

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 23, 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.**](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

Cheylynn Hayman, Chair

D. COMMISSION BUSINESS

7:10 1. Discussion of Subdivision Ordinance Updates - Chapter 3 (Administration)
Continue discussion of proposed revisions and updates to City Subdivision Ordinance - CMC 15 (Subdivisions)

7:35 2. Discussion - Goals 2019

 Planning Commission will discuss their goals for 2019 for the Commission and in collaboration with the City Council.

3. Community Development Director's Report

4. City Council Report

E. MINUTES REVIEW and ACCEPTANCE

January 9th, 2019

F. ADJOURNMENT

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/23/2019**

Item No. 1

Short Title: Discussion of Subdivision Ordinance Updates - Chapter 3 (Administration)

Initiated By: City Attorney

Scheduled Time: 7:10

SUBJECT

Continue discussion of proposed revisions and updates to City Subdivision Ordinance - CMC 15 (Subdivisions)

RECOMMENDATION

BACKGROUND

As part of the process to update and revise the City Subdivision Ordinance, a copy of the latest draft of Chapter 3 (Administration) is attached for Planning Commission review. Chapter 3 provides various administrative provisions and procedures regarding subdivision applications, decision-making standards, and appeals.

ATTACHMENTS:

Description

- ▢ Subdivision Ordinance - Chapter 3 (Administration)

TITLE 15 SUBDIVISIONS

CHAPTER 15.03. ADMINISTRATION.

- 15.03.010. Purpose.**
- 15.03.020. Scope.**
- 15.03.030. Definitions.**
- 15.03.040. Subdivision Plat Required.**
- 15.03.050. Agricultural Exemptions.**
- 15.03.060. Development Requirements.**
- 15.03.070. Application Requirements.**
- 15.03.080. Application Review Process.**
- 15.03.090. Public Hearings and Meetings.**
- 15.03.100. Noticing Requirements.**
- 15.03.110. Decision-Making Bodies and Officials.**
- 15.03.120. Decision-Making Standards.**
- 15.03.130. Staff Authority.**
- 15.03.140. Vested Rights.**
- 15.03.150. Pending Ordinance Amendments.**
- 15.03.160. Building Permits.**
- 15.03.170. Administrative Interpretations.**
- 15.03.180. Amendments to this Title.**
- 15.03.190. Administrative Fees.**
- 15.03.200. Appeal of Administrative Decisions.**

15.03.010. Purpose.

The purpose of this Chapter is to set forth administrative and procedural standards for considering various types of subdivision and land use development applications to assure that applications of the same type will be processed on a uniform basis consistent with applicable law.

15.03.020. Scope.

A proposed subdivision, land use, development, or other matter which is subject to a procedure set forth in this Chapter shall be submitted, reviewed and acted upon as provided in this Chapter.

15.03.030. Definitions.

Certain words and phrases in this Chapter are defined in CMC 15.02 (Definitions).

15.03.040. Subdivision Plat Required.

(a) **Compliance Required.** It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part within the City except in compliance with this Title and applicable provisions of State law. No plat of any subdivision shall be recorded until it has been submitted and approved as provided in this Title. A plat shall not be approved if such plat is in conflict with any provision of the General Plan, Master Street Plan, Zoning Code, this Title, or any other State law or City ordinance.

(b) **Recording Required.** Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final subdivision plat has been recorded in accordance with this Title and any applicable provisions of State law, and until the improvements required in connection with the subdivision have been installed or guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such

facilities are fully provided and operational.

(c) **Applicability.** All lots or parcels of land located within a subdivision shall be subject to this Title regardless of whether the lot or parcel is owned by a subdivider, subsequent purchaser, transferee, devisee, contract purchaser of the land, or any other person.

15.03.050. Agricultural Exemptions.

(a) **Agricultural Land.** A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this Title if the lot or parcel:

- (1) Qualifies as land in agricultural use under Utah Code § 59-2-502;
- (2) Meets the minimum size requirement of this Title and the Zoning Code;
- (3) Is not used and will not be used for any nonagricultural purpose; and
- (4) Is zoned agricultural.

