

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON JANUARY 9, 2019 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 Jacob Smith, Centerville Management Services 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. The full packet can also be viewed on the City's website: <http://centerville.novusagenda.com/agendapublic>.

Tentative - The times shown below are tentative and are subject to change during the meeting.

Time:

7:00 PM **A. WELCOME AND ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Logan Johnson, Commissioner

D. COMMISSION BUSINESS

1. Elect Chair and Vice Chair

7:15 2. Public Hearing - Zoning Text Amendment - CZC 12.12 Definitions and 12.36 Table of Uses Tattoo Establishment and Personal Care

LEGISLATIVE DECISION

Consider the proposed zoning text amendments to 12.12. Definitions and 12.36 Table of Uses, to amend Tattoo Establishment and Personal Care, to include semi permanent and permanent cosmetics within Personal Care Use.

7:35 3. Public Hearing - Conditional Use Permit - Care Sales for Sensible Rides at 707 N 1000 West Suite 4

ADMINISTRATIVE DECISION

Consider the proposed Conditional Use Permit for car sales for Motoring Financial LLC Sensible Rides, located at 707 North 1000 West Suite 4.

7:55 4. Public Meeting - Parking Modification - Mission Building - 803 N 1250 West

ADMINISTRATIVE DECISION

Consider the proposed Parking Modification for the five suite Mission Building

located at 803 N 1250 West.

8:15

5. Public Hearing - Zoning Text Amendment - 12.48 South Main Street Overlay Zone

LEGISLATIVE DECISION

Consider the proposed zoning text amendment to CZC 12.48 South Main Street Overlay, amending front and side yard setbacks in this zone.

6. Community Development Director's Report

7. City Council Report

E. MINUTES REVIEW and ACCEPTANCE

December 12th , 2018

F. ADJOURNMENT

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/9/2019**

Item No. 2.

Short Title: Public Hearing - Zoning Text Amendment - CZC 12.12 Definitions and 12.36 Table of Uses Tattoo Establishment and Personal Care

Initiated By: Taylor Davis, Applicant

Scheduled Time: 7:15

SUBJECT

LEGISLATIVE DECISION

Consider the proposed zoning text amendments to 12.12. Definitions and 12.36 Table of Uses, to amend Tattoo Establishment and Personal Care, to include semi permanent and permanent cosmetics within Personal Care Use.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- 1-9-19 PC Staff Report Txt Amend Tattoo Personal Care

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

**STAFF REPORT
AGENDA: ITEM 1**

**APPLICANT: TAYLOR DAVIS
 281 S MOUNTAIN STREET SUITE 7**

**APPLICATION: ZONING TEXT AMENDMENT – 12.12 DEFINITIONS
 “PERSONAL CARE” AND “ TATTOO
 ESTABLISHMENT”**

**STAFF RECOMMENDATION: RECOMMEND AMENDMENTS TO CITY
 COUNCIL**

Background

Taylor Davis has a business called Taylor Kay Brows & Co. , located on Main Street. As a part of her business she performs micro blading on eyebrows, which is a form of tattooing. In other cases, some cosmetologists also perform cosmetic tattooing in the form of lip or eyeliner, and micropigmentation. In our code, there is no differentiation from cosmetic tattooing and regular body tattooing. Ms. Davis would like to incorporate micro blading and other permanent cosmetics into her business and allow this use within our code under “Personal Care” so she does not have to be categorized as a Tattoo parlor. Currently, Tattoo establishments are not allowed within the city.

Applicant’s Recommended Edits

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, semi-permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes Tattoo Establishment.

Tattoo Establishment: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice. The term excludes permanent cosmetics.

Permanent Cosmetics (from the applicant) : A cosmetic treatment involving the controlled insertion of pigment into the skin as a means of producing designs that resemble makeup such as eye brows and

eye lining and other natural enhancing colors to the face, lips, and eyelids. Semi-Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age, disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions such as vitiligo. The treatment is sometimes considered semi-permanent because of required touch ups.

Staff Response

Tattoo establishments are currently NOT permitted in any zone in the city, so Taylor's business would not be allowed on Main Street if it incorporated cosmetic tattooing, which would classify her business as a tattoo parlor.

Micro-blading and permanent makeup are now commonplace procedures among women and are becoming frequent and profitable services that are provided with salons and personal care services. As they grow in popularity, aestheticians and cosmetologists are more likely to offer these services within their business, but are not and should not be confused with not tattoo artists. Currently, the applicant's business on Main Street also includes services such as eyelash extensions, skincare, and eyebrow tinting and waxing. There is no way to mistake her business as Tattoo Parlor, which is exclusively body art that typically in no way resembles makeup.

This is not the first time this question has been raised to the City Staff. If we want to encourage more Personal Care services within the city, including salons, aestheticians, and cosmetologists, we need to adapt our definitions to change with the profession to include more services they want to provide within their business model. As the profession and nature of Personal Care Services evolves, so should our code.

STAFF RECOMMENDATION

I hereby make a motion for the Planning Commission to recommend to the City Council the following changes in Zoning Code 12.12 Definitions:

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes Tattoo Establishment.

Tattoo Establishment: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice. The term excludes permanent cosmetics.

[ADD]

Permanent Cosmetics: A cosmetic treatment involving the controlled insertion of pigment into the skin as a means of producing designs that resemble makeup such as eye brows and eye lining and other natural enhancing colors to the face, lips, and eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age, disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions. It may be referred to as "Semi Permanent" because occasional touch ups are required.

CENTERVILLE

Staff Backup Report

1/9/2019

Item No. 3.

