademark value, but agrees that patrons
12 will know this is a Sonic restaurant without the canopy along the frontage. She said she would be
13 more comfortable if she knew all other options had been fully explored. The architecture of this
14 building is of high quality and she does not want to see it lost behind a canopy. She said the
15 Planning Commission has a responsibility to look to the future and the building is the most
16 permanent structure. The building is what will remain in the future and should be the primary
17 feature. She also disagreed that most of the businesses along Parrish have parking in the front.
18 She believes new construction along Parrish has required a different standard.
19

20 Mr. Snyder disagreed. He said there has been some new construction that has allowed
21 parking along the frontage (i.e., Chili's, In-N-Out). He agreed the concepts being discussed are
22 addressed in the Parrish Lane Design Guidelines, but there are factors that play into these
23 decisions. He does not believe the ordinance has enough strength to require building placement
24 to the front. There are too many "shoulds" in addition to the "shalls" within the language of the
25 ordinance. The ordinance supports parking and circulation, not just building orientation.
26

27 Commissioner Markham said it seems the last few applications within the Parrish Lane
28 Gateway required building to the front with parking in the rear. This is confusing. Commissioner
29 Fillmore said she believes the Planning Commission can interpret the ordinance to bring the
30 building to the front in order to make the entrance identifiable to the pedestrian. It is reasonably
31 debatable to provide appropriate articulation, design, and pedestrian orientation.
32

33 Lisa Romney, City Attorney, suggested the Commission table the application to allow the
34 applicant an opportunity to review other possible layout options. This will also provide staff time
35 to further review the ordinance in order to provide more specifics regarding this application.
36

37 Chair Merrill said the canopy has been mitigated with setback, landscaping, berm, and
38 wall. He is not sure there is an argument for re-orienting the site.
39

1 Commissioner Kjar said he is not sure the Commission can make a reasonable argument
2 to require an alternative layout. It seems the canopy is a deal breaker for Sonic and he is not sure
3 it is worth the fight if the canopy meets the required setback. However, he is supportive of
4 tabling the issue.

5
6 Commissioner Hirschi said he is not opposed to the canopy concept. If the site is
7 designed right, the canopy can be made an integral part of the building and site. If the use ever
8 changed and the canopy came down the site would not be much different. However, if it is
9 possible to move the canopy, he would likely be okay with that layout as well. If the canopy is to
10 stay he would request a greater design which is more aesthetically pleasing and integrated with
11 the building.

12
13 Commissioner Fillmore said this is why the conceptual approval level is so important. It
14 provides an opportunity for the City to give feedback to the applicant and to communicate those
15 things that are important for our city and the intent of the Parrish Lane Design Guidelines. She
16 said Sonic would be a great addition to Centerville.

17
18 Commissioner Fillmore made a **motion to table** and requested the applicant explore
19 other site layout options. If the site is to remain in the currently proposed layout, the applicant is
20 strongly encouraged to include visual additions to the canopy to make it more aesthetically
21 pleasing. The Commission requests architectural renderings of the canopy be submitted. The
22 motion was seconded by Commissioner Kjar and passed by unanimous roll-call vote (6-0).

23
24 **PUBLIC HEARING | WRIGHT DEVELOPMENT OFFICE BLDG | 1178 W 300 N**
25 **Consideration of a conceptual site plan for a new office building, on Lot 4 (aka Lot 404) of**
26 **the Legacy Crossing @ Parrish Lane Development, for the Wright Development Group,**
27 **1178 West Legacy Crossing Blvd, located in the C-VH(PD) Zone. Gary Wright, Property**
28 **Owner & Applicant**

29
30 Cory Snyder, Community Development Director, reported the applicant desires to build
31 an office building on the east building pad of Lot 4 of the Legacy Crossing at Parrish Lane
32 Development. However, the proposed layout has some changes to the originally approved final
33 site plan, including partial removal of themed fencing, revised street-side landscaping, removal
34 of the east drive, an eastern lot line adjustment, and parking reconfiguration. Staff believes some
35 of these requests are reasonable and can be accomplished through an amendment process.
36 However, some of the requests call into question the concessions of the Planned Development
37 Overlay (PDO) and the Development Agreement. The Commission is being asked to consider
38 the requests as they relate to the PDO project as a whole not just for this particular pad site.

1 However, the application before the Commission tonight is for a conceptual site plan for the pad
2 site only. The Commission must decide if there is value in seeking an amendment process.

3
4 Mr. Snyder explained the proposed fence removal and revised street-side landscaping is
5 to accommodate an entry court plaza at the front of the building which faces Legacy Boulevard.
6 The themed fencing is a defined design feature of the PDO and was installed as part of Phase 1,
7 already complete. There is no sidewalk installed or planned for the north side of the street. There
8 is no pedestrian circulation intended for the north side of Legacy Boulevard. Staff does not
9 support the removal of the fence. The elimination of the fence will promote pedestrian
10 movement contradictory to the designed pedestrian circulation system of the PDO. However,
11 staff believes the placement or location of the fence could be slightly modified to accommodate
12 the entry court plaza. Staff does not see a problem with revising the street-side landscaping.

13
14 Mr. Snyder explained the pad site and building are larger than originally intended. The
15 applicant acquired the pad and some additional land for this proposed development. The
16 applicant is requesting the removal of the east drive, an eastern lot line adjustment, and a
17 reconfiguration of the parking to accommodate the pad enlargement and building size. It will
18 take an amendment process to reconfigure the site as requested. This amendment process would
19 involve various parties and would require amendments to both the PDO and the Development
20 Agreement. Staff is not opposed to these requests.

21
22 Lisa Romney, City Attorney, explained the plat has not yet been recorded. Staff has
23 suggested the applicant revise the lot line and easements on the plat before recording. If this is
24 not possible then a lot-line adjustment will be required and the easements on the plat may need to
25 vacated and relocated.

26
27 Gary Wright, applicant, said after many years of developing in Centerville, Wright
28 Development would like to move to this community. The proposed building is intended to be the
29 office headquarters of Wright Development. Since this building will be the home of Wright
30 Development, they have worked hard to come up with a high quality project. This includes a
31 front entry court plaza. It is natural to have the front of the building face Legacy Boulevard. He
32 said in keeping with the quality of the proposed building he is requesting the front fencing be
33 removed providing an open feel to the entry court plaza. The plaza will be constructed with cross
34 hatch stamped concrete with a planter and small sculpture at the center. He said it is critical to
35 him to get the maximum appeal from the curb to the front door. He explained the east drive has
36 already been eliminated and replaced with landscaping by the PDO developers. He plans to use
37 the existing drive accesses as already established. He said he has received a letter from the PDO
38 developers stating he can build this site as he has requested. He asked the Commission to allow
39 the removal of the fence. The current fence does not match the architecture of the building, it

1 cuts the visual distance to the building, and destroys the attractiveness of the building. He said if
2 he knew the fencing would be an issue, he never would have bought the site. He said he is
3 willing to follow the steps necessary for an amendment and hopes the Commission can consider
4 his requests.

5
6 Commissioner Fillmore said the fence along the south, residential side of Legacy
7 Boulevard, was for protection and safety of the residents. The fencing along the north side was to
8 match the fencing along the south side and provide a boulevard feel.

9
10 Mr. Wright said there is no fencing along the south side of the boulevard at all. He said
11 Legacy Boulevard is a private drive not a public street. He also said the developer for the pad site
12 to the west of his site is also interested in removing fence.

13
14 Mr. Snyder said Legacy Boulevard was allowed per the PDO. The PDO was granted
15 certain concessions (density, residential, etc.) and in return the City was promised additions as
16 well (fencing, architecture, etc.). If the PDO was not sought then the property would have been
17 subdivided and developed according to typical standards; Legacy Boulevard would have been a
18 public street, configuration and density would have been much different, and mixed-use would
19 not have been allowed.

20
21 Chair Merrill opened the public hearing. There was no comment. He closed the public
22 hearing.

23
24 The Commission discussed the fence issue at length. It appears the PDO developers have
25 not held to the Development Agreement as required. A majority of the Commissioners agreed
26 the applicant would need to seek an amendment to the PDO in order for these issues to be fully
27 resolved but struggled with the fencing issue. The Commission struggled with knowing exact
28 placement as the current site plan is not up to date. The Commission discussed how removing the
29 fencing may set a precedent for future development within the PDO and the fencing theme could
30 be lost.

31
32 Commissioner Markham said allowing the removal of fencing may encourage people to
33 park on the street rather than in the interior where the pedestrian pathway is easily accessible. He
34 said he cannot imagine how this short fence could destroy the visual of the proposed building.

35
36 Commissioner Fillmore said she is interested in having the discussion about fencing as
37 part of the amendment process. She can see value in bringing the buildings to the street frontage.
38 This may slow traffic on the boulevard.

39

1 Mr. Wright said he does not want to build this building if the fence is to remain. He said
2 he was under the impression these issues would not be significant. He said it appears there have
3 been some misrepresentations by the PDO developers. If he knew this was going to be this
4 controversial he would not have bought the property. Mr. Wright said he would like to formally
5 withdraw his application for conceptual site plan approval. He said this is an important enough
6 issue for him that he would rather find another site and thanked the Commission for their
7 consideration.

8
9 Mr. Snyder said the fencing is a thematic element but there may be some options
10 available. It will take some discussion between the City, stake holders, and the developers before
11 a final decision can be made. Ms. Romney said the application could be tabled until further
12 discussion can take place.

13
14 Commissioner Fillmore said there are details that need to be worked out, but it may be
15 best to consider moving the building to the front. She said it is an improvement to have buildings
16 along a street frontage. She said this is a discussion worth having.