(b) **Waiver of Exemption.** If a lot or parcel exempted under Subsection (a) is used for a nonagricultural purpose or is not zoned agricultural, the City may require the lot or parcel to be subdivided as required by this Title.

(c) **Record of Survey Required.** The boundaries of any lot or parcel, created after the effective date of this Title, which is exempt from subdivision requirements as provided in this Section shall be graphically illustrated on a record of survey map that shall be recorded with the Davis County Recorder.

15.03.060. Development Requirements.

(a) **Compliance with General Plan and Applicable Ordinances.** The General Plan shall guide the use and future development of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, Zoning Code, and other applicable ordinances.

(b) **Land Features and Streets.** Subdivisions shall be designed to prevent excessive grading and scarring of the landscape in conformance with the Zoning Code. The design of new subdivisions shall consider, and relate to, existing street widths, alignments, and names. Trees, native land cover, natural watercourses, and topography should be preserved where possible.

(c) **Community Facilities.** Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, committees, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, a subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes, in accordance with and to the extent permitted by law.

(d) **Orderly Development.** When a subdivider develops a subdivision, such development shall be pursued in an orderly manner to assure that required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of improvements will be available for the full, effective, and practical use and enjoyment by the purchaser, grantee, assignee, transferee, or lessee of any of the subdivided land.

15.03.070. Application Requirements.

The following requirements shall apply to a proposed subdivision, 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 forms 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, and other documents submitted as part of the application process. Applicants shall be required to provide a designated contact name and accurate mailing address and email address to receive legal notice of staff reports, public meetings, public hearings, final action, and other notices required to be provided by the City to applicants.

(b) **City Initiated Application.** The Planning Commission or City Council may initiate any action under this Title without an application from a property owner. Notice, hearing, and other procedural requirements of this Chapter shall apply to an application initiated by the City.

(c) **Development Review Sequence.** No subdivision or other development application shall be considered unless:

(1) The approval which is requested in the application is allowed by the zone existing on the subject property; or

(2) Where permitted by this Title, the application is submitted simultaneously with a proposed Zoning Map amendment that would allow the proposal.

(d) **Accurate Information.** All documents, plans, reports, studies, and information provided to the City by an applicant in accordance with the requirements of this Title shall be accurate and complete. Submission of inaccurate or incomplete information in connection with any application shall be grounds for denial of a pending application or revocation of an approved application.

(e) **Determination of Complete Application.** After receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and shall:

(1) Specify the deficiencies of the application;

(2) State the additional information which must be supplied; and

(3) Advise the applicant that no further action will be taken on the application until the deficiencies are corrected.

(f) **Fees.** When an application is filed the applicant shall pay to the City the fees and deposits associated with such application as provided in the City Fee Schedule. Any application not accompanied by the required fees and deposits shall be deemed incomplete.

(1) Fees shall be non-refundable except as provided in Subsection (g).

(2) Fees shall not be required for applications initiated by the City.

(g) **Remedy of Deficiencies.** If an applicant fails to correct specified deficiencies within 30 days after notification thereof the City may deem the application to be withdrawn. If the application is deemed withdrawn, the application and any associated fee shall be returned to the applicant upon request; provided, however, the City may deduct from the application fee the cost of determining completeness of the application.

(h) **Decision Date.** A decision or recommendation made under the provisions of this Title shall take effect on the date of the meeting or hearing in which the decision or recommendation is made by the decision-making body or official, unless a different time is designated by the decision-making body or official when the decision is made.

(i) **Extensions of Time.** Unless otherwise prohibited by this Title or where an extension period is specifically addressed, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without notice or hearing, grant an extension of any time limit imposed by this Title on such application, its approval, or the applicant. Unless otherwise specified, the total period of time granted by any one or more extensions for a given application shall not exceed the length of the original time period. Applicants shall request an extension prior to the expiration of approval. Where an express extension of time is set forth in this Title for a specific application or approval, that specific extension provision shall apply over this more general provision.