Short Title: Public Hearing - Conditional Use Permit - Care Sales for Sensible Rides at 707 N 1000 West Suite 4

Initiated By: Justin Manning, applicant

Scheduled Time: 7:35

SUBJECT

ADMINISTRATIVE DECISION

Consider the proposed Conditional Use Permit for car sales for Motoring Financial LLC Sensible Rides, located at 707 North 1000 West Suite 4.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ 09-09-2019 Staff Report Sensible Rides CUP
- ▣ Sensible Rides CUP Submittal

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

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER: **MERRILL SHERIFF
707 NORTH 1000 WEST #1
CENTERVILLE, UTAH 84014
(merrillmsci@gmail.com)**

APPLICANT: **JUSTIN MANNING
707 NORTH 1000 WEST #4
CENTERVILLE UT 84014
(justin@extremeautoservice.com)**

PROPERTY LOCATION: **707 NORTH 1000 WEST #4**

PARCEL SIZE: **1.76 ACRES**

ZONING DISTRICT: **INDUSTRIAL – HIGH**

APPLICATION: **CONDITIONAL USE PERMIT FOR VEHICLE SALES**

STAFF RECOMMENDATION: **CONSIDER TABLING OR APPROVING WITH
CONDITONS**

BACKGROUND

The applicant, Mr. Justin Manning, has applied for a Conditional Use Permit for a Vehicle Sales use. Mr. Manning operates the exiting “Extreme Auto” business (*i.e. Vehicle Repair, Limited*) and desires to add this sales use as an accessory use to the business activities. The applicant has a small sales operation with only a few cars per year for select patrons of his business, so he doesn’t need much space or just enough to fulfill the state’s dealer minimum requirements of three (3) display stalls (*see e-mail dated 12-11-2018*).



Table of Uses Allowed 12.36.

“Vehicle sales” is only allowed with a Conditional Use Permit in an Industrial–High Zone. This specific use is defined in the Zoning Ordinance as, “An establishment engaged in the retail, sale or rental, from the premises, of used motorcycles, automobiles, and/or light trucks, along with incidental service or maintenance” [Chapter 12-12].

CUP Approval Factors to be Reviewed [CZC 12.21.100(e) (5) (A-K)]

The City’s General Plan states that in order for the City to generate revenue for local services “...Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community” [Section 12-430-1].”

Furthermore, the West Centerville Neighborhood Plan states that “*preserving the economic viability is critical to the success of the neighborhood*” (see *Future Land Use, Goal 1, 12-480-6*).

The proposed use is to be located in an existing office/warehouse complex and appears to be limited in nature. Thus, staff believes that the proposed use could be deemed consistent with the goals and objectives of the General Plan. Finally, in the past, the City has approved several comparable vehicle sales uses in this same neighborhood area.

Suitability and Harmony with the Proposed Site and Adjacent Property (A-C, F)

The proposed use will be located within an industrial area, which over the years has had several limited use auto dealerships very similar to what is being proposed. Other businesses within the area include warehousing, car repair, manufacturing, and other like uses. Given the proposed use will be occupying an already existing building, the use will not incur additional impact on the built environment by way of added utility services or supportive infrastructure. Staff believes that the use and the site could be adequate for operating a small dealership, as evidenced by other similar circumstances.

Impact on the Community and Safeguards to Minimize this Impact (D-E, G, I-K)

It appears that the proposed use will not likely be creating a large amount of noise, or other harmful irritants to the surrounding community. Since the auto dealership will only receive a small number of customers, they will not likely be increasing the amount of traffic within the area.

Adequate Access, Parking, Lighting, Fire Protection and Vehicular Circulation (H)

A common general recurring concern with auto sales is how vehicles to sold are delivered to the site. Every so often, vehicles can come by way of transport truck. This can become a problem when a loading and off-loading area is not provided. Due to the fact the proposed uses is accessory or limited in nature, staff assumes the delivery of cars using commercial transport trucks would likely not transpire.

Staff’s largest concern is the entire development site has shared parking spaces between the multiple suites on the property. There needs to be sufficient parking for customers, employees for each tenant

or suite. Historically, the City records indicated that the existing repair business was approved in the year 2000, prior to the current Zoning Ordinance. The original 1990 site plan for the development provided 65 total parking stalls or just over 16 stalls per suite. The uses shown on the original plan approval were for office/warehouse. Suite #4 has 7,200 sq. ft. of tenant area. According to the current Zoning Ordinance (*CZC 12.53- Parking Chapter*) the parking for Suite #4 for the existing and proposed use needs to be as follows:

- Vehicle Repair = 1 space per 250 gross floor area OR a total of 29 parking stalls.
- Vehicle Sales (e.g. accessory) = 1 space per every 10 vehicles displayed OR one (1) as proposed (*that actual vehicle sales display area does not generate a parking count*).
- Total Parking for Suite #4 should be 30 parking stalls.

Although, there are 65 total parking stalls for the development site, the existing and proposed uses would require nearly 50% of the total available parking. The parking capacity for the other suites also need to meet the required parking calculations. The question is “what is the parking requirement/demand for the other three (3) suites. Therefore, at this time, the staff is unable to verify that sufficient parking exists for current business and the added use involving the occupation of three (3) parking stalls to double as a vehicle sales display area. The options for resolving this matter have be listed in the staff recommendations that follow.

PLANNING STAFF RECOMMENDATIONS

OPTION #1 – [TO TABLE] Suggested motion for a Conditional Use Permit - I hereby make a motion for the Planning Commission to TABLE the Conditional Use Permit request for Sensible Rides Auto Sales at 707 North 1000 West, Suite #4 and direct the applicant to provide or address the following:

- ✓ Provide and address the parking needs for all four (4) suites of the development site
- ✓ Each tenant use shall be identified by total square feet (gross) and the number of available stalls shall for each use shall be described.
- ✓ A comparison shall be provided to describe the status of the total available on-site parking (65 stalls) versus the total ordinance required parking for each tenant use.
- ✓ If needed, the display vehicle area may be located elsewhere or substitute parking must be provided to meet the minimum parking counts for each use.