17
18 Commissioner Fillmore made a **motion** for the Planning Commission to accept the
19 conceptual site plan for Wright Development Group Office Building within the Legacy Crossing
20 at Parrish Lane project, with the following directives:

21
22 ***Conditions:***

- 23 1. The applicant must submit a final site plan application in accordance with Section 12-
24 21-100 of the City's Zoning Ordinance.
- 25 2. The theme fencing for the Legacy Boulevard Street must remain in the final design,
26 or if desired to remove the fence, a Development Agreement amendment process will
27 be required.
- 28 3. The desire to eliminate the east drive requires an amendment to the Legacy Crossing
29 at Parrish Lane Development Agreement. Nevertheless, the use of this particular
30 drive is for the convenience of the development to occur on the entirety of Lot 4, as
31 set forth in the original development approval. Therefore, the users and owners of the
32 reconfigured Lot 4 will need to apply for and amend the Development Agreement to
33 allow its elimination.
- 34 4. In order for the City to consider approving the proposed development, the applicant
35 will need to have the developer/subdivider depict the new lot line as part of the yet to
36 be recorded plat or perform a lot line adjustment after recordation to properly adjust
37 the property lines, and if needed, change the location of lot line easements.
- 38 5. The project will be subject to all other requirements regarding the previous final site
39 plan approval, the applicable provisions of the Development Agreement, and the

1 applicable Parrish Lane Design Guidelines, and the parking and cross access
2 agreement as recorded against the property.

3 6. The project is subject to all other City regulations, including drainage, utility, fire,
4 building and other applicable development codes or specifications.

5 7. The project is subject to all related impact fees, bonding requirements, and
6 professional service fees, as listed in the City's Fee Schedule.

7
8 ***Reasons for the Action (Findings):***

9 a. The Planning Commission finds that a complete conceptual site plan application has
10 been submitted [Section 12-21-110(d)(1)].

11 b. The Planning Commission finds that according to the Development Agreement, the
12 theme fencing for the Legacy Boulevard Street was to be installed with the first phase
13 of the development (see Paragraph 9, page 6 & Exhibit N-1) and it would require an
14 amendment to eliminate the fencing.

15 c. The Planning Commission finds that according to the Development Agreement, the
16 landscaping for the Legacy Boulevard Street was to be installed with the first phase of
17 the development (see Paragraph 13, page 8 & Exhibit E-1), but does not prohibit the
18 addition of a plaza feature.

19 d. The Planning Commission finds that according to the Development Agreement, the
20 drives and drive-isles, for the Legacy Boulevard Street, were to be installed with the
21 first phase of the project (see Paragraph 19, page 11 & Exhibits C & O).

22 e. The Planning Commission further finds that to eliminate the drive as shown for the
23 Legacy Boulevard Street would require an amendment to the approved and recorded
24 agreement.

25 f. The Planning Commission finds that according to the Development Agreement, the
26 parking is to be provided as set forth in Exhibit C, which is a master site plan (see
27 Paragraph 23, page 12).

28 g. The Planning Commission further finds that if the required parking stall counts are
29 not changed and the stalls comply with the City's Parking Standards, the Planning
30 Commission can approve the modification to their arrangement with the final site
31 plan process.

32 h. The Planning Commission finds that with the above directives being addressed, the
33 proposed development will likely meet the applicable general development standards
34 [Chapters 12-43, 12-51, 12-52], the Parrish Lane Design Guidelines [Chapter 12-63],
35 and the Development Agreement for the Legacy Crossing at Parrish Lane project.

36 i. The Planning Commission finds that a public hearing was provided and with the
37 stated directives, there are no significant issues or concerns that have not been
38 addressed regarding how the site could be properly developed [Section 12-21-
39 110d.5].

1 The motion was seconded by Commissioner Hirschi and passed by unanimous roll-call
2 vote (7-0).
3

4 **PUBLIC HEARING | COMMUNITY PARK EXPANSION | 1350 North 800 West**
5 **Consideration of a conceptual site plan for the expansion of the Community Park; which**
6 **will consist of additional sports fields and parking, located at 1350 North 800 West, in the**
7 **A-L Zone. Centerville City, Applicant**
8

9 Commissioner Merrill made a **motion** to table this item until the next Planning
10 Commission meeting to be held on January 8, 2014. The motion was seconded by Commissioner
11 Fillmore and passed by unanimous vote (7-0).
12

13 **KING COMMERCIAL DEVELOPMENT | 330 WEST PARRISH LANE**
14 **Consideration of a final site plan and final subdivision plat for the King Commercial**
15 **Development, located on Lots 2 & 3 of Parrish Park Subdivision, approximately 330 West**
16 **Parrish Lane, in the C-VH Zone. Eldon Haacke, TerraForm Companies, Applicant**
17

18 Brandon Toponce, Assistant Planner, reported the applicant received conceptual
19 acceptance for a proposed three-lot development (Subway, Beans & Brew, and Jiffy Lube) last
20 month. The applicant is now ready for final site plan approval and final subdivision plat
21 approval. Mr. Toponce reviewed the conditions of conceptual approval explaining those
22 conditions that have been completed, those still needing attention, and those that will remain in
23 effect. The site will be developed all at one time and in accordance with all approvals. In
24 addition, the applicant is requesting a Waiver of Strict Compliance concerning landscaping
25 (elimination of two trees). This is due to the narrowness of the lot and the ability to
26 accommodate a drive-thru window for the Beans & Brew. Staff is comfortable with this
27 alteration and does not believe it is detrimental to the streetscape along Parrish Lane because the
28 plan shows an abundance of other vegetation. The applicant will be required to obtain approval
29 from the City Council for the subdivision plat.
30

31 Eldon Haake, applicant, said the design has not changed since the original approval with
32 the exception of including all suggestions as provided by the Planning Commission.
33

34 Commissioner Hirschi made a **motion** for the Planning Commission to approve the final
35 site plan for the King Commercial Development located at 330 West Parrish Lane and require
36 the plans to address the following:
37

Conditions:

1. The Public Works Director is to review and deem acceptable the street lighting (i.e., pedestrian) locations and fixture types, prior to any building permits.
2. The City Engineer is to review and deem acceptable the drainage and utility plans, and more specifically the Storm Drainage Management Plan, prior to any building permits.
3. The applicant shall post a bond for all on and off-site improvements prior to receiving a building permit.
4. All professional service fees shall be paid.
5. The Waiver of Strict Compliance (landscaping waiver) shall be approved as follows:
 - a. Allow a 17-foot landscape setback
 - b. Eliminate the foundation landscaping for the retail building
 - c. Reduce the street trees from 12 to 10
6. Compliance with the requirements for development as contained in the geotechnical report dated June 20, 2013 or as otherwise required by the City Engineer.

Reasons for the Action (Findings):

1. If an approved site plan is modified, and does not meet the requirements for a Zoning Administrator's approval, the site plan must go through the same approval process as the first [Section 12-21-110(i)(3)].
2. A complete final site plan application has been submitted [Section 12-21-110(e)(1)].
3. The proposed uses of specialty retail, vehicle repair limited and a fast-food restaurant is allowed within the C-VH Zone [Chapter 12-36].
4. The final site plan conforms to the conceptual site plan [Section 12-21-110(f)(1)].
5. A Waiver of Strict Compliance concerning the landscaping was found to be acceptable and not detrimental to the overall appearance of the project or Parrish Lane [Section 12-51-050].

The motion was seconded by Chair Merrill and passed by unanimous roll-call vote (7-0).

Chair Merrill made a **motion** for the Planning Commission to recommend approval to the City Council for the final subdivision plat approval for the King Commercial Development, located at 330 West Parrish Lane, and require the plans to address the following:

Conditions:

1. The applicant shall go before the City Council to receive final subdivision plat approval.
2. The final subdivision plat shall be recorded with the Davis County Recorder's Office.

3. All subdivision fees shall be paid and all bonds posted for any on and off-site improvements.

Reasons for the Action (Findings):

1. The submitted plans clearly show the lots will meet all related criteria concerning a subdivision.
2. The plat indicates all the correct signature blocks and legal wordage for a review by the City Council.
3. The creation of the King Commercial Subdivision will not have any negative effects on the surrounding community.

The motion was seconded by Commissioner Hirschi and passed by unanimous roll-call vote (7-0).

PUBLIC HEARING | ZONING TEXT AMENDMENT | NOTICING & PUBLIC HEARINGS - Consideration of various proposed zoning ordinance text amendments regarding noticing and public hearing requirements for the City. Lisa Romney, City Attorney, Applicant

Chair Merrill made a **motion** to table this item until the next Planning Commission meeting to be held on January 8, 2014. The motion was seconded by Commissioner Kjar and passed by unanimous vote (7-0).

DISCUSSION | WORK GOAL FOR WEST CENTERVILLE NEIGHBORHOOD PLAN - Recommend the preferred process and public input for amending the West Centerville Neighborhood Plan

Chair Merrill made a **motion** to table this item until the next Planning Commission meeting to be held on January 8, 2014. The motion was seconded by Commissioner Kjar and passed by unanimous vote (7-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be Wednesday, January 8, 2014.
2. Upcoming Agenda Items
 - Review the 2014 Commission Schedule
 - Elect Chair & Vice-Chair
 - Community Park Rezone
 - Fred Hale PDO Development

The meeting was adjourned at 10:00 p.m.

Kevin Merrill, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

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

**STAFF REPORT
AGENDA: ITEM 2**

OWNER: RAY ANDERSON ENTERPRISES
792 SOUTH 500 WEST
BOUNTIFUL, UT 84010
steve@raysmuffler.com

APPLICANT: CHARLES "CHIP" ASHLEY
CEI ENGINEERING
3108 SW REGENCY PKWY, STE. 2
BENTONVILLE, AR 72712
cashley@ceieng.com

PROPERTY: 250 WEST PARRISH LANE (EXISTING BUSINESS: RAY'S
MUFFLER, 258 WEST PARRISH LANE)

ACREAGE: 0.58 ACRES

ZONING: COMMERCIAL – VERY HIGH (C-VH)

APPLICATION: CONCEPTUAL SITE PLAN ACCEPTANCE FOR SONIC
RESTAURANT

BACKGROUND

As the previous Planning Commission meeting, the Commission tabled whether to accept the conceptual site plan and requested that the applicant consider alternative layouts to address concerns about the canopy location. The applicant has reconsidered moving the location of the canopy and is requesting that the Commission accept the original layout design as discussed at the previous meeting. The applicant has provided two (2) site-specific pictorial elevations showing the landscaping, screening wall (suggested by staff), the canopy and building. They have also provided a written narrative indicating the reasons for leaving the layout as originally proposed. These additional submitted items are being provided with this report.