(j) **Substantial Action Required.** If within six months after an application has been filed the applicant has not taken substantial action to obtain approval thereof, the application shall expire and any vested rights accrued thereunder shall terminate.

15.03.080. Application Review Process.

(a) **Review Process.** The subdivider shall prepare plans and plats consistent with the standards contained in this Title and shall pay for the design, construction, and inspection of the public and private improvements required. The City shall review such plans and plats in accordance with applicable regulations set forth in this Title.

(b) **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 and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq. Copies of such materials may be provided at reasonable cost in accordance with the City Fee Schedule.

(c) **Withdrawal of Application.** An applicant may withdraw an application at any time prior to action on the application by a 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.

15.03.090. Public Hearings and Meetings.

Any public hearing or meeting required under this Title shall be scheduled and held subject to the requirements of this Section.

(a) **Scheduling 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 Meetings and Hearings. Notice of all public meetings and hearings regarding subdivisions shall be provided in accordance with Section 15.03.080.

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

(d) Record of Public Hearing or Meeting.

(1) Except as otherwise provided by law, written minutes and a recording shall be kept of all open meetings. Written minutes of an open meeting shall include:

- (A) The date, time, and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The name of each person who provides testimony or comments to the public body and the substance in brief of the testimony or comments; and
- (E) Any other information that is a record of the proceedings of the meeting that any member of the decision-making body requests be entered in the minutes or recording.

(2) The minutes, 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 in accordance with applicable provisions of the Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq. Copies of such materials may be provided at reasonable cost in accordance with the City Fee Schedule.

15.03.100. Noticing Requirements.

Any public hearing, meeting, or application review required under this Title shall be scheduled and noticed in accordance with the requirements of this Section.

(a) Notice of Public Meeting. In accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq., the applicable land use authority designated to act upon an application submitted under this Title shall provide public notice of its meetings in accordance with Utah Code § 52-4-202.

(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.

(2) Individual Meeting. The applicable land use authority shall provide not less than 24 hours public notice of the agenda, date, time, and place of each of its meetings. Public notice of a meeting shall be satisfied by:

(A) Posting written notice at City Hall;

(B) Publishing notice on the Utah Public Notice Website created under Utah Code § 63F-1-701;

(C) Publishing notice on the City website; and

(D) Providing notice to at least one newspaper of general circulation within the area of the City.

(3) Emergency Meeting. 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, as set forth in Utah Code §§ 52-4-101, et seq.

(b) Notice of Public Hearing. When this Title or any state statute requires a public hearing for any proposed subdivision, an amendment to an existing subdivision or this Title, or any other land use application or matter governed by this Title, notice of the public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.

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

(A) A statement summarizing the substance of the application;

(B) The date, time, and place of the public hearing or meeting; and

(C) The place where the application may be inspected by the public.

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

(A) Published on the Utah Public Notice Website created under Utah Code § 63F-1-701; and

(B) Posted on the City website.

(3) Notice for First Public Hearing on Text Amendment. Public notice of the first public hearing on a text amendment to this Title shall be provided at least 10 calendar days before the hearing. Such notice shall be:

(A) Published on the Utah Public Notice Website created under Utah Code § 63F-1-701;

(B) Posted on the City website; and

(C) Published at least 10 calendar days before the hearing in a newspaper of general circulation in the area and mailed to each affected entity.

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

(A) Publishing notice on the Utah Public Notice Website created under Utah

Code § 63F-1-701; and

(B) Posting notice on the City website.

(c) Notice of Subdivision Amendment.

(1) For an amendment to a subdivision, including vacating or changing a street, the City shall provide notice of the date, time, and place of the first public meeting at least 10 calendar days before the public meeting. The notice shall be posted on the subject property in a visible location with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passers-by.