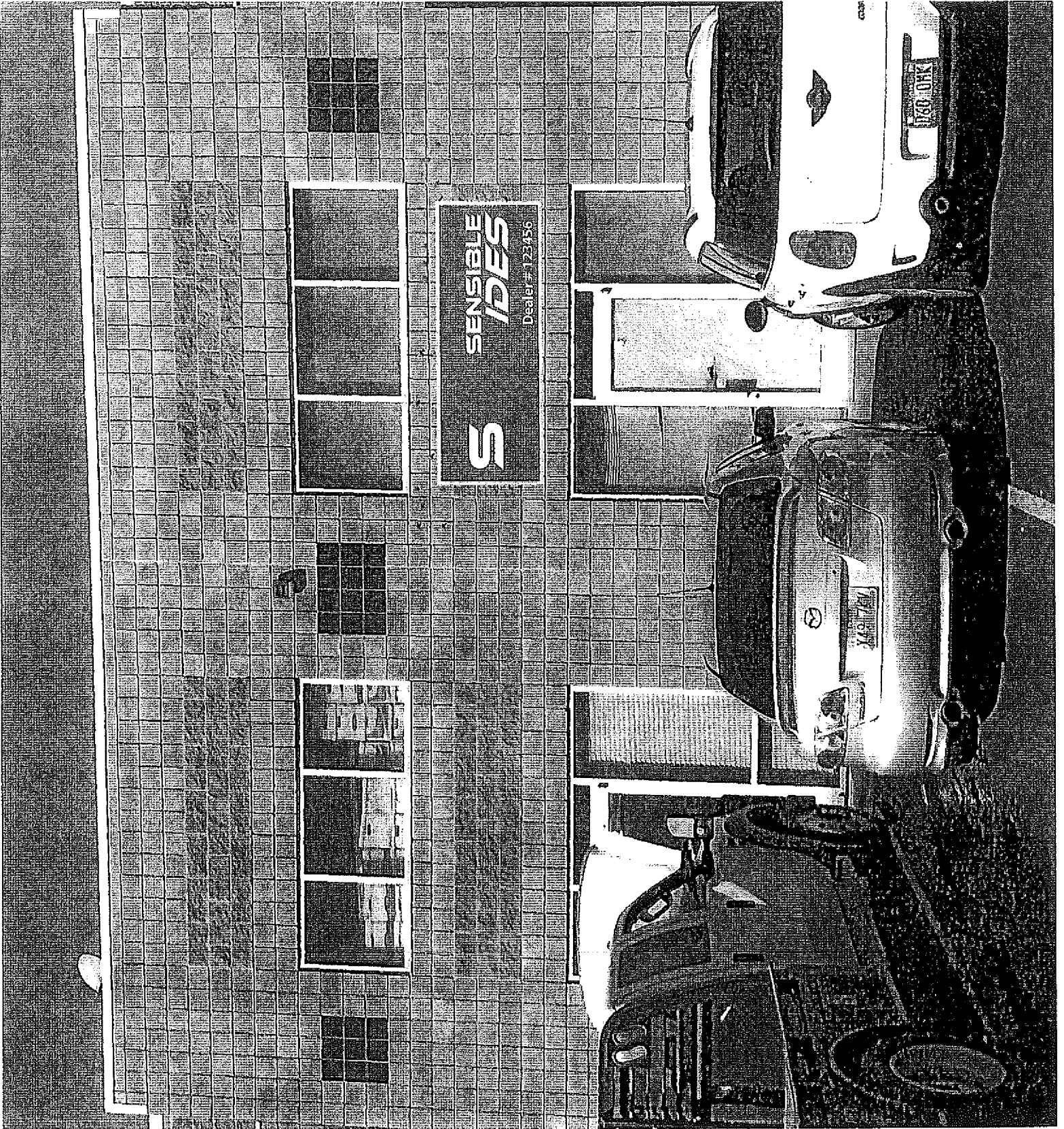
OPTION #2 – [TO APPROVE] Suggested motion for a Conditional Use Permit - I hereby make a motion for the Planning Commission to **APPROVE** the Conditional Use Permit request for Sensible Rides Auto Sales at 707 North 1000 West, Suite #4, subject to the following:

1. This Conditional Use Permit shall apply only to the user space located at 707 North 1000 West, Suite #4.
2. This Conditional Use Permit approval is for a Vehicle Sales use.
3. All display vehicles shall be operable and in good condition, and the display of vehicles shall be limited to no more than three (3) vehicles.

4. The display area shall NOT incumber the use of any required parking stall and shall be located in an area that does NOT conflict with needed parking and vehicle circulation lanes (*e.g. in the auto repair use facility, an approved storage area, or other similar place*).
5. The display area location shall be provided using a site plan format to the City and shall be reviewed and approved by the City's Zoning Administrator. Any dispute regarding the approval of the Zoning Administrator shall be submitted to the Planning Commission for resolution, prior to filing any related appeal.
6. The loading and unloading of vehicles for sale from a commercial transport truck is prohibited.

Suggested Reasons for the Action (Findings):

- a) The Planning Commission finds that the land use of vehicle and equipment rental or sales is a conditional use within the Industrial-High Zone [CZC 12.36 (*Table of Uses*)].
- b) The use is consistent with the expectation of the City's General Plan [*Section 12-430-1 & Future Land Use, Goal 1, 12-480-6*].
- c) The Planning Commission finds that the primary of Suite #4 is the existing Vehicle Repair business.
- d) The Planning Commission finds that the Vehicle Sales use is an accessory use to the primary use of the applicant's business.
- e) The Planning Commission finds that the applicant has a small sales operation with only a few cars per year for select patrons of his business, so he doesn't need much space or just enough to fulfill the state's dealer minimum requirements of three (3) display stalls (*see e-mail dated 12-11-2018*).
- f) The Planning Commission finds that with the implemented conditions of approval the criteria for issuance of the CUP have been satisfied, as described in the applicable staff report.



Cory Snyder

From: Cory Snyder
Sent: Tuesday, December 11, 2018 4:04 PM
To: Donna Wilkinson; 'justin@extremeautoservice.com'
Subject: RE: Sensible Rides, 707 N 1000 W Suite 5

Mr. Manning:
As a follow-up, if you are required to obtain a dealer license, then it will also require approval of a City "Conditional Use Permit" that must be submitted to the City's Planning Commission for their approval. Attached is a link to an application for obtaining a CUP....
<https://centervilleut.net/file/2018/07/Conditional-Use-Permit-Packet1.pdf>

If you are Not required to obtain a Dealer License (i.e. sell cars in X number of years exempting a need for a Dealer Lic.) – Then no CUP is required.
Hope this helps. You may contact Cassie at 801-292-8232 to begin the process of obtaining a CUP or have questions.