STAFF REPONSE TO THE COMMISSION'S CONCERNS

The staff continues to support the development as proposed by the applicant. Although, the Parrish Lane Design Guidelines have additional regulations to improve a development's relationship with the public space (e.g. streets, sidewalks, bus stops, etc.), there are no regulatory standards that mandate the placement of main buildings in relation to its accessory buildings.

Although, individual members of the Commission, questioned arguments made with other previous approvals, staff believes that every development along Parrish Lane have not equally contributed all "should" and "wants" of the Parrish Lane Guidelines. Each development and its application of the guidelines are subject to the surroundings and relationships with other properties. For example, as brought up at the Commission meeting, the Wright Development complex next to Wal-Mart was part of the Wal-Mart Planned Center approval and the required shared entrances and parking areas created a "planned center" expectation for all three lots of the development, and that will be different than the site under current consideration.

Thus, it is staff's position that the currently proposed site layout is generally consistent with other development that has similar relationships, such as Grease Monkey, In-N-Out Burger, and the Beans & Brew/Jiffy Lube Development located right next store to this property. Therefore, our report and recommendation remains the same as previously provided and submitted to the Planning Commission, and is being redistributed - as provided below.

CONCEPTUAL SITE PLAN REVIEW & PLANNING STAFF ANALYSIS

C-VH Zone Uses Allowed.

According to the Table of Uses, Section 12-36-1 of the City's Zoning Ordinance, a "fast-food" restaurant may be established through applying for a conditional use permit (CUP) within the Commercial-Very High (C-VH) Zone. Thus, prior to or as part of any final site plan submittal, the applicant will be required to submit for obtaining a CUP approval from the Planning Commission. If approved, the CUP or use will need to be executed (i.e. obtain a permit to begin developing) within 180 days, whereas, any final site plan approval will need to be executed within one year of the date of official approval. In both cases, the development must be substantially completed within 2 years from the original approval date, or such approvals will expire.

General Plan

The Centerville City General Plan indicates this area is within Neighborhood 4, Northwest Centerville [Section 12-480-5]. In relation to commercial development, an appropriate boundary is established along Parrish Lane. It indicates that high to very-high intensity commercial uses must be located within 500 feet of Parrish Lane. Furthermore, the General Plan establishes Parrish Lane as the "dominant commercial center of Centerville" [Section 12-430-2(3)]. Therefore, the General Plan is in support of the proposed type of use and re-development of the site.

C-VH Zone Development Standards 12-34-1

Development Standards for a Commercial - Very High Zone			
Development Standards	Required	Actual	Compliance
Building Standards			
Distance Between Buildings	6 Feet	Not Applicable	-
Maximum Height	45 Feet	Not Listed,	Likely

		but shown as 1-story	
Setbacks			
Front	20 Feet	20.5 Feet to canopy	Yes
Rear	None	49.31 Feet	Yes
Side Yard	8/10 feet	East 32.25+ Feet	Yes
Side Yard	(Minimum total width of both side yards: 18 feet)	West 44 Feet	

General Development Standards of Title 12 – Zoning Ordinance

Parking (Chapter 12-52)

Parking Calculations				
Business	Use	Required	Actual	Compliance
Sonic	Fast-Food Restaurant	1 space per 100 square feet of floor area: 23 stalls req'd	21	No
		Stacked Parking – 5 per lane req'd	Not Shown Appears 5+	Likely

The applicant has expressed to staff that they believe they have a sufficient number of off-street parking stalls (i.e. 21 stalls) for their particular business model. However, staff has informed the applicant that such a change requires them to submit a “parking study” to be reviewed and approved by the Planning Commission in order to modify the parking stall requirements. This will need to be submitted and secured prior to or as part of any final site plan or CUP approval for redeveloping the Sonic site.

Additionally, the site plan depicts the use of a landscaped median separating the Sonic site and the Big O Tire store to the east. It is staff's understanding that when these properties were subdivided and developed, there was a shared access established between the properties. This median will create a circulation problem for the tire store about the parking located to the west of the tire store. In order to resolve this, a north end egress needs to be installed to allow the parked vehicles to circulate in a forward direction (rather than back a significant distance) over onto the Sonic site, and around the building back out to the shared entrance between the two properties. It staff's opinion this would also be an overall improvement to the circulation system currently in place between the two properties.

Landscaping 12-51

Required Landscaping Summary Chapter 12-51			
Guidelines	Required	Actual	Compliance
Total Area Landscaping	15%	Not Depicted	Undetermined
Total Required Trees	1 Tree per 500 square feet of landscaping	Not Depicted	Undetermined

Trees for Street Frontage	1 Tree per 25 linear feet	Not Depicted	Undetermined
Building Frontage/Foundation	50%	42.3 feet (50%)	Yes
Total Interior Parking Lot Landscaping	7% (268.1 req'd)	480.9 sq. ft. 13%	Yes
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 1 tree	Not Depicted	Undetermined
	For every six required stalls: 2 shrubs	Not Depicted	Undetermined

The applicant will need to address and prepare a full site-landscaping plan with the final site plan application. However, due to the site being less than 1 acre, it will not need to be stamped by a licensed landscape architect.

Screening 12-51-110

According to Section 12-51-110 of the Zoning Ordinance, the dumpster area must be screened from view by a wall or fence that is at least 6 feet in height, provides complete visual screening and be compatible in material and color with the main building. Additionally, all electrical and mechanical equipment must be screened as viewed from a public street. The site plan indicates the location of both dumpster areas, but does not depict how it will be built and screened. These issues will need to be addressed with the final site plans.

As will be addressed later in this report, an opening is needed on the northeast end to establish circulation for the adjacent property. To facilitate this, the single-use parking stall should be moved over to the west and maybe the proposed dumpster location relocated to this area. Staff will explain this reconfiguration idea at the Planning Commission Meeting.

Signage

All signage requires a separate permit and must be reviewed by staff for approval at the time a sign permit application has been submitted following Chapter 12-54 of the Zoning Ordinance. The applicant will need to depict the use and location of all monument or freestanding signage on the final site plan.

PARRISH LANE GATEWAY DESIGN 12-63

The General Plan has established Parrish Lane as the “dominant commercial center of Centerville” [Section 12-430-2(3)]. In order to enhance the economic and aesthetic value of the community, the Parrish Lane Gateway Standards have been established. The Zoning Ordinance defines the Parrish Lane Gateway as being “property that has frontage on Parrish Lane, is part of a larger project that has frontage on Parrish Lane, or has a significant visual presence on Parrish Lane, between Main Street and the Legacy Highway right-of-way” [Section 12-63-020(b)].

Architecture 12-63-040

Articulation 12-63-040(a)

"A building *should* reflect a human scale and be inviting to the public." This *must* include breaking up the mass of the building with the stepping of the building horizontally and vertically. In addition, the entrance *must* be accessible from the public sidewalk.

- **Staff Response:** The building design has a stepping pattern both horizontally and vertically and utilizes material and details that reflect the human scale. The plans depict the required pedestrian pathway from the building to the public sidewalk system.

Public Amenities 12-63-040(b)

The creation of public amenities to enhance the pedestrians comfort and experience *should* be encouraged.

- **Staff response:** The site plan depicts the use of canopies and overhangs to create the desired public amenities for the building. It also depicts an outdoor seating area with tables and chairs. However, they do not appear to be installed in a fixed or semi-permanent manner, as desired by the guidelines. These features also include the accessibility measures for use by those who are physically disabled.

Colors and Materials 12-63-040(c)

The colors and materials used *should* harmonize with the existing and surrounding development by providing *required* architectural upgrades for visual relief.

- **Staff Response:** Pictorial example elevations were submitted and as mentioned previously, utilize rock, brick, metal awnings, large windows and differing colors. It appears the plans do provide the articulation upgrade requirements for a primary facade of 25%, the secondary wall at 15%, and all other walls at 5%.

Also for the Sonic business, they have an iconic drive-up order parking stalls covered with a Sonic style car-canopy. This canopy will be located between the building and the landscaped berm along Parrish Lane. For staff, it visually competes with the building architecture and with the desired pedestrian emphasis of the Parrish Lane Design Guidelines. To mitigate this, staff suggests the use of a landscape feature wall similarly located at other establishments (e.g. Iggy's, In & Out Burger, Chick-Fil-A, etc.). This will add to the visual buffer of the landscape berm and lessen the drive-up order stall or vehicle predominate emphasis of the Sonic fast-food use.

By precedence, the Planning Commission has not approved the use of primary color schemes in building design (e.g. Dairy Queen) and has required a muted variation for use of such strong colors (exception: corporate logos and images on signs). For the archways

and canopies features, it appears a yellow primary color is proposed. Staff suggests that the final plans address a use of a muted or different color for these particular features.

Lastly and according to Section 12-63-040(c)(1), a storyboard is required as part of review for the final site plan approval. Thus, the finalized details of the actual colors, types of material and lighting fixtures, must be submitted on the required storyboard.

Screening 12-63-040 (d)

Screening *must* be used in order to mitigate the visual impact of utility equipment, service areas and dumpster locations.

- **Staff Response:** Any roof or wall-mounted equipment must be properly screened from view, as also mentioned earlier in this report. In addition, landscaping may be used to satisfy the screening element on the outside of the building and if used, must be depicted on the required formalized landscaping plan.

Landscaping and Features Section 12-63-050

Overall Design Concepts, Section 12-63-050(a), Ground Cover, Section 12-63-050(d), Plant Material, 12-63-050(e)

Landscaping found on-site *should* contribute to the overall character of the community. The landscaping *must* include pedestrian circulation and an overall design that adds variety and interest.