(2) For any proposal to vacate some or all of a public street, right-of-way, or easement, the City Council shall hold a public hearing and give notice of the date, place, and time of the first public hearing at least 10 days before the hearing. The notice shall be:

(A) Mailed to the record owner of each lot or parcel accessed by the public street, right-of-way, or easement;

(B) Mailed to each affected entity;

(C) Posted on or near the street, right-of-way, or easement in a manner reasonably calculated to give notice to passers-by;

(D) Published in a newspaper of general circulation in the City; and

(E) Published on the Utah Public Notice Website created in under Utah Code § 63F-1-701.

(d) 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 any site-specific application made pursuant to this Title at least 10 calendar days before the public hearing. Such notice should include the information set forth in Subsection (b)(1). Applications that involve multiple parcels need not have notice posted on each individual lot or parcel, but shall be posted in a location or locations representative of the proposed project area as reasonably determined by the Zoning Administrator. Any on-site posting provided under this Subsection is intended as a courtesy only. Any error or failure on the part of the City to provide on-site posting shall not affect the adequacy or sufficiency of published and/or posted notice of the meeting or hearing as required by law.

(e) Additional Courtesy Notice. The Zoning Administrator may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners. Any additional courtesy notice, direct mailing, or other notice provided under this Subsection 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.

(f) Notice for Amendment to Public Improvements Standards. Prior to implementing an amendment to adopted specifications for public improvements that apply to a subdivision or development, the City shall give 30 days' mailed notice and an opportunity to comment to anyone who has requested the notice in writing.

(g) 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 the applicant a copy of each staff report regarding the application at least three business days before the public hearing or public meeting, subject to the waiver provisions of Utah Code § 10-9a-202. Such notice may be provided by mail, email, or other electronic

means to the designated contact and mailing address or email address provided by the applicant in accordance with CMC 15.03.050. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (h).

(h) 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, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant in accordance with CMC 15.03.050.

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

15.03.110. Decision-Making Bodies and Officials.

The City Council, Planning Commission, Board of Adjustment, and Zoning Administrator are hereby designated as land use authorities and/or appeal authorities with jurisdiction to consider and act upon applications submitted under this Title pursuant to the provisions herein and as provided in CZC 12.20 (Decision-Making Bodies and Officials).

15.03.120. Decision-Making Standards.

The decision-making standards set forth in this Section are based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy which is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

(a) Legislative Proceedings.

(1) The following types of applications under this Title are hereby declared to be legislative proceedings (also referred to under Utah law as "land use regulations"):

(A) Adoption or amendment of this Title; and

(B) Temporary regulations.

(2) Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

(A) The decision-making body shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

(B) In making such determination, the decision-making body may consider the following:

(i) Testimony presented at a public hearing or meeting; and

(ii) Personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the City.

(C) The decision-making body should state on the record the basis for its decision.

(b) Administrative Proceedings

(1) The following types of applications under this Title are hereby declared to be administrative proceedings (also referred to under Utah law as "land use decisions"):

- (A) Concept plan;
- (B) Preliminary plat;
- (C) Final plat;
- (D) Small subdivision;
- (E) Property line adjustment;
- (F) Plat amendment;
- (G) Condominium; and
- (H) Administrative interpretation.

(2) Decisions regarding an administrative application shall be based on the "substantial evidence" standard and shall include at least the following:

- (A) A statement of the standards for approval applicable to the application;
- (B) A summary of evidence presented to the decision-making body or official;
- (C) A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this Title, the Centerville Zoning Code, or the Centerville City Municipal Code; and
- (D) A statement of approval, approval with conditions, or disapproval, as the case may be.

15.03.130. Staff Authority.

Except as otherwise provided in this Title, the Zoning Administrator and all other officers and employees of the City act in an advisory capacity to the City Council and have no authority to make binding decisions or to make authoritative representations, approvals, or determinations other than in a purely advisory and recommending capacity.

15.03.140. Vested Rights.

(a) General Rule. Except as otherwise provided in this Section, a person who submits a complete application pursuant to the provisions of this Title is entitled to have such application considered on the basis of provisions in effect when the application is submitted.

(b) Complete Application. An application shall be deemed "complete" when all materials required for the application have been submitted, as set forth in this in this Title.