Corvin M. Snyder, AICP
Community Development Director
Centerville City, Utah 84014
801-292-8232

From: Donna Wilkinson <dwilkinson@centervilleut.com>
Sent: Tuesday, December 11, 2018 3:56 PM
To: Cory Snyder <csnyder@centervilleut.com>
Subject: FW: Sensible Rides, 707 N 1000 W Suite 5

See the reply below from Extreme Auto on the car sales.

Donna Wilkinson
Centerville City | Community Development
655 North 1250 West
Centerville, UT 84014
Tel: 801.292.8232
Direct Line: 801.677.6438
dwilkinson@centervilleut.com

From: Justin Manning [<mailto:justin@extremeautoservice.com>]
Sent: Tuesday, December 11, 2018 2:45 PM
To: Donna Wilkinson
Subject: Re: Sensible Rides, 707 N 1000 W Suite 5

Donna,

This is my business, Motorring Financial LLC DBA Sensible Rides sales tax#14680121-003-stc is owned by myself and Auto Pain Solvers business lic. #3056-2018.

We will not be selling new vehicles.

The address is the same as above except unit #4 instead of #5.

We use Loaner vehicles for clients at my main business Extreme Auto Service. To keep the inventory

improving we offer these loaners for sale to clients that need a replacement car due to their repairs exceeding the value of their existing vehicle or if they need an additional vehicle. Legally an individual or company can only sell 3 cars a year, so to be legal we are submitting for a dealer license to obtain additional and sell our

loaner vehicles. We are applying for a dealers license for this purpose.

Let me know what I need to do to proceed.

Thanks,

Justin Manning

801-628-9140 Cell

justin@extremeautoservice.com

On Tue, Dec 11, 2018 at 2:07 PM Donna Wilkison <dwilkinson@centerwillleut.com> wrote:

Justin,

Zoning received a sign permit for Sensible Rides with a dealer # at 707 N 1000 W Suite 5? Is this your business or a different owner? Are you selling new vehicles at this location? For vehicles sales in the I-H Zone, you would need to obtain a conditional use permit with the Centerville City Planning Commission.

Please contact Cory Snyder, 801-677-6437, csnyder@centerwillleut.com for more information regarding vehicle sales.

Thanks!

Donna Wilkison

Centerville City | Community Development

655 North 1250 West

Centerville, UT 84014

Tel: 801.292.8232

Direct Line: 801.677.6438

dwilkinson@centerwillleut.com

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/9/2019**

Item No. 4.

Short Title: Public Meeting - Parking Modification - Mission Building - 803 N 1250 West

Initiated By: Craig Salmon, applicant

Scheduled Time: 7:55

SUBJECT

ADMINISTRATIVE DECISION

Consider the proposed Parking Modification for the five suite Mission Building located at 803 N 1250 West.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ 1-9-19 PC Staff Report Parking Modification Mission bldg
- ▣ Mission Parking Site Plan
- ▣ CSalmon email hours

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

**STAFF REPORT
AGENDA: ITEM 3**

PROPERTY OWNER: CRAIG SALMON
1230 N 1300 WEST
CSALMON@SALMONHVAC.COM

APPLICANT: SEE PROPERTY OWNER INFORMATION

PROPERTY LOCATION: MISSION BUILDING
803 NORTH 1250 WEST

PARCEL SIZE: 1.61

ZONING DISTRICT: INDUSTRIAL HIGH

APPLICATION: PARKING MODIFICATION

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

Background

Mr. Salmon owns a five suite building called The Mission Buidling located at 803 N 1250 West. In the past few months, new tenants have entered the building. Because of the increased internsity of the uses and the city's parking calculations, the sum of the tenants' parking calculations well exceeds the provided amount. Based on the actual use of these tenants and the nature of their busness, as well as differing hours, the applicant argues that this high calculation for parking is unnecessary for the true use of the property.



Zoning Code

Parking Modification Allowed by Planning Commission

12.52.110 (a) Modification Permitted. The number of parking spaces required under CZC 12.52.060 may be modified in accordance with the provisions in this Section. The purpose of such modifications is to avoid creating unnecessary parking areas that will be essentially unused. In considering a modification, the Planning Commission may require a parking study to be completed as provided in Subsection (e).

12. 52.110(e)(2) The Planning Commission shall determine the required number of parking spaces after:

- A. Considering the recommendations of the parking study and any recommendations from City staff; and
- B. Making the findings required under Subsections (c) or (d) of this Section, as the case may be

(c) The Planning Commission may modify the number of parking spaces required or allowed for commercial, office, or mixed-use development after considering the following factors and finding that adequate parking will be provided:

1. Total number of spaces that would otherwise be required for each individual establishment in the development;
2. Hours of operation for each business establishment located in the development, including peak business hours;
3. Estimated trade-off between businesses which are open when others are closed;
4. Availability of on-street or shared parking;
5. Transportation alternatives, including proximity to transit stations; and
6. Car or van pooling programs available to users of the development.

12.52.300 Parking calculations per use:

Indoor recreation	1 space per 300 square feet of gross floor area
Personal instruction service	.50 per person under maximum occupancy allowed by Fire Code, plus 1 space per employee on highest employment shift
Office, general	1 space per 200 square feet of gross floor area 8 spaces minimum
Warehouse	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater
Retail, general	1 space per 250 square feet of gross floor area

Current Parking Calculation according to CZC 12.55.300

Suite	Company	Use	Square Footage	Calculation
Suite 1	Bear Facility Supply	Retail, specialty	4158	16.632
Suite 2*	Batting Cages	Office	845	4.225
		Batting Cages	4257	14.19
Suite 3 *	Kairos Fitness/ Dance	Dance (Occupancy)	49	24.5
		Employees		5
Suite 4 *	Backstage Performance	Dance (Occupancy)	79*	39.5
		Employees (ESTIMATE)		2
Suite 5	Carpet cleaning	Office	622	3.11
		Warehouse	3778	3.778
			Sum	112.935
			Sum 2-4	89.415
	Parking currently provided			58
	Proposed parking to be provided			92

**Suites 2,3,& 4 hours are after 5pm and on weekends
Suites 1 and 5 hours are between 9-5*

The applicant has an approximate 20 stall deficit according to our zoning code calculations.