- **Staff Response:** As mentioned previously, the submitted landscaping plan lacks sufficient detail. All requirements in regards to the landscaping need to be submitted with the final site plan addressing the criteria found in Chapter 12-51 of the Zoning Ordinance. The landscaping must blend in with the surrounding area and have less than 75% high water use plants (i.e. at least 26% drought tolerant plantings should be incorporated into the design).

The overall design of the landscaping should have a theme that carries throughout the development; including the parking lot. This could include rock features throughout all the planting beds, or the same type of plantings, decorative gravel, or perhaps specific shaped planting beds.

The guidelines put an emphasis along Parrish Lane for pedestrian circulation. As stated in Section 12-63-050(e) of the Zoning

Ordinance, vegetation should be selected as to give pedestrians a sense of comfort and safety while enhancing the community image.

Site Grading, Drainage Section 12-63-050 (b)(c)

Existing land features *should* be kept as part of the design with drainage being integrated in to other landscaping elements.

- **Staff Response:** Since the location of construction has already been developed with the muffler shop, there are no existing land features there or ought to be kept. Generally, all drainage flows to the west along a designated drainage easement. The applicant will need to submit all applicable drainage calculations to the City Engineer for review and approval.

Water Features and Art and Furnishings Section 12-63-050(f)(g)

A way to enhance the unique character of a development is to add water features, public art or street furniture, which *should* be encouraged on each development.

- **Staff Response:** The applicant has not proposed any water elements, art features or street furniture. As suggested earlier, a lighting design plan for building and landscaping may be used to satisfy the desired elements. Additionally, as staff previously indicated, the use of a landscape wall integrated with unique landscaping such as decorative rock and gravel, will meet the intent of this guideline for the artistic design of the property.

Maintenance 12-63-050(h)

Projects *should* demonstrate that maintenance factors have been considered in the landscaping design.

- **Staff Response:** All of the onsite landscaping will be maintained by single owner and will not be shared with adjacent developments.

Off Street Parking – Layout Section 12-63-060

Surface Parking Lot Design and Overall Design Concepts, Section 12-63-060(a)(b)

Parking *should* be designed to provide sufficient and safe vehicular and pedestrian traffic with minimized curb cuts and enhanced internal landscaping.

- Staff Response:** The site layout provides an ingress/egress that is shared with the Big O Tire store. From that point, the circulation reduces to a single one-way lane on the east side of the building and then splits to two (2) one-way lanes along the north side (one for drive-through staging) with angled parking. This system continues around the west and south sides and back to the entrance area. The drive-in order stall parking is located along the south side adjacent to the landscaped berm. This seems to work, provided all required dimensions are provided and ordinance

compliance is verified at the time of final site plan review and approval.

Off Street Parking – Lighting Section 12-63-070

Standards and Lighting Plans

Parking lot lighting *should* be designed to illuminate the parking and loading areas, but decrease the impact on surrounding development.

- **Staff Response:** It is the understanding of staff that drive-in order canopy has lighting and, as stated previously, staff is recommending decorative wall lighting to be placed on the building. The plans do not address other lighting options for parking and required streetscape pedestrian lights. Staff has a concern about how lighting will be directed downward and shielded sufficiently so light splay is not directed horizontally and competes with the pathway lighting. In addition, this side of the street utilizes the overhead cobra lights for street traffic. Thus, there may be an excessive use of lighting. This needs to be addressed with the final site plans by providing a photometric plan.

Regarding the streetscape pedestrian lights, the applicant will need to meet with the Public Works Director on the exact style and location of installment. This location will then need to be depicted on the final site plan.

Streetscape Standards Section 12-63-070(a)-(j)

In addition to the required street trees, the Parrish Lane Gateway Design Standards requires a 2-foot high undulating berm to be integrated into the landscape design along Parrish Lane, streetscape lighting, and stamped-concrete pathways; where such pathways cross vehicle travel lanes.

- **Staff Response:** The applicant has not provided any detail on the streetscape standards and will need to show this information on the final plans.

PLANNING STAFF RECOMMENDATIONS

Conceptual Site Plan - Suggested Motion for the Conceptual Site Plan Acceptance:

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the conceptual site plan for Sonic Restaurant to be located at 250 West Parrish Lane, with the following directives:

1. The applicant must submit a final site plan application in accordance with Section 12-21-100 of the City's Zoning Ordinance.
2. An application and approval for the conditional use permit is required before the fast-food use can be operated.

3. A Parking Modification Request must be submitted and a decision rendered by the Planning Commission regarding whether the parking requirements may be reduced to 21 stalls.
4. A storyboard shall be submitted with the final site plans depicting all colors and materials to be used on the proposed building and parking canopy. Additionally, the use of primary color schemes in building design is to be a muted variation for use of such strong colors (exception: corporate logos and images on signs).
5. The proposed median may create a circulation problem for the tire store concerning the parking located to the west of the tire store and the final plans must address and provide a resolution.
6. A landscaping plan must be submitted with the final site plan, following all applicable standards found in Chapter 12-51 and 12-63 of the Zoning Ordinance and must depict the following details:
 - a. Location and type of all vegetation
 - b. The total number of trees and shrubs
 - c. Overall landscaping and parking lot percentages
 - d. An irrigation plan
 - e. The integration of an undulating berm along Parrish Lane
 - f. Depiction of a landscaping theme throughout the site that may include, rock features, types of gravel, or specific shape of planting beds.
 - g. Vegetation around all walkways should be emphasized.
 - h. At least 26% of on-site landscaping shall be in drought tolerant plantings.
7. Screening details must be depicted as part of the final site plan submittal, indicating that all ground and roof-mounted equipment have been properly screened from view from a public street.
8. The design detail concerning the dumpster enclosures must be indicated on the final site plan and meet the requirements found in Section 12-51-110 of the Zoning Ordinance.
9. All proposed locations for the use of monument or freestanding signage must be depicted on the final plans.
10. A lighting plan must be submitted and address the following:
 - a. The type and style of the building lighting used. The wall lighting ought to be decorative in nature to enhance the architectural building design.
 - b. The use of parking lot and canopy lighting. The plans must address how the lighting will be directed downward and shielded sufficiently so light splay is not directed horizontally and competes with the pathway lighting
 - c. The location and use of the required streetscape pedestrian lighting
11. The final plans must address the required streetscape standards, including the consideration of the following:
 - a. The use of a landscape wall integrated with unique landscaping such as decorative rock and gravel, the artistic design of the property will meet the intent of the Water, Art, and Furnishings for the site.
 - b. All pedestrian pathways that cross through vehicular areas are to be stamped-colored concrete.
12. All existing, modified, or new easements and utilities must be shown on the final site plan.

13. The project is subject to all other City regulations, including drainage, utility, fire, building and other applicable development codes or specifications.
14. The project is subject to all related impact fees, bonding requirements, and professional service fees, as listed in the City's Fee Schedule.

SUGGESTED REASONS FOR THE ACTION:

- a. The Planning Commission finds that a complete conceptual site plan application has been submitted [Section 12-21-110(d)(1)].
- b. The Planning Commission finds that the proposed use if a fast-food restaurant is a conditional use within the C-VH Zone [Chapter 12-36].
- c. The Planning Commission finds that with the above conditions being addressed, the proposed development will likely meet the applicable General Development Standards [Chapters 12-43, 12-51, 12-52] and the Parrish Lane Design Guidelines [Chapter 12-63].
1. The Planning Commission finds that a public hearing was provided and with the stated directives, there are no significant issues or concerns that have not been addressed regarding how the site could be properly developed [Section 12-21-110d.5].



CEI Engineering Associates, Inc.

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www.ceieng.com

December 20, 2013

RECEIVED DEC 23 2013

Mr. Cory Snyder
City of Centerville, Utah
655 North 1250 West
Centerville, UT 84014

RE: SONIC Restaurant Proposal – 250 W. Parrish Lane

Dear Mr. Snyder,

Please accept this package as the formal resubmittal of the conceptual site plan for the proposed Sonic Restaurant to be located at 250 W. Parrish Lane, Centerville, UT.

At the last Planning Commission Meeting for Conceptual Site Plan Approval - Commissioner Fillmore requested that Sonic investigate the impacts of relocating the current canopy location from the front position against the building setback to the rear side of the main building. This request has been reviewed, but unfortunately adds difficulty from two fronts.

First, since 1953 Sonic Drive-In has pioneered the use of covered parking where the customer has an option of ordering their food and drink from the car or to walk and dine on the outdoor patio's. Sonic is a Drive In first, and a sit-down restaurant/drive-thru second which means that the canopy and its location relative to the site have been Sonic's biggest Brand Feature over the last 60 years. To move the stalls to the back of the building, unseen to the customer, would lower the store's sales and the store brand would be ignored, looking like every other QSR with No distinction. This would cause a real constraint on the sales potential of the restaurant.

Secondly, upon reviewing the scenario of a relocated canopy to the rear of the restaurant building, this site has several physical constraints to consider.

- 1) The site depth does not allow Sonic to rotate the entire site layout with the building and canopy to be perpendicular to the street view, which is the preferred Sonic layout.
- 2) There is an existing utility easement along the rear property line which will not allow the canopy to be located along the rear property line. The only other option for the canopy location is for it to be located next to the rear façade of the building.
- 3) If the canopy is located next to the rear side of the building, then there are conflicts with cars backing out of the canopy stalls into the drive-thru lane. Once there are more than eight cars in the drive-thru lane then the cars begin to block cars from backing out of the canopy stalls. Sonic feels that this situation is not ideal.

Please note the provided renderings showing the canopy in the Sonic preferred location. The canopy is adhering to the district's required twenty feet front setback and landscaping requirements of the Parish Lane District, which include grass berms and street trees to "break-up" the views of the canopy from the street. In addition, Sonic has agreed to an additional freestanding screen wall (three feet tall) with a hedge to be constructed along the canopy parking.