(c) Pending Ordinance Amendments. If an amendment to this Title which may affect an application is pending when the application is submitted, the applicant shall not be entitled to rely on such provisions but may be required to comply with newly enacted provisions. See, CMC 15.03.050 regarding Pending Ordinance Amendments.

(d) Preservation of a Vested Right.

(1) An applicant who has obtained vested rights under this Title shall proceed with reasonable diligence to exercise development rights authorized by an approved application. Failure to take substantial action on an approved application prior to the expiration date of such application, as set forth in this Title, shall terminate vested rights associated with such application.

(2) An applicant with vested rights shall continually conform to all conditions of approval of an application. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's vested rights under such application.

(e) Extent of a Vested Right: An application approved under this Title only authorizes the thing applied for under the application.

(f) Termination of a Vested Right: A vested right may be voided if there is evidence of a compelling, countervailing public interest to do so in accordance with applicable Utah law.

(g) Generally Applicable Ordinances. Generally applicable provisions of this Title and other City ordinances and regulations shall apply to all property, notwithstanding the establishment of a vested right.

15.03.150. Pending Ordinance Amendments.

(a) When the City has formally initiated proceedings to amend the text of this Title, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing provisions of this Title which may be amended.

(1) A proposed amendment to this Title shall be deemed "formally initiated" when the amendment proposal first appears on a Planning Commission or City Council agenda, as the case may be, and such agenda has been noticed as required in this Chapter.

(2) An application shall be deemed "filed" when all materials required for the application as set forth in this Title have been submitted and deemed complete.

(b) An application affected by a pending amendment to this Title shall be subject to the following requirements:

(1) The application shall not be acted upon until six months from the date when the pending amendment was first noticed on a Planning Commission or City Council agenda, unless the proposed amendment is sooner enacted or defeated.

(2) If a pending amendment to this Title is enacted within six months after being noticed on a Planning Commission or City Council agenda, an affected application which was filed while the amendment was pending shall conform to the enacted amendment.

(3) If a pending amendment to this Title is not enacted within six months after being noticed on a Planning Commission or City Council agenda, the amendment shall no longer be considered pending and any affected application may be approved without regard to the previously pending amendment.

(c) The Zoning Administrator shall give an applicant affected by a pending amendment to this Title written notice that:

- (1) There is pending legislation;
- (2) The application may require changes to conform to a text amendment to this Title which may be enacted; and
- (3) Copies of the pending legislation are available from the Community Development Department.

(d) All provisions in this Section are intended to, and shall comply with, the provisions of Utah Code § 10-9a-509.

15.03.160. Building Permit Issuance.

Building permits shall be issued pursuant to the requirements set forth in CZC 12.21.140 and CMC 15.16.030.

15.03.170. Administrative Interpretation.

(a) Purpose. The provisions of this Title, though detailed and extensive, cannot as a practical matter address every specific situation to which these provisions may be applied. This Section allows the Zoning Administrator to interpret a provision of this Title in light of the general and specific purposes for which it was enacted and as applied to specific circumstances.

(b) Authority. The Zoning Administrator is authorized to render interpretations of the provisions of this Title, and any rule or regulation adopted pursuant thereto, as provided in this Section.

(c) Initiation. Any person may request an administrative interpretation as provided in this Section.

(d) Procedure. An application for an administrative interpretation shall be considered and processed as provided in this Subsection.

(1) A complete application shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator along with any fee established by the City Fee Schedule. The application shall include at least the following information:

(A) The name, address, and telephone number of the applicant and the applicant's agent, if any;

(B) The specific provision or provisions of this Title for which an interpretation is requested;

(C) Specific facts of the situation which illustrate the need for an administrative interpretation; and

(D) The interpretation claimed by the applicant to be correct.

(2) After an application is determined to be complete, the Zoning Administrator shall review the application and make an interpretation in accordance with the standards set forth in Subsection 15.03.130(e).

(3) After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

(4) A record of all administrative interpretations shall be maintained in the office of the Zoning Administrator with a copy provided to the City Recorder.

(e) Standards for Making Administrative Interpretations. The following standards shall apply to administrative interpretations.