Applicant's response:

The applicant argues that the nature of these businesses in these suites is not of the intensity that the parking code assumes. For example, in Suite 1, Bear Facility Supply is a retail store that sells janitorial supplies to buildings and companies. This does not create the same amount of

customers and traffic that a normal everyday retail store requires. Backstage Performance, which used to be a full dance studio when the Occupancy was calculated, but now the business has changed hands to Backstage Performance. This business still offers dance instruction, but also acting and theater instruction, and almost never reaches the 79 occupancy that is stated on their permit.

Mr. Salmon states that the parking behind the building at the North entrance, which is currently unstriped, has never been needed or used for the building so far. Due to the alternating business hours of the suites, even the south entrance parking lot is rarely ever full. The lot is most busy around 5pm when there is some crossover between business times. He says that the two dance companies coordinate with each other for recitals and events so as to not overlap schedules and create parking conflicts between the businesses.

SUMMARY

If the Planning Commission desires a Parking Study for this, it can be requested. The parking study will probably also find that the required parking exceeds the amount provided. The key factors in approving a modification for this site are the alternating hours of each suites uses and the actual use versus the calculated use for each business.

Suites 1 and 5 have daytime office business hours, adding up to be need approximately 24 stalls during the day. The other suites, 2-4, have the majority of the parking demand during evenings and weekends, adding up to 89 stalls needed according to our code. The applicant states there is also a “spillover lot” he can provide on the site that is unpaved and unstriped, but in the case of a large event, can be opened up. Street parking is also available on this site. Since the majority of the parking demand is currently after 5pm and on weekends, on street parking should not interfere with any traffic patterns of the surrounding businesses in the area.

In the future there will be a sidewalk as well as a bike lane striped on 1250 West, in which case the applicant may want to provide bike racks for clients coming to dance and theater practice, or to a workout class via walking and biking instead of a car.

In assessing the parking calculation in the future when there is a change of tenants, the Zoning Administrator should make the count based on the hours of use for the suites. The sum of the suites peak hours of parking demand should never exceed 92 stalls.

STAFF RECOMMENDED MOTION

I hereby make a motion for the Planning Commission to APPROVE the Parking Modification for Mission Building, located at 803 N 1250 West based on the following conditions:

1. This modification is only for Mission Building and is not transferable to another location or another user at this location.

2. The applicant shall paint and stripe according to our Parking dimension and design requirements as stated in CZC 12.52 in order to reach 92 stalls total, as shown in the provided site plan.
 - a. This shall be done before the issuance of the remaining suites Certificates of Occupancy OR
 - b. The applicant shall bond for the remaining striping on the lot.
3. Future tenants and uses may be altered with the approval of the Zoning Administrator. The total parking calculation of suites with peak demand during the same time period (daytime/ evening) shall not exceed 92 stalls.
 - a. If there is any changes to tenants that exceeds this calculation, OR if there are any complaints brought to the awareness of City Staff or the Commission, the Parking Modification shall be brought back to the Planning Commission for further review.

Reasons for action:

1. A parking modification is permitted with approval from the Planning Commission based on a parking study [12.52.110(e)(2)]
2. According to 12.52.110 (c) , the Commission may modify the required number of parking stalls for a commercial site.
3. The Planning Commission finds there is adequate parking for this site based on CZC 12.55.110(c) 2, 3, and 4.

Mission Building Mixed Use

Craig Salmon <csalmon@salmonhvac.com>

Fri 12/28/2018 1:16 PM

To: Cassie Younger <cyounger@centervilleut.com>;

Cassie,

We are asking the planning commission, to consider approving a mix use on our building located at 803 North 1250 West. We have 5 Suites there.

Suite 1 and 5 are business that have hours of operation from 8 am until 5 pm, Monday -Friday.

Suites 2-3-4 have business hours from 5 pm until 10 pm Monday - Saturday.

I have taken a few pictures of the parking and show the times taken. I plan on taking more, but with the holidays I just need a more realistic time of use.

If we are approved with the mix use, then our parking requirements can be met. Please also see the new parking layout that we sent over earlier.

Thanks for your help, please let me know if you have any questions.

Craig Salmon | SALMON HVAC

805 N 1250 W #13, Centerville, UT 84014 | USA

T: 801-397-0030 | C: 801-712-2923

csalmon@salmonhvac.com | www.salmonhvac.com

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/9/2019**

Item No. 5.

Short Title: Public Hearing - Zoning Text Amendment - 12.48 South Main Street Overlay Zone

Initiated By: City Council

Scheduled Time: 8:15

SUBJECT

LEGISLATIVE DECISION

Consider the proposed zoning text amendment to CZC 12.48 South Main Street Overlay, amending front and side yard setbacks in this zone.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- 09-09-2019 Staff Report Specific City Council Edits SMSC Overlay District

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

**STAFF REPORT
AGENDA: ITEM 4**

APPLICANT: **CENTERVILLE CITY COUNCIL
C/O MAYOR CLARK WILKINSON
250 NORTH MAIN STREET
CENTERVILLE CITY, UTAH 84010
(MAYOR@CENTERVILLEUT.COM)**

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES
FOR VARIOUS PROVISIONS OF THE SOUTH MAIN
STREET CORRIDOR DISTRICT (SMSC)**

RECOMMENDATION: **STAFF RECOMMENDS A DIVIDED RECOMMENDATION
OF THE CITY COUNCIL’S DESIRED AMENDMENTS**

BACKGROUND

At the City Council meeting of December 4, 2018, the City Council directed Staff to bring back specific proposed ordinance amendments to the SMSC Overlay Zone regarding building setbacks and side yard distance between buildings. The Staff prepared the proposed draft language for Council to receive their directive at their December 18, 2018 Council meeting. The Council directed the edits to be submitted to the Planning Commission for review and recommendation. The Council is seeking a Commission recommendation either to approve or deny the edits. These specific edits are now being scheduled for the Planning Commission’s review and recommendation to also include a public hearing in accordance with State law prior to final Council consideration.