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ LOUISIANA ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

It is our opinion that along the front building setback is the best overall location for the canopy for the following reasons:

- 1) The front location allows Sonic to maintain its brand identity by being easily identifiable to the customer, and does not hamper the store's sales.
- 2) The front location minimizes the traffic internal circulation conflicts by keeping those wishing to "drive-in" separate from the drive-thru patrons.
- 3) The canopy along the front building setback is not impeded by easements or code requirements.

Sonic asks that the Commissioners consider this request to allow the canopy location to remain along the front building setback and approve this request so that the Sonic project may proceed as a healthy and vibrant business in Centerville. We feel that this is an attractive building system and landscape scheme that will be a nice addition to the Parish Lane Community, but also provide added employment opportunities to the larger Centerville community as a whole.

Please feel free to contact me with any questions or concerns. Thank you for your time in advance.

Sincerely,

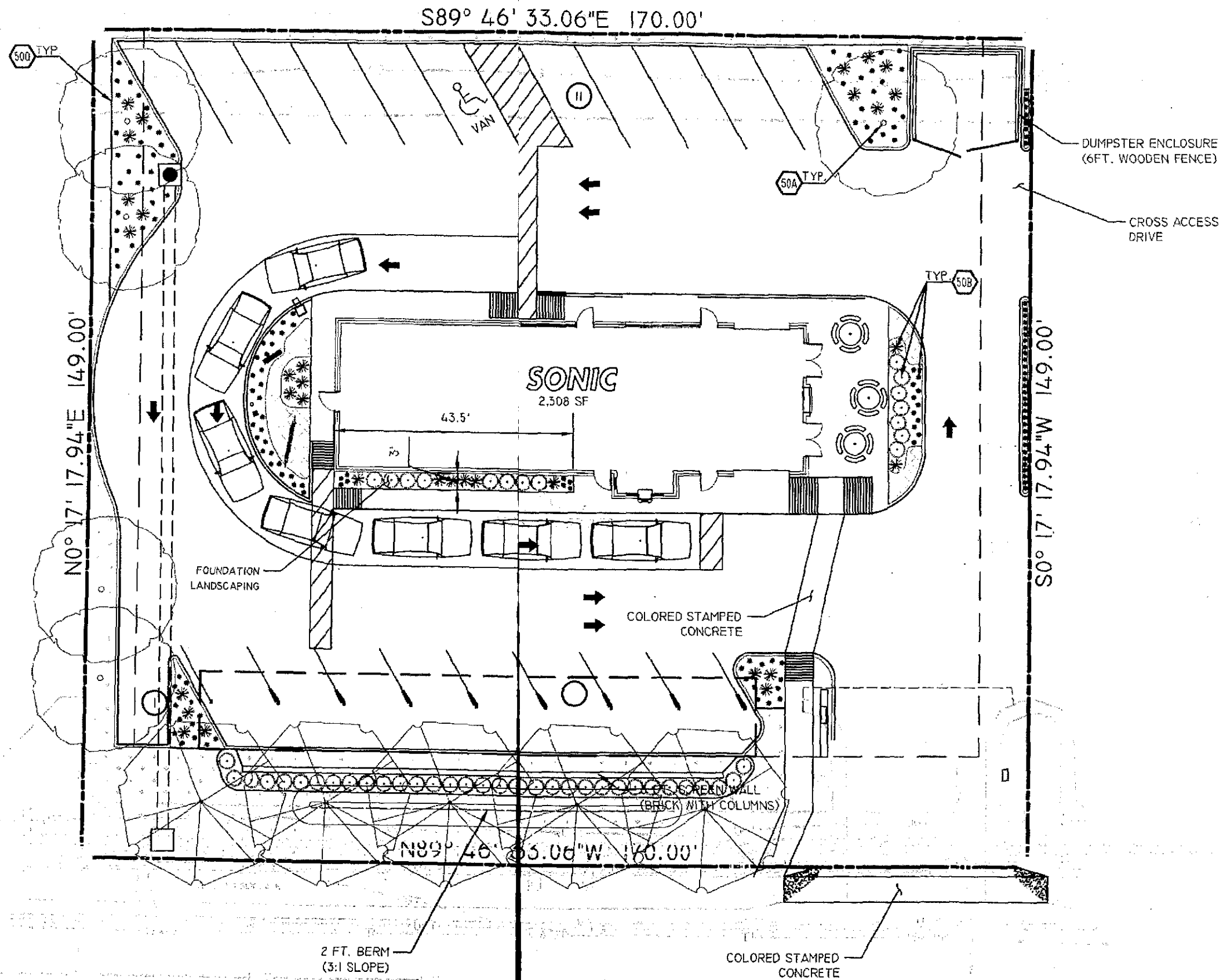


Charles "Chip" Ashley, RLA, ASLA
Project Manager





SONIC



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

**STAFF REPORT
AGENDA: ITEM 3**

APPLICANT/

**PROPERTY OWNER: CENTERVILLE CITY
250 NORTH MAIN STREET
CENTERVILLE, UT 84014**

EMAIL: bcox@centervillut.com

**PROPERTIES: PARCEL 02-014-0043 (5.93ACRES), APPROXIMATELY
1250 NORTH 800 WEST**

**APPLICATION: ZONING MAP AMENDMENT REQUEST TO REZONE
FROM AGRICULTURAL-LOW (A-L) TO PUBLIC
FACILITY-LOW (PF-L)/ CONCEPTUAL SITE PLAN**

BACKGROUND

The Centerville Parks Department has requested the rezone of the property located south of the Community Park, adjacent to the Frontage Road. Centerville City desires to expand the Community Park in order to create additional sports fields and parking. This expansion is located on parcel 02-014-0043, just south of the established Community Park and east of the Frontage Road. The current zoning is Agricultural-Low (A-L), yet, according to the Table of Uses Allowed (Chapter 12-36) of the Zoning Ordinance, a public park is only allowed within a public facility zone. The applicant desires to rezone the parcel from A-L to PF-L, to match the existing park and to allow the development of the sports fields and parking expansion. This report will look at the rezone request and the conceptual site plan acceptance.

REVIEW AND ANALYSIS OF THE REQUEST FOR PF-L ZONING

Factors to be Considered

The deciding entity must consider four (4) factors when making a recommendation and a final decision for a zone map amendment. These required factors are found in Section 12-21-080(e) of Centerville City's Zoning Ordinance. Staff's review and conclusions for these factors are provided below:

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

12-460-1(2), Parks and Open Space

The table indicates the Centerville Community Park as having 21.23 developed acres and 6 proposed undeveloped acres. The undeveloped acres are referring to the area south of the existing park. The table also indicates that the grand total of all developed acres would be 27.23 acres for the entire master planned Community Park.

12-460-1(3)(c) General Park Objectives

“Improve Centerville Community Park by creating 2 additional sports fields within the 65 acres of currently undeveloped acreage”.

- **Staff Response:** The proposed park expansion is part of the Master Parks Plan as found in the current General Plan. However, in order to meet this objective, the property must be rezoned in order to allow the use of a community park within this location.

2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

- **Staff Response:** Currently the vacant land is an open field with a large mound of dirt the City has been using for stock piling. The area is also filled with weeds and small wild trees. Adjacent to the property on the south, is the Chase Lane Village Subdivision that is currently zoned Residential-Medium. The residences within this area have been aware for some time about the park expansion. Staff believes the new park area will be an improvement for the homeowners of the Chase Lane Village area. To the north of the proposed park is the existing Community Park, which is zoned Public Facility-Low, therefore the expansion would be in harmony with the character of what is already existing.

3. What is the extent to which the proposed amendment may adversely affect adjacent property?

- **Staff's Response:** Staff does not see how a park expansion could have adverse affects on the neighborhood. It will create more open space and park area for the enjoyment of the citizens within Centerville. In addition, it will also be adding walking paths to help promote a healthy lifestyle.

The existing park has pole lights that have been added for night soccer and baseball games. However, the proposed plans do not show additional lights being added to the park expansion. This will need to be verified at the time of final site plan application.

4. What is the adequacy of facilities and services intended to serve the subject property?

- **Staff Response:** The site does not have any facilities and services. However, as part of the construction process, water lines will be brought into the area from the existing park, in order to water the grass. In addition, parking will be added to the current parking lot and a new walking path will be added along the perimeter of the new sports fields.

PLANNING STAFF RECOMMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Map – I hereby make a motion for the Planning Commission to recommend to the City Council the following amendment to the Centerville City Zoning Map:

Rezone Parcel 02-014-0043 (5.93 ACRES) owned by Centerville City, from Agricultural-Low (A-L) to Public Facility-Low (PF-L).

Suggested Reasons for the Action (Findings):

1. The proposed rezone meets the criteria found in Section 12-21-080(e) of the Zoning Ordinance.
2. The rezone is consistent with the goals of the General Plan found in Section 12-460-1.
3. In order to meet the goals of the General Plan, the property must be rezoned to PF-L to allow for the park expansion.
4. No adverse effects will occur with the rezoning of this property for the development of the park expansion.

CONCEPTUAL SITE PLAN REVIEW

LAYOUT

With an amendment to the zoning from A-L to PF-L, the site will be acceptable for the use of a public park. The City has submitted a site plan indicating two sports fields parallel to one another on the east portion of the lot. The west portion of the lot has some preserved wetlands and additional grass areas. The Parks Department desire to place a 9' wide asphalt path on the east and south ends of the new sports fields. These new paths will then be connected to the sidewalk along the Frontage Road. In addition, they have decided to forgo all access for vehicles into the new section and direct traffic into the existing parking area. The amount of frontage setback from the existing parking lot to the Frontage Road will be reduced in order to accommodate 100 new parking stalls. The plan was not clear on the exact amount of reduction space and will need to be indicated on the final site plan. In addition, staff is recommending the City Engineer specify why the reduction will be allowed in this section of the Frontage Road.

PARKING

According to Table 12-52-1 within the Zoning Ordinance, a parking study is required for a park. The outcome of this study will need to be provided in the final site plan submittal. With 95 existing stalls and an additional 100 stalls, the parking has been increased to 195.