(1) Administrative interpretations shall not add to or change the provisions of this Title.

(2) An administrative interpretation shall be consistent with:

(A) The provisions of this Title; and

(B) Any previously rendered interpretations based on similar facts.

(f) Appeal. Any person adversely affected by a final administrative interpretation rendered by the Zoning Administrator may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.

(g) Effect of Approval. An administrative interpretation shall apply only to the property for which an interpretation is given.

15.03.180. Amendments to this Title.

(a) Purpose. This Section sets forth procedures for amending the provisions of this Title.

(b) Authority. The City Council may from time to time amend this Title as provided in this Section. The provisions set forth herein shall not apply to temporary regulations which may be enacted without public hearing in accordance with Utah Code § 10-9a-504 and CZC 12.21.210.

(c) Initiation. Proposed amendments to the text of this Title may be initiated by the City Council, Planning Commission, or a property owner affected by a proposed amendment as provided in this Section. An agent of a property owner shall provide an affidavit of authorization.

(d) Procedure. An amendment shall be considered and processed as provided in this Subsection.

(1) An application shall be submitted to the Zoning Administrator on a form established by the Zoning Administrator along with any fee established by the City Fee Schedule. The application shall include at least the following information:

(A) The name, address, and telephone number of the applicant and the applicant's agent, if any;

(B) The name and address of every person or company the applicant represents;

(C) The requested amendment and reasons supporting the request; and

(D) A draft of the proposed text.

(2) After an application is determined to be complete, the Zoning Administrator shall prepare a staff report evaluating the application.

(3) The Planning Commission shall hold a public hearing, review the application, and

shall thereafter submit its recommendation for approval, approval with modifications, or denial of the proposed amendment to the City Council.

(4) Following receipt of a recommendation from the Planning Commission, the City Council shall hold a public hearing on the application as provided in CMC 15.03.070. 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 is a matter within the legislative discretion of the City Council. In making an amendment, the following factors should be considered:

(1) Whether the proposed amendment is consistent with goals, objectives, and policies of the City's General Plan;

(2) Whether the proposed amendment will benefit existing and proposed development;

(3) The extent to which the proposed amendment may adversely affect adjacent property; and

(4) The adequacy of facilities and services intended to serve development, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

(f) **Appeal.** Any person adversely affected by a final decision of the City Council to amend the text of this Title may appeal that decision to the district court as provided in Utah Code § 10-9a-801.

(g) **Effect of Approval.** Approval of an application to amend the provisions of this Title shall not be deemed an approval of any subdivision or other permit. Approval of such subdivisions or permits shall be obtained in accordance with applicable provisions of this Title and other applicable provisions of the Centerville Municipal Code.

(h) **Effect of Disapproval.** City Council denial of an application to amend the provisions of this Title shall preclude the filing of another application which is substantially the same for six months from the date of the disapproval, except as follows:

(1) Another application may be sooner considered if the Planning Commission determines a substantial change in circumstances has occurred to merit consideration of the application; and

(2) The City Council or Planning Commission may propose any text amendment at any time.

15.03.190. Administrative Fees.

(a) **Authorized.** In addition to construction and dedication of any required public improvements and the payment of impact fees, fees may also be established by the City for filing of various applications, inspection of improvements, and connection to water and sewer facilities. These fees shall be listed in the City Fee Schedule and may be set or amended by resolution of the City Council.

(b) **Fee Required.** No application or request shall be accepted or action taken thereon until the subdivider or owner has paid to the City the required fees applicable to such application or request.

(c) **Development Fee Appeals.** In accordance with Utah Code § 10-9a-510, an applicant who is charged a development fee or an owner of residential property upon which a development fee is

imposed by the City, but not including impact fees, may request a review of the reasonableness of such fee in accordance with the procedures set forth in CMC 3.08 (Development Fee Appeals).

15.03.200. Appeal of Administrative Decisions.

(a) Purpose. This Section sets forth procedures for appealing an administrative decision applying provisions of this Title.

