PLANNING COMMISSION MINUTES OF MEETING
Wednesday, January 13, 2021
7:00 p.m.

A quorum being present electronically via Zoom and live streamed on the Centerville City YouTube channel due to Infectious Disease COVID-19, the meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT
Kevin Daly, Vice Chair
Cheylynn Hayman, Chair
Mason Kjar
Heidi Shegrud
Spencer Summerhays
Christina Wilcox

MEMBER ABSENT
Becki Wright

STAFF PRESENT
Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner

VISITOR
Glen Girsberger, JF Capital

DETERMINATION Chair Hayman read a determination regarding electronic meetings without an anchor location due to COVID-19

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Commissioner Summerhays

CHAIR AND VICE CHAIR ELECTION

Chair Hayman opened the nomination process for Chair and Vice Chair positions by nominating Kevin Daly for Chair in 2021, and pointed out that her term on the Planning Commission would expire in May of 2021. Commissioner Daly nominated Cheylynn Hayman to continue as Chair through the end of her term in May. Commissioners texted their votes for the Chair position to the City Attorney, who tallied the votes and reported five votes for Kevin Daly and one vote for Cheylynn Hayman. Kevin Daly will assume the position of Planning Commission Chair effective January 14, 2021.

Commissioner Summerhays nominated Mason Kjar to serve as Vice Chair in 2021. Commissioner Kjar nominated Spencer Summerhays to serve as Vice Chair. Commissioners texted their votes for the Vice Chair position to the City Attorney, who tallied the votes and reported four votes for Spencer Summerhays and two votes for Mason Kjar. Spencer Summerhays will assume the position of Planning Commission Vice Chair effective January 14, 2021.

PUBLIC HEARING – LEGACY CROSSING LOTS 2 AND 3 – PDO AMENDMENT & CONCEPTUAL SITE PLAN

Cory Snyder, Community Development Director, explained the request to amend the allowed uses as defined in the original PDO Approval and Development Agreement for Legacy Crossing, and the request to alter the storm water detention system for Lots 2 and 3 to accommodate a new site plan layout. The proposed amendments also included building architectural design changes and request for parking modification.

PDO Amendment – Proposed Additional Uses:

- Recreational Vehicle Sales & Repair
- Other "non-recreational" Vehicle Sales & Repair
- Outdoor Display of non-recreational not to exceed 10 vehicles
- Allowance of One (1) drive-through facility

Mr. Snyder stated the original agreement specifically eliminated auto sales and drive-thrus as possible uses, and said the PDO had wanted destination uses rather than the through traffic that typically came with drive-thrus. He recognized that Lots 2 and 3 were on the south end of the development, and did not share the primary development entrance. Mr. Snyder explained that auto sales were originally eliminated from the agreement to ensure development of mixed-use and prevent development of an auto-mall. He expressed the opinion that, if Recreation Vehicle Sales & Repair were allowed, the display and repair work should all be done indoors to avoid disrupting other uses in the development.

Regarding the request to include Lots 2 and 3 in the shared parking and access agreement for the development, Mr. Snyder said he was comfortable with an office calculation of 4 stalls per 1,000 square feet of office space, and said he was not concerned with intensifying the competitive parking scenario involving the nearby residential lot.

Glen Girsberger with JF Capital, applicant, said Lots 2 and 3 were originally removed from the parking count with Lot 4 because JF Capital did not know what would be developed on Lots 2 and 3. He stated the existing development had an excess of 552 parking spaces at peak usage, and said sharing the existing parking made more sense to him than creating more parking.

Chair Hayman opened a public hearing at 7:40 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Daly commented that the original agreement had been in place for some time, and development had not panned out as intended. He said he was comfortable opening up proposed the uses, and said he believed the parking modification would allow sufficient parking without over-parking. Chair Hayman said she was in favor of approving the application as presented by Staff.

Commissioner Daly made a **motion** for the Planning Commission to recommend approval for Lots 2 and 3 of the Legacy Crossing at Parrish Lane Development, subject to the following conditions and reasons for action. Commissioner Kjar seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. The PDO Approval and Conceptual Site Plan shall consist of amending the following elements:

a) **Changes to PDO Approval and Development Agreement**; Language change of Section 5(b) to allow for the proposed "additional uses." Such uses are limited to the following:
   i. General Office, General Retail, General Restaurant
   ii. Vehicle Sales, Recreational – with accessory use service and repair. All uses shall be conducted within a completely enclosed building.
   iii. Vehicle Sales, Limited – with accessory use service and repair. Such use shall be limited to no more than 10 vehicles primarily consisting of indoor vehicle display. All uses shall be conducted within a completely enclosed building. Except, outdoor vehicle display may be allowed in a limited manner, as an additional accessory use, upon issuance of a Conditional Use Permit as part of a final site plan approval.
   iv. One (1) Drive-through facility, which must be attached to a main building and shall meet all other applicable zoning and city ordinances.

b) **Changes to Exhibit "C" Master Site Plan**; Changes the site layout to reflect the proposed building parking layout, as submitted to the City, along with the proposed new underground storm water detention. This alternative detention system shall be subject to the following:
   i. New system shall be reviewed and deemed acceptable to the City Engineer.
   ii. The subdivision play shall be amended to remove/replace easements, as deemed necessary by the City.
   iii. The Applicant shall obtain approval from the Owner's Association to ensure maintenance becomes the responsibility of the property owner.