LANDSCAPING

The new section of park is over one acre; which requires the landscaping plan to be designed by a landscape architect. The plan will need to indicate what area will be formal grass, which

areas will be placed in hard-surfacing for the trail, location and total number of trees, parking lot landscaping percentages, and irrigation detail. The Zoning Ordinance is not clear on the landscaping requirements for a park and the total number of required trees. However, the ordinance does indicate a preference for trees to be planted around the perimeter adjacent to residential and that one tree be planted for every 500 square feet of landscaping. A non-residential development east of I-15 requires 15% landscaping, which would then require 77 trees to be planted. Yet again, the code is not clear on park requirements and only classifies a non-residential development on the east side of I-15

LIGHTING

The final site plan will need to indicate any outdoor lighting for the parking lot and the sports fields. If lighting is placed within the sports fields, the applicant will need to indicate how these lights are being mitigated for the adjacent residences, such as time frames, shielding and tall plantings.

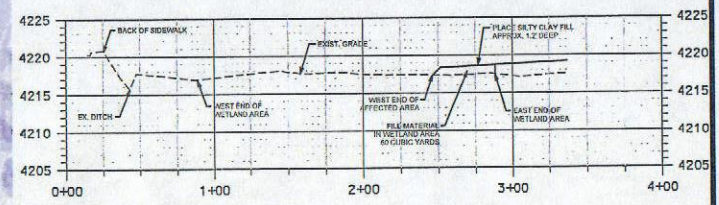
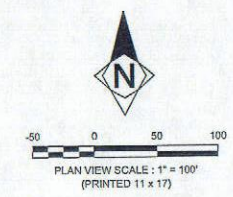
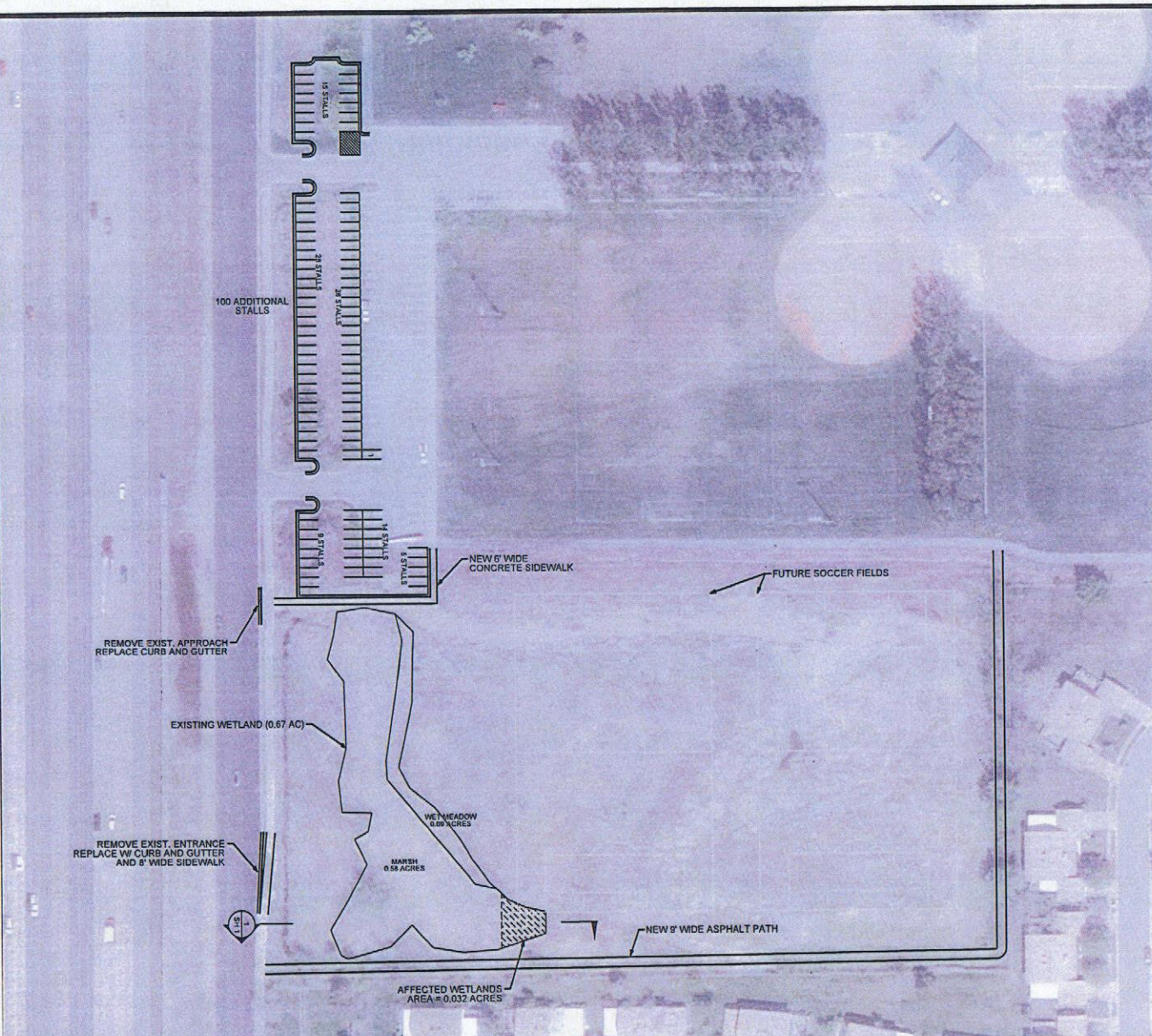
PLANNING STAFF RECOMMENDATION

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the conceptual site plan for the Community Park expansion located at approximately 1250 North 800 West, with the following conditions:

1. The applicant shall submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Ordinance.
2. A parking study shall be completed and submitted with the final site plan application for the entire park; including the existing and proposed sections.
3. The City Engineer shall explain why the reduction in the swell size along the Frontage Road is acceptable. This written statement shall be submitted with the final site plan application.
4. A landscaping plan shall be created and submitted by a licensed landscape architect, with the final site plan and shall indicate the following:
 - a. Total number and location of all trees
 - b. Total percentage of parking lot landscaping
 - c. An irrigation plan
 - d. Clearly defined natural and manicured landscaping areas
5. The final site plan shall indicate any lighting that will be added to the new sports fields and how they will be mitigated from the adjacent residential development to the east and south.
6. An approved rezone from A-L to PF-L shall take place with the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d)(2)].
2. All site plans over 1 acre requires a landscaping plan to be created by a licensed landscape architect [Section 12-51-040(b)].
3. A parking study is required for all public parks [Table 12-52-1].



DETAIL 1 - WETLAND AREA CROSS SECTION
 RECEIVED NOV - 7 2013

REVISION	DATE	BY	DESCRIPTION	DESIGN	KLC
				DRAWN	M.R.
				CHECKED	KLC
				DATE	11/05/13

PLAN VIEW

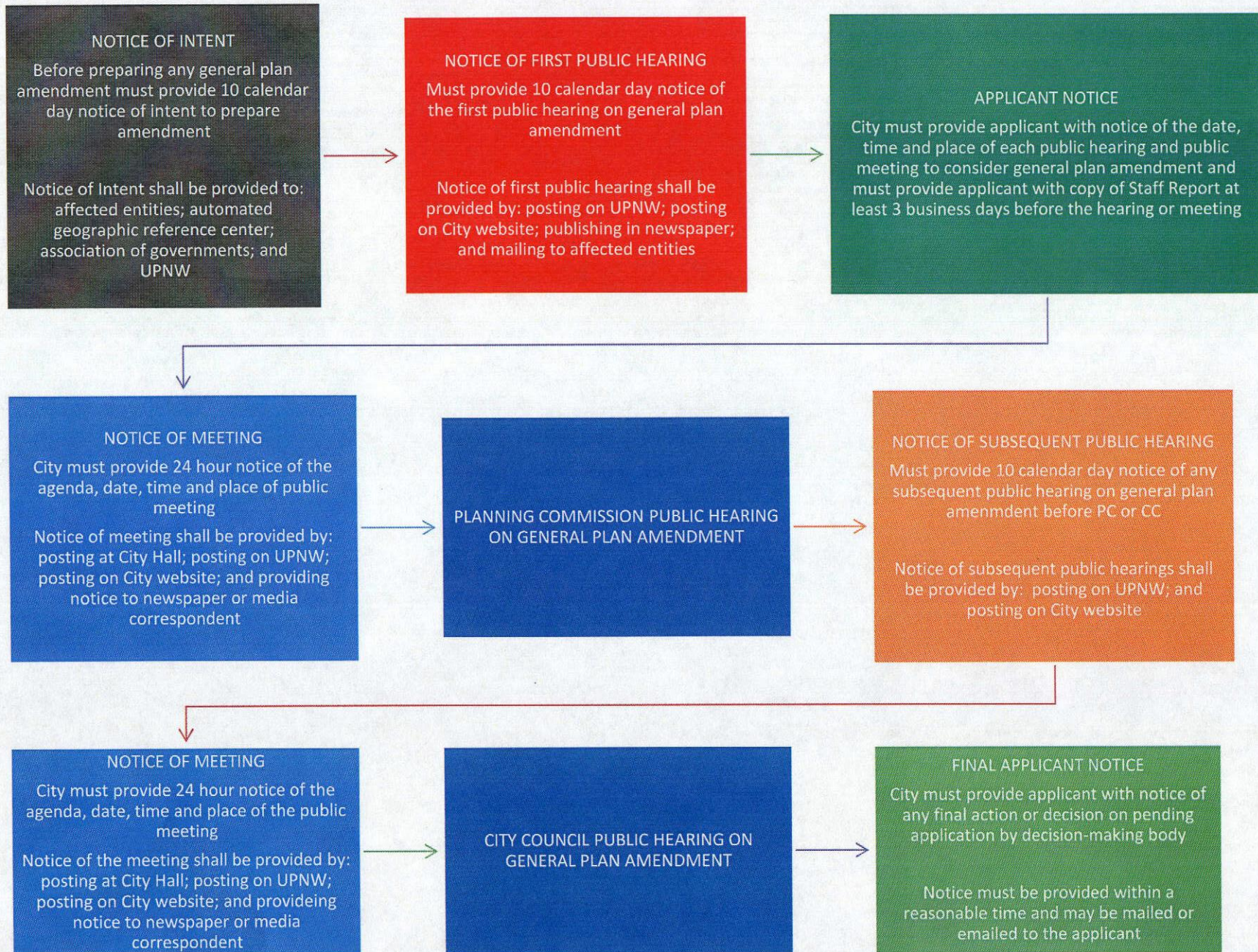
CENTERVILLE CITY
 COMMUNITY PARK EXPANSION
 1250 NORTH FRONTAGE ROAD

ESI ENGINEERING
 CONSULTING ENGINEERS AND LAND SURVEYORS
 3500 SOUTH MAIN STREET SUITE 200
 SALT LAKE CITY, UTAH 84115
 TEL: (801) 263-1752