(b) Authority. The Board of Adjustment shall hear and decide appeals from administrative decisions applying the provisions of this Title as provided in this Section; provided, any person adversely affected by a final decision of the City Council regarding a final or amended subdivision plat must appeal that decision to the district court as provided in Utah Code § 10-9a-801.

(c) Initiation. Any person, or any officer, department, board or commission of the City, adversely affected by a decision made in the administration or interpretation of a provision of this Title may appeal to the Board of Adjustment as provided in this Section. A complete application for an appeal shall be filed within 14 days of the decision which is appealed.

(d) Restrictions on Appeals.

(1) Only decisions applying this Title may be appealed to the Board of Adjustment.

(2) A person may not appeal, and the Board of Adjustment may not consider, any amendment to this Title.

(3) Appeals may not be used to waive or modify the terms or requirements of this Title.

(4) Appeals of any City Council decision must be made to district court in accordance with Utah Code § 10-9a-801.

(e) Procedure. An appeal of an administrative decision to the Board of Adjustment shall be considered and processed as provided in this Subsection.

(1) A complete application shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator along with any fees or deposits set forth in the City Fee Schedule. The application shall include at least the following information:

(A) The name, address, email and telephone number of the applicant and the applicant's agent, if any;

(B) The decision being appealed;

(C) Grounds for the appeal;

(D) A description of the alleged error in any order, decision or determination of the person or body from which the appeal is taken in the administration or interpretation of this Title; and

(E) A description and allegation of every theory of relief that the appellant could raise in district court regarding the matter appealed.

(2) After an application is determined to be complete in accordance with CMC 15.03.050(e), the Zoning Administrator shall schedule a public meeting before the Board of Adjustment. Public notice of the public meeting shall be provided in accordance with the

provisions of CMC 15.03.070. Prior to the meeting the Zoning Administrator shall transmit to the Board of Adjustment and the applicant all papers constituting the record of the action which is appealed.

(3) Upon receipt of a complete application, an appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board that by reason of facts stated in the appeal, a stay would, in his or her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by the district court upon application, notice, and due cause shown.

(4) The Board of Adjustment shall review the record of decision and shall consider and decide the matter in accordance with the standard of review set forth in Subsection (f).

(5) After the Board of Adjustment makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

(6) A record of all appeals of administrative decisions shall be maintained in the office of the Zoning Administrator with a copy provided to the City Recorder.

(f) Standards for Decision.

(A) The Board of Adjustment may reverse or affirm, wholly or in part, or may remand the administrative decision to the officer or body from whom the appeal was taken.

(B) The Board shall review an administrative decision for correctness determining whether there is substantial evidence in the record to support the order, decision or determination of the person or body from which the appeal is taken.

(C) The person making an appeal shall have the burden of proving that an error has been made.

(D) If a provision of this Title is ambiguous it shall be construed in favor of the property owner.

(f) Appeal. Any person adversely affected by a final decision of the Board of Adjustment regarding an appeal of an administrative decision may appeal that decision to the district court as provided in Utah Code § 10-9a-801.

CENTERVILLE

Staff Backup Report 1/23/2019

Item No. 2.

Short Title: Discussion - Goals 2019

Initiated By:

Scheduled Time: 7: 35

SUBJECT

Planning Commission will discuss their goals for 2019 for the Commission and in collaboration with the City Council.

RECOMMENDATION

BACKGROUND

CENTERVILLE

**Staff Backup Report
1/23/2019**

Item No. 3.

Short Title: Community Development Director's Report

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

**Staff Backup Report
1/23/2019**

Item No. 4.

Short Title: City Council Report

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

Staff Backup Report 1/23/2019

Item No.

Short Title: January 9th, 2019

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 1-9-19 Preliminary Minutes

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, January 9, 2019

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

Kevin Daly, Vice Chair
Cheylynn Hayman, Chair
Kai Hintze
Gina Hirst
Logan Johnson
Becki Wright

MEMBERS ABSENT

Kathy Helgesen

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Cassie Younger, Assistant Planner
Katie Rust, Recording