CITY COUNCIL’S PROPOSED ZONE TEXT AMENDMENTS

The edits proposed are the following changes to the SMSC Ordinances:

[Amendment #1]

CZC 12.48.100 General Development Standards:

“(16) Side areas that exceed 15 feet in width shall not be located to another side area that exceeds 15 feet in width unless the areas are used as a unified public gathering area or courtyard, or other non-turf landscaping elements (e.g. garden plots, tree groves, flower beds, etc.), and/or design features (accent walls, fencing, sculptures/public art, etc.) that is approved by the City.”

[Amendment #2] – Change the “Civic Lot” Type Setbacks range from “15 to 25 feet” to “30 to 50 Feet”

- CZC 12.48.340 Lot Size Dimension Requirements for Civic/Cultural Lot (change range as listed above in red)
- See CZC 12.48.350 Lot Type Illustrations - (see attachment for Lot Type Illustration edits)

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider one (1) factor when making a recommendation and a final decision for a zone text amendment. The required factor is outline in CZC 12.21.080.e. Staff’s review and conclusions for this factor is provided below:

1. **Are the proposed amendments consistent with the goals, objectives and policies of the City’s General Plan?**

✓ *Staff’s suggested South Main Street Corridor Plan policies to be considered:*

Corridor-Wide Policies:

Plan Objective 3.C – Prohibit the location of parking lots or areas of asphalt in the front setback area between a building and Main Street. Strategic public parking lots should be coordinated to provide shared parking opportunities along the Corridor. Individual parking lots should be located to the side or preferably the rear of the building.

Plan Objective 4.B - Require a range of consistent setbacks within each District, and generally throughout the entire South Main Street Corridor.

Staff Comment – The policy design infers the discouragement of locating parking lots and areas of asphalt located in the front setback areas of a main building. Staff shares the following thoughts:

- ***Building Setbacks***– The SMSC Overlay Regulations were set to establish a regular pattern of framing the street with buildings rather than parking lots. This is particularly important for retail and shopping uses traditionally located along main street of a town or city. Such entrance design is pedestrian-friendly and has shown success in encouraging users to explore

further along the street thereby enhancing the success of “lifestyle centers” of shopping, eating, and entertainment (*e.g. Station Park in Farmington, Downtown Springdale near Zion Park*).

Today however, a civic or public use building is more likely to be vulnerable with regards to security concerns. Staff believes that this should be a factor in the design standards for civic uses or buildings that can be targeted for radical or nefarious purposes. Consequently, if buildings are setback further, a targeted attack from a weaponized vehicle is greatly reduced. However, if setbacks are too far away from the pedestrian zone, then the increased area lends itself for placement of parking lots in a design layout with large spaced between the street and the buildings (*see General Plan policy SMSC Objective 6.B – also quoted later in this report*).

Civic/Cultural District Policies (*where civic uses are expected – but the “Civic/Cultural Lot Use Type” is also allowed in the Traditional District of the Overlay Zone*):

Plan Objective 6.A - Incorporate useable green open space around each civic building.

Plan Objective 6.B - Establish a setback range that will allow for green space in front of buildings – a 15’ minimum and 25’ maximum front setback – but not set buildings back too far from the street.

Plan Objective 6.D - Require distinctive elements and architectural styles for civic buildings to set them apart from commercial buildings along Main Street.

Plan Objective 6.E - Provide at-grade entryways to all civic buildings from Main Street.

Plan Objective 6.F - Require all parking lots to be located to the rear of buildings in the Civic/Cultural District.

Plan Objective 6.G - Utilize side setback areas for continuing open/green space rather than paved parking lots.

Plan Objective 6.I - Civic buildings should be more than one-story to allow for a smaller building footprint, which will allow for more public green space around the building.

Staff Comment – The policy design of the SMSC Plan is to establish a “build to” maximum limitation for placement of buildings. Again, the primary focus is to frame the street with buildings rather than parking areas. However, the design parameters are to flexible in relation to the differing areas of the corridor and to

some extent the differing use types. In this matter, the Civic District and its development layout did anticipate a slightly differing “form-based” design allowing for increased setbacks “– *but not too far*,” greater proportional green space, a differing expectation for the look of buildings, while still locating parking lots to the rear yard areas of the lot or parcel. According to Objective 6.B, the maximum depth for a “build to” parameter is 25 feet. Consequently, the proposed desired amendment by the City Council of 30 to 50 feet would not be consistent with the General Plan language regarding civic uses in the SMSC area.

As to the side yard distance change, the added language increases the allowable elements to be used when side yards areas are larger than the minimums listed in the design parameters. Staff does not consider this proposed language a substantial form-based design change to the SMSC Plan and its’ related Zoning Ordinance.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action – I hereby make a motion for the Planning Commission to **recommend** the following regarding the proposed text amendments for the SMSC Overlay District:

[Amendment #1] – **APPROVAL** of proposed language changes, as follows:

CZC 12.48.100 General Development Standards:

“(16) Side areas that exceed 15 feet in width shall not be located to another side area that exceeds 15 feet in width unless the areas are used as a unified public gathering area or courtyard, or other non-turf landscaping elements (e.g. garden plots, tree groves, flower beds, etc.), and/or design features (accent walls, fencing, sculptures/public art, etc.) that is approved by the City.”

[Amendment #2] – **DENIAL** of proposed language changes, as follows:

- Change the “Civic Lot” Type Setbacks range from “15 to 25 feet” to “30 to 50 Feet,” and any related table or illustration.

Suggested reasons for the action:

- a. *The Planning Commission finds that the side yard language change increases the allowable elements to be used when side yards areas are larger than the minimums listed in the design parameters. Therefore, this proposed language remains consistent with the form-based design parameters of the SMSC Plan and its’ related Zoning Ordinance.*
- b. *The Planning Commission finds that the increased setback language change for Civic Lot Type exceeds the SMSC Plan’s maximum build to limit of 25 feet. Therefore, the proposed change to an allowable range of 30 to 50 feet is NOT consistent with Objective 6.B of the SMSC Plan and would also require a General Plan Amendment to be evaluated prior to considering such change.*

CENTERVILLE

**Staff Backup Report
1/9/2019**

Item No. 6.

Short Title: Community Development Director's Report

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

**Staff Backup Report
1/9/2019**

Item No. 7.