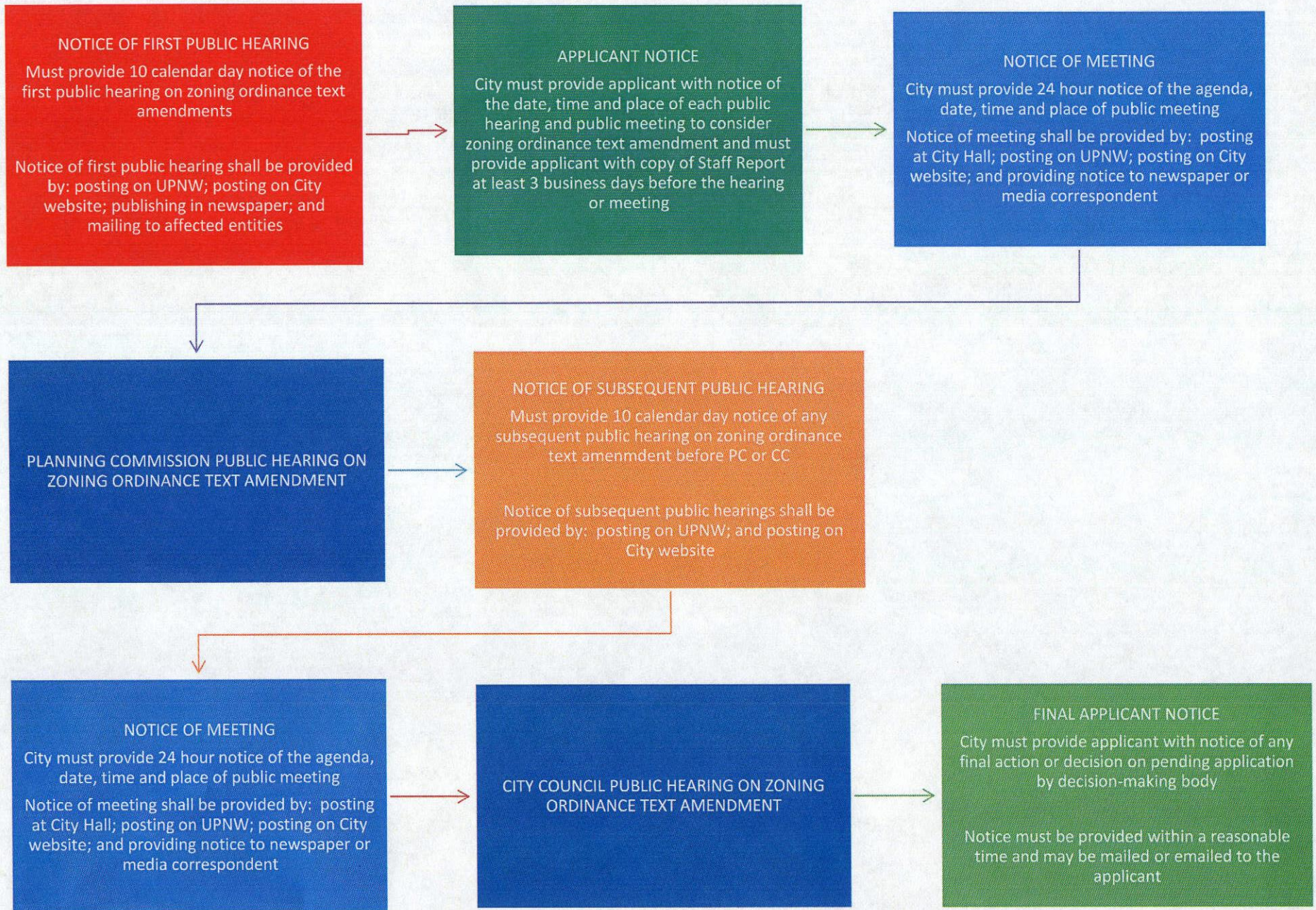
SHEET
 OF 1

PROJECT NO.
 13-132

General Plan Amendments



Zoning Ordinance Text Amendments



Zoning Map Amendments



WEST CENTERVILLE. SCHEDULE

2014

PROJECT PHASE 1		
Oversight Committee Creation -City Council Names Members- -Notice of Intent Posted-	01.21	2.04
1st Oversight Committee Meeting Create an Awareness & Project Branding Campaign-	02.17	02.28
Awareness & Branding Campaign Implementation	03.10	03.28
2nd Oversight Committee Meeting -A Review of Awareness Campaign- -Create a Public Education & Input Strategy-	3.31	4.11
Public Education & Input Strategy Implementation	4.14	5.02
3rd Oversight Committee Meeting -Review Results of Strategy Implementation- -Amendment Alternatives Discussion- -Determine Needs for Outside Resource Assistance-	5.05	5.16
Outside Resource Evaluations & Recommendations	5.19	5.30
4th Oversight Committee Meeting -Review Outside Resource Recommendations- -Review & Edit Staff Draft of Plan Amendment- -Prepare Appropriate Forum for Public Presentation-	6.02	6.13
PROJECT PHASE 2		
Public Presentation Forum Implementation	6.16	6.27
Final Oversight Committee Meeting -Consent of Final Draft of Plan Amendment-	6.30	7.11
PROJECT PHASE 3		
Formal Process Implementation for Planning Commission Review and Recommendation	JULY	JULY
Formal Process Implementation for City Council Review and Adoption	AUGUST	AUGUST

january	february	march
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april	may	june
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july	august	
S M T W TH F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W TH F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	

WEST CENTERVILLE NEIGHBORHOOD AMENDMENT

PROJECT TIMELINE

COMMUNITY DEVELOPMENT DEPARTMENT

655 NORTH 1250 WEST

CENTERVILLE, UTAH 84014

CENTERVILLE CITY PLANNING COMMISSION

Staff Backup Report

December 11, 2013

Item No. **4**

Short Title: Public Hearing - Zoning Ordinance Text Amendments

Initiated By: City Attorney

Scheduled Time:

SUBJECT

Continued Public Hearing - Consider Zoning Ordinance Text Amendments regarding Noticing and Public Hearing Requirements – Various Amendments to Chapter 12-12 and 12-21 of Zoning Ordinance

RECOMMENDATION

Discuss proposed Zoning Ordinance Text Amendments regarding noticing and public hearing requirements; hold continued public hearing regarding proposed amendments; and consider action. Staff recommends the Planning Commission recommend approval of the proposed Zoning Ordinance Text Amendments regarding public noticing and hearing requirements to the City Council.

BACKGROUND

The Planning Commission previously reviewed at its last meeting on November 13, 2013, proposed Zoning Ordinance Text Amendments regarding noticing and public hearing requirements. The Planning Commission tabled action on the proposed amendments and continued the public hearing. The Planning Commission should receive further presentation from Staff on the proposed amendments, hold the continued public hearing on the matter, and consider action for recommendation of the Zoning Ordinance Text Amendments to the City Council.

Previous Background Summary of the Amendments (from November 13, 2013 Staff Report):

Staff has reviewed the noticing and public hearing requirements for various land use applications as set forth in the City Zoning Ordinance for compliance with State law provisions. Such review was initiated in response to State law amendments as adopted during the 2013 legislative session. Specifically, HB 88 requires cities to provide additional courtesy notice to owners of real property whose property is subject to a zoning map amendment (rezone). In reviewing relevant provisions of the City's Zoning Ordinance, it was determined to conduct a more comprehensive review of the noticing and public hearing requirements. The proposed amendments are intended to bring City Ordinances into compliance with State law, where necessary, and to recommend additional changes regarding electronic noticing, newspaper publications, and noticing requirements for first and subsequent public hearings. The current Zoning Ordinances provide additional noticing and public hearings above and beyond what State law requires. The proposed amendments are not intended to reduce such additional opportunities for public input regarding zoning and land use applications, but to provide more meaningful and less costly noticing through electronic means. Staff is not recommending action by the Planning Commission at tonight's meeting regarding the proposed amendments. This meeting will be an opportunity for Staff to present the proposed changes and to explain some of the issues involved. After Staff presentation, the Commission should hold a public hearing regarding the proposed amendments. The Commission can provide Staff with any initial comments, questions or discussion regarding the proposed amendments. It is recommended the Commission table this matter for further discussion and action at the next meeting to be held in December.

ATTACHMENTS:

Description

- ☐ Zoning Ordinance Text Amendments (November 6, 2013 redline draft)

**Proposed Zoning Ordinance Text Amendments regarding
Noticing and Public Hearing Requirements**

November 6, 2013

12-12-030. Rules of Interpretation.

* * *

(i) *Computation of Time.* The time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday, then the last day shall be the next following business day. ~~In computing the time required for public hearing notice, the day of the hearing shall be excluded.~~

12-21-040. General Requirements.

The following requirements shall apply to a proposed land use, development, or other matter which is subject to a procedure set forth in this Title.