c) **Changes to the Architectural Theme Regarding Materials** – The Office Building exterior design, as submitted to the City, may also consist of the following:
   i. Aluminum composite panel – Black
   ii. Aluminum composite panel – Grey
   iii. Aluminum composite panel – Wood Look, Walnut Brown
   iv. Corrugated metal decking – Mechanical Screen, Black

   The proposed office building height shall be subject to the issuance of a conditional use permit as part of a Final Site Plan Approval and as outlined in the Zoning Code.

d) **Create a New Exhibit for Parking Modification along with Reciprocal Parking & Cross Access Easements**; Changes the site layout to reflect the proposed parking and cross access for Lots 2 and 3 and modify the parking count, as follows:
   i. Retail Uses shall be parked at a ratio of 4 stalls per 1,000 sq. ft. of gross building space.
   ii. Office Uses shall be limited to 62,636 gross floor area and shall provide a minimum of 273 parking stalls.
   iii. Parking Modification Approval shall be subject to re-establishing a shared Parking and Access Agreement for the entire Legacy Crossing Development.

2. The Applicant shall prepare and submit all applicable language and exhibits deemed necessary by the City Attorney. Additionally, a revised Development Agreement shall be prepared and submitted to the City Council, as part of their review and decision.
3. All other applicable PDO and Development Agreement Approval provisions shall remain in effect for Lots 2 and 3 that have not been amended with any City Council Approval.

Reasons for Action:

a. The Planning Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining an Approval.
b. The Planning Commission finds that Lots 2 and 3 have not been developed in a timely manner to date and additional amendments may facilitate actual development to complete the planned development area.
c. The Planning Commission finds that the proposed additional uses, with the conditions imposed, are limited in scope and are not uses that would be added from a differing higher intensity zone.
d. The Planning Commission finds that an alternative storm water system, if deemed acceptable by the City Engineer, would not cause material injury to other properties within the immediate area.
e. The Planning Commission finds that proposed building architectural materials are limited in scope and are to be applied only to the Office Building, which is distinctly separated from the rest of the development by the proposed retail buildings.
f. The Planning Commission finds that parking study indicates that the needed additional 40 parking stalls can be absorbed into the excess shared parking for the overall entire development and reincorporating Lot 2 and 3 into the master parking plan is suitable, as originally planned.
g. Therefore, the Planning Commission finds that the proposed amendments are consistent with the intent of the PDO, which is to allow "residential, commercial, industrial, and mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations."

BYLAWS REVIEW

Mr. Snyder stated he had been unable to find evidence that the Planning Commission Bylaws had been formally adopted by the Planning Commission. Assistant Planner Mackenzie Wood stated the Bylaws were presented and presumably approved by the City Council in 2006. Ms. Wood presented the Bylaws to the Planning Commission, pointing out a minor change in current practice, and explained the Staff request to change the deadline for agenda items from 21 days to 28 days. Staff answered questions from the Planning Commission regarding public noticing and deadlines. Ms. Romney suggested possibly including the information in the Bylaws in City ordinance and eliminating the Bylaws.

Commissioner Kjar suggested striking the deadline for agenda items from the Bylaws completely, expressing the opinion that including the deadline in the Bylaws was redundant and possibly problematic. He suggested the City Council strike reference to Robert's Rules of Order from the City ordinance and include a statement in the Planning Commission Bylaws that Robert's Rules of Order were a guideline, with Planning Commission rules adopted by tradition. Ms. Romney responded that she liked using the simplified Robert's Rules of Order as a guideline. Ms. Romney suggested changing the word "shall" to "should" in reference to Robert's Rules of Order in the ordinance. She said she agreed with the suggestion to remove the deadline for agenda items from the Bylaws.

Chair Hayman suggested the Bylaws include reference to remote meeting attendance in addition to in-person attendance. Commissioner Daly commented that noticing requirements would be different for making changes to the Bylaws than to City ordinance, and suggested retaining Bylaws may be convenient.

PARKING ORDINANCE DISCUSSION

Mr. Snyder suggested the Planning Commission review comparisons of how surrounding communities approach parking stall counts and identify problematic requirements by use: residential uses; public/civic uses; commercial uses; and industrial uses. He presented a table showing comparisons of residential use parking requirements, and stated Staff did not suggest changes to current City Code for residential use. Mr. Snyder said he would likely present a comparison of commercial use parking requirements at the next Planning Commission meeting.

OPEN AND PUBLIC MEETINGS TRAINING

Ms. Romney stated Planning Commissioners will need to complete Open and Public Meetings Act Training for 2021 online and send proof of completion to the City Recorder by January 31, 2021.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

The Planning Commission was scheduled to meet next on January 27, 2021. Mr. Snyder informed the Planning Commission of items anticipated for the next agenda.

MINUTES REVIEW AND ACCEPTANCE

Minutes of the December 9, 2020 Planning Commission meeting were reviewed and changes requested. Commissioner Summerhays **moved** to accept the minutes as amended, and Commissioner Daly seconded the motion. No opposition to the motion was indicated, and Chair Hayman deemed the motion passed unanimously (6-0).

ADJOURNMENT

At 8:28 p.m., Chair Hayman **moved** to adjourn the meeting, and Commissioner Kjar seconded the motion. No opposition to the motion was indicated, and the Chair deemed the motion passed unanimously (6-0).

Jennifer Hansen
~~Janet Denison, City Recorder~~
Jennifer Hansen, Deputy Recorder

01/27/2021
Date Approved

Katie Rust
Katie Rust, Recording Secretary

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