Short Title: City Council Report

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

Staff Backup Report 1/9/2019

Item No.

Short Title: December 12th , 2018

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- PC Preliminary Draft Minute 12-12-18

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, December 12, 2018**

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

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

7
8 **MEMBERS PRESENT**

9 Kevin Daly, Vice Chair

10 Cheylynn Hayman, Chair

11 Kai Hintze

12 Gina Hirst arrived at 7:26 p.m.

13 Logan Johnson

14 Kathy Helgesen

15 Becki Wright

16
17 **MEMBERS ABSENT**

18 No members were absent

19
20 **STAFF PRESENT**

21 Cory Snyder, Community Development Director

22 Lisa Romney, City Attorney

23 Cassie Younger, Assistant Planner

24 Jamie Brooks, Recording Secretary

25
26 **VISITORS**

27 Interested citizens

28
29 **PLEDGE OF ALLEGIANCE**

30
31 **OPENING COMMENT/LEGISLATIVE PRAYER** Commissioner Kevin Daly

32
33 **PUBLIC HEARING – FINAL SUBDIVISION PLAT – SHEFFIELD DOWNS – 274 EAST**
34 **PAGES LANE**

35
36 Cory Snyder explained that the Sheffield Downs project was in its final phase of development
37 and contained private streets, an open playground, pavilion, and visitor parking. It complied significantly
38 with the preliminary approval, although there were some minor issues in the CC&Rs and some plat notes
39 that had been pointed out in the staff report. There were also some steps that needed to take place if the
40 final plat went before the City Council and was ultimately approved and recorded. An engineering firm
41 hired by the developer had determined that this development would create significantly less traffic than
42 would be created if the area were to remain commercial.

43
44 Commissioner Hintze inquired about ownership of the various parcels surrounding the property in
45 question. Mr. Snyder responded that there were various owners of the surrounding parcels.

46
47 Commissioner Wright pointed out that the size of the lots was listed in square footage and she
48 asked how that calculated in acreage, as most potential buyers would think of the lots in terms of acreage.
49 The lots were estimated to be just under .10 acres.
50

Commissioner Wright wished to confirm that there were no major changes from the original proposal. Mr. Snyder confirmed that was correct, although there had been some shifting of lot lines on the south lots due to infrastructure improvements that were needed.

Chair Hayman invited the applicant to step forward and address the Commission.

Taylor Spendlove of Brighton Development stepped to the lectern and introduced himself. He stated that there were two home designs, both of which would fit on all lots. They would be ramblers with finished basements.

Commissioner Daly inquired about current property ownership. Mr. Spendlove responded that the property had now been transferred from Marv Blosch to Brighton Development.

Commissioner Daly made a **motion** to approve the final subdivision plat and plans for the Sheffield Downs subdivision at 274 East Pages Lane with Conditions 1-6 and Reasons for Action a) and b) with a minor amendment to b), removing the word 'are' so that the condition read, "*The Commission finds that the conditions of the final subdivision plat and plan approval render the development...*"

Conditions:

1. The Final Plat and submittal shall be corrected/modified to include the following:
 - (a) The Final Plat shall note/depict the applicable "tract perimeter" setbacks for rear and side yards, as required by CZC 12-41-100. i.
 - (b) A title report shall be submitted prior to Final Plat Acceptance (*paper version*) by the City.
2. The Final Plat and Plan shall be submitted, reviewed, and approved by the Centerville City Council.
3. The Final Plat and Plans (*i.e. paper version*) shall be submitted, reviewed, and deemed acceptable to the City Recorder, City Engineer, and City Attorney, prior to the preparation and submittal of the Final Linen Plat for Subdivision Recordation.
4. As part of the paper plat and plan review by the City, the plat shall be submitted to the City's Public Works Department for assignment of lot addresses, which shall be depicted on the Final Linen Subdivision Plat.
5. The subdivision improvement plan phasing shall be as follows:
 - (a) Installation of public improvements & detention are subject to the City's Bonding and Fee Requirements – *CMC 15.07 and 15.08*
 - (b) Installation of basic service utilities (*water, sewer, storm drainage, etc.*) and all-weather surface road shall be required for issuance of any building permits for homes – *CMC 15.05.090*
 - (c) Installation/Completion of Roadways (*Asphalt Surface*) shall be achieved for an issuance of a Certification of Occupancy – *CMC 15.05.090, OR*
 - (d) Installation/Completion of Roadways/Parking adjacent to amenities (park, play structure, pavilion, etc.) shall be completed at 50% development build out (*i.e. 16 lots*) or a City acceptable bond may be submitted for incomplete improvements to obtain additional building permits - See *applicable PDO approval for Common Amenities plan*
 - (e) Installation of Common Amenities (park, play structure, pavilion, etc.) shall be completed at 50% development build out (*i.e. 16 lots*) or a City acceptable bond may be submitted for incomplete improvements to obtain additional building permits - See *applicable PDO approval for Common Amenities plan*
 - (f) Project fencing, where lots are present shall be completed with the issuance of applicable lot's Certificate of Occupancy – See *applicable PDO approval for fencing plan*
 - (g) Project Fencing, where common areas or development boundary is present are to be installed prior to developer's transfer to the Home Owner's Association - See *applicable PDO approval for fencing plan*

6. After recordation of the Subdivision Plat, the developer and associated contractors shall schedule and attend a pre-construction meeting with the City Engineer prior to any commencement of construction activities related to subdivision improvements.

Reasons for Action:

- a) *The Commission finds that the final subdivision plat and plan, as conditioned in this approval, complies with the terms and conditions of Sheffield Downs PDO Zone Map Amendment and associated Conceptual Plan acceptance that was approved in September of 2018, Ordinance No. 2018-20.*
- b) *The Commission finds that the conditions of the final subdivision plat and plan approval ~~are~~ render the development consistent with the requirements for final subdivision review and approval, as required by CMC 15-04, Final Plat.*

The motion was seconded by Commissioner Helgesen and passed unanimously (6-0).

**PUBLIC HEARING – PRELIMINARY SUBDIVISION PLAT– LEGACY LANDS – 1243
N 1300 WEST**

Cassie Younger reminded the Planning Commission that it had approved the conceptual site in September with some conditions. There would be a private road going through the subdivision with two access points. The soils report was referred to as an aquatic study in the staff report because it was presumed that there were some wetlands on the property that needed to be located and identified. It was determined that the wetlands were primarily in the western-most 46' of the property and were also located within a 50' commercial easement of the property. This did not affect the applicant's building plans but did require that a road be re-located. The property owners could apply to the Army Corps of Engineers for a plat amendment if they chose to.

Commissioner Daly inquired about utility easements and what restrictions the Army Corps of Engineers had placed on the wetlands. Mr. Snyder responded that while the Army Corps would work with the property owner to a certain extent, it generally sought to have wetlands left alone.

Chair Hayman invited the applicant to step forward and address the Commission.

Jeff Cook of Cook Builders stepped to the lectern and introduced himself as well as the property owners, Gary and Gordon Smith. He explained that they had submitted an application to the Army Corps of Engineers regarding restrictions on the wetlands but they had yet to receive a response and did not expect to receive one for some time.

Commissioner Daly inquired if it was the property owner's goal to mitigate the wetlands. Mr. Cook responded that they hoped to, if the Army Corp of Engineers would allow it.

Chair Hayman opened the public hearing at 7:29pm. There was no one who wished to speak so Chair Hayman closed the public hearing.

Commissioner Wright inquired about the small parcel just northeast of the property in question. Staff responded that piece was owned by a different individual. The applicant explained that he had attempted to negotiate the purchase of the small parcel with the current owner but had not been successful thus far.

Chair Hayman made a **motion** to approve the Preliminary Subdivision for Legacy Lands at 1243 North 1300 West with directives 1-8 and Findings a) and b), although the word '*the*' needed to be removed from Finding b).

Directives:

- 1) A Final Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance
- 2) Wetlands areas and data points need to be indicated on the Final Plat unless mitigated with the approval of the Army Corps of Engineers.
- 3) Title report shall be turned in before the Final Plat and reviewed and approved by the City Attorney
- 4) Full Construction and utility drawings are to be reviewed and approved by the City Engineer, including but not limited to showing the culinary and storm drain along 1275 North, and detailing the curb and gutter in the City Right of Way.
- 5) Cross Access easements between the five lots shall be recorded with the Plat or noted on the Plat
- 6) Placement of fire hydrants shall be approved by the South Davis Metro Fire Marshall before the recording of Final Plat.
- 7) Any remaining “utility provider” sheets shall be submitted with the Final Subdivision Application.
- 8) Final Plat must be recorded within one year of the Preliminary Plat approval date.

Findings:

- a) The Preliminary subdivision complies with the General Plan as stated in 12-480-6.
- b) This development is likely to meet the Subdivision Ordinance Standards in ~~the~~ Chapter 15-5 of the CMC.

The **motion** was seconded by Commissioner Hintze and passed unanimously (6-0).

PLANNING COMMISSION MEETING CALENDAR 2019

The Planning Commissioners reviewed the 2019 meeting schedule and had no questions or concerns.

**COMMUNITY DEVELOPMENT DIRECTOR REPORT AND CITY COUNCIL
ACTIONS REPORT**

Mr. Snyder explained that his report addressed two separate topics. First, Staff hoped to address the possibility of amending the Parrish Lane Design Guidelines. He pointed out that “streetscape standards” regarding “non-motorized public easements” should be addressed if the Commission was amenable to doing so. Additionally, perhaps the “visual presence” to Parrish could be revised or clarified.

Chair Hayman asked the other commissioners if there was any concern about placing the subject on a future agenda. Commissioner Wright was in favor of having the discussion but had some concerns about some of the changes recommended in Mr. Snyder’s memo.

Chair Hayman made a **motion** to direct Staff to initiate the process for considering amending the Parrish Lane Gateway Design Guidelines as suggested and outlined by Planning Staff. The motion was seconded by Commissioner Daly and passed unanimously.

Mr. Snyder then addressed the subject of the Commission’s Land Use goals of 2018, one of which had been to address the table of uses pertaining to the Main Street Overlay. He explained that some City councilmembers as well as some members of the public had recently asked why the Commission had chosen to address the table of uses on Main Street, particularly before the design standards were addressed. Mr. Snyder had indicated that to his recollection, during a previous workshop, the Council had authorized the Commission to tackle the project. However, some councilmembers hoped to hold a work session to discuss the Main Street overlay ordinances rather than approve the Planning Commission’s recommended changes at this time. Other comments appeared to be interested in addressing the

Commission's recommended changes at the next City Council meeting. Beyond the Main Street overlay matters, the Commission also had work session previously with the trails committee and received the history regarding the previous west side plan update that took place a few years ago. Mr. Snyder felt it would be helpful for the City Council and Planning Commission to sit down together to address current and future goals in early 2019.

Chair Hayman expressed appreciation to Mr. Snyder for providing feedback to the Commission regarding his impressions following the last City Council meeting. She also expressed frustration that the Council had specifically instructed the Commission to move forward on amending the table of uses, but now appeared to have backtracked, despite all the effort that had been made. Mr. Snyder made it clear that he did not yet know what decision the Council would make at their next meeting. He only wished to let the Planning Commission know that there was some hesitation on the part of some councilmembers regarding approval of the recommendations pertaining to the table of uses.

Commissioner Wright stated that there would be a joint work session with the City Council after the first of the year and she felt that would be a good time for the Commission to voice its concerns to the Council.

Beyond potentially having a joint work session, Chair Hayman proposed that the Planning Commission have their own work session on February 13, 2019, immediately prior to their regular meeting, in order to address future goals.

MINUTES REVIEW AND ACCEPTANCE

The minutes of November 14, 2018 were reviewed, and amendments suggested. Commissioner Wright made a **motion** to accept the minutes as amended. Commissioner Hirst seconded the motion which passed unanimously (6-0).

ADJOURNMENT

Chair Hayman moved to adjourn. Commissioner Johnson seconded the motion. The motion passed unanimously 6-0 and the meeting adjourned at 8:19 p.m.

Cheyllynn Hayman, Chair

Date Approved

Jamie Brooks, Recording Secretary