(a) *Application Form.* An application shall be submitted on a form provided by the Zoning Administrator and in such numbers as reasonably required by the Zoning Administrator for a particular type of application. Applicants shall be required to submit electronic copies of all drawings, plans, plats, etc., submitted as part of the application process, upon request of the Zoning Administrator. Applicants shall be required to provide a designated contact name and accurate mailing address and email address for receiving legal notice of staff reports, public meetings, public hearings, final action, and other notices required to be provided by the City to applicants.

* * *

12-21-050. Public Hearings and Meetings.

Any public hearing or meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this section.

(a) *Scheduling a Public Hearing or Meeting.* An application requiring a public hearing or meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or meeting regarding the application shall be considered in light of:

- (1) The complexity of the application submitted;
- (2) The number of other applications received which require a public hearing or meeting;
- (3) Available staff resources; and
- (4) Applicable public notice requirements.

(b) *Notice of Public Meeting.* In accordance with the Utah Open and Public Meetings Act, as set forth in *Utah Code Ann.*

§§ 52-4-101, 52-4-1, et seq., as amended, the applicable land use authority shall provide public notice of its meetings.

(1) *Annual Meeting Schedule.* The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date, time and place of such meetings in accordance with *Utah Code Ann. § 52-4-202*, as amended.

(2) *Individual Meeting.* The applicable land use authority shall also provide not less than 24 hours' public notice of the agenda, date, time and place of each of its meetings in accordance with *Utah Code Ann. § 52-4-202*, as amended.

(3) For purposes of Subsection (1) and (2), public notice of meetings shall be satisfied by:

- (i) posting written notice in at least three public locations within the City, including at City Hall; and
- (ii) publishing notice on the Utah Public Notice Website created under *Utah Code Ann. § 63F-1-701*, as amended;
- (iii) publishing notice on the City's website; and
- (iv) providing notice to at least one newspaper of general circulation within the area of the City.

(4) *Emergency Meetings.* When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act.

(c) *Notice of Public Hearing.* When this Title or any state statute requires a public hearing for any land use application, permit, or matter governed by this Title, notice of the first public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.

(1) *Contents.* Public notice of the public hearing should include the following information:

- (i) a statement summarizing the substance of the application;
- (ii) the date, time and place of the public hearing; and
- (iii) the place where the application may be inspected by the public or the person to contact for further information.

(2) *Notice for First Public Hearing.* Public notice of the first public hearing on an application shall be provided at least ten (10) calendar days before the public hearing. Such notice shall be:

- (i) published in a newspaper of general circulation in the area; published on the Utah Public Notice Website created under *Utah Code Ann. § 63F-1-701*, as amended;
- (ii) mailed to each affected entity (as defined in Section 12-12-040); and
- (iii) posted in at least three public locations within the City or on the City's official website;
- (iii) for the first public hearing for general plan enactment or amendment, zoning ordinance enactment or amendment, and zoning map enactment or amendment, notice shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the area and mailed to each affected entity (as defined in Section 12-12-040); and
- (iv) for the first public hearing regarding a zoning map enactment or amendment, courtesy notice shall be sent at least 10 days prior to the hearing to each owner of private real property whose property is located entirely or partially within the proposed map amendment in accordance with *Utah Code Ann. § 10-9a-205*, as amended.

(3) *Notice for Subsequent Public Hearings.* Public notice of any additional or subsequent public hearing on an application shall be provided at least ten (10) calendar days before the public hearing by:

- (i) publishing notice on the Utah Public Notice Website created under *Utah Code Ann. § 63F-1-701*, as amended; and
- (ii) posting notice on the City's official website.

(d) *Applicant Notice.* For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting, subject to the waiver ~~warranty~~ provisions of *Utah Code Ann. § 10-9a-202*, as amended. Such notice may be provided by mail or email to the designated contact and mailing address or email address provided by the applicant in accordance with Section 12-21-040. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (l).

(e) *Notice of Intent to Prepare General Plan Amendment Notice.*

Before preparing a proposed general plan or general plan amendment, the City shall provide ten (10) calendar days notice of its intent to prepare a proposed general plan or general plan amendment to the following listed entities or persons. Such notice shall comply with the requirements of *Utah Code Ann. § 10-9a-203*, as amended. Notice of intent shall be provided to:

- (1) each affected entity (as defined in Section 12-12-040);
- (2) the Automated Geographic Reference Center (as defined in *Utah Code Ann. § 63F-1-506*, as amended);
- (3) the association of governments of which the City is a member; and

(4) the Utah Public Notice Website created under *Utah Code Ann. § 63F-1-701*, as amended. ~~the State Planning Coordinator (appointed pursuant to *Utah Code Ann. § 63-38d-202*, as amended).~~

(f) *Posting Notice On-Site.* In addition to public notice of a public hearing as provided in this section, the City shall post on-site notice of the first public hearing regarding a proposed zoning map amendment, conditional use permit, or conceptual site plan application at least ten (10) calendar days before the public hearing. Such notice should include the information set forth in Section 12-21-050(c)(1). Applications that involve multiple parcels need not have notice posted on each individual parcel, but shall be posted in a location or locations representative of the proposed project area.

(1) The Zoning Administrator, in his or her sole discretion, may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners.

(2) Any on-site posting, direct mailing, or other notice provided under this Subsection (f) is intended as a courtesy only. Any error or failure on the part of the City to provide on-site posting or other courtesy notice shall not affect the adequacy or sufficiency of published and/or posted notice of the meeting or hearing as required by law.

(g) *Challenge of Notice.* Pursuant to Utah Code Ann. § 10-9a-209, as amended, if ~~if~~ notice required by this section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

(h) *Examination of Application.* Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Government Records Access Management Act, Utah Code Ann., §§ 63G-2-101, 63-2-101, et seq., as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City's fee schedule.

(i) *Public Hearing and Meeting Procedures.* An application shall be considered pursuant to policies and procedures established by the decision-making body or official for the conduct of its meetings.

(j) *Withdrawal of Application.* An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:

- (1) A staff review of the application has been undertaken; or
- (2) Notice for a public hearing or meeting on the application has been mailed, posted or published.

(k) *Record of Public Hearing or Meeting.*

(1) ~~Except as provided by law, written minutes and or a digital or tape-recording shall be kept of all public hearings or open meetings. Written minutes of an open meeting. Such minutes or a digital or tape-recording shall include:~~

- (i) The date, time, and place of the meeting;
- (ii) The names of members present and absent;
- (iii) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(iv) The names of each person who provides testimony or comments to the public body ~~all citizens who appeared~~ and the substance in brief of their testimony or comments; and
(v) Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(2) The minutes, ~~tape~~-recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Section 12-21-050(h) of this section.

(l) Final Action Notification. Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to an applicant within a reasonable time. Such notice shall be provided by mail or email to the designated contact and mailing address or email address provided by the applicant in accordance with Section 12-21-040.

12-21-070. General Plan Amendment.

* * *

(3) After an application is determined to be complete or prior to the initiation of a City-initiated General Plan amendment, the Zoning Administrator shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of Section 12-21-050. After providing the required 10-day notice of intent to prepare or amend the General Plan, the Zoning Administrator shall thereafter review and prepare a staff report evaluating the application.

(4) The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the Planning Commission shall be deemed the first public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(2). After the public hearing, the Planning Commission may modify the proposed General Plan. The Planning Commission shall then forward its recommendation regarding the proposed General Plan amendment to the City Council.

(5) The City Council shall schedule and hold a public hearing on the proposed General Plan recommended to it by the Planning Commission. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the City Council shall be deemed an additional or subsequent public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(3).

* * *

12-21-080. Zoning Map and Text Amendments.

* * *

(3) The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the Planning Commission shall be deemed the first public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(2). Prior to the public hearing regarding any zoning map amendment, the Planning Commission shall consider each written objection filed in accordance with *Utah Code Ann. § 10-9a-502*, as amended. After the public hearing, the Planning Commission shall review the application and thereafter submit its recommendation for approval, approval with modifications, or denial thereof to the City Council. The Planning Commission shall forward to the City Council all objections to a zoning map amendment filed in accordance with *Utah Code Ann. § 10-9a-502*, as amended.

(4) Following receipt of a recommendation from the Planning Commission, the City Council shall schedule and hold a public hearing on the application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the City Council shall be deemed an additional or subsequent public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(3). Following a public hearing and after due consideration the City Council may approve, approve with modifications, or deny the proposed amendment.

(e) *Approval Standards.* A decision to amend the text of this Title or the zoning map is a matter within the legislative discretion of the City Council as described in Section 12-21-060(a) of this Chapter. In making an amendment, the following factors should be considered:

- (1) Whether the proposed text or map amendment is consistent with goals, objectives and policies of the City's General Plan;
- (2) Whether the proposed text or map amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- (3) The extent to which the proposed map amendment may adversely affect adjacent property; and

(4) For proposed map amendments, the ~~The~~ adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

12-21-100. Conditional Use Permit.

* * *

(4) The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 12-21-100(e) of this section. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.

* * *

12-21-110. Site Plan Review.

* * *

(4) The Planning Commission shall schedule and hold a public hearing on the proposed conceptual site plan. Public notice of the public hearing and public meeting shall be provided in accordance with the provisions of Section 12-21-050. After due consideration, the Planning Commission shall accept, accept with conditions, or reject the application pursuant to the standards set forth herein. Any conditions of acceptance shall be limited to conditions needed to conform the conceptual site plan to approval standards and ordinance requirements. Any conceptual site plan acceptance for a planned development shall not be effective until and unless a corresponding Planned Development Overlay Zone is approved by the City Council.

* * *

12-21-120. Special Exception.

* * *

(4) The Planning Commission shall consider at a public meeting ~~schedule and hold a public hearing regarding the proposed~~ special exception application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. After due consideration the Planning Commission shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section 12-21-120(e) of this section. Any conditions of approval shall be limited to conditions needed to conform the special exception to approval standards.

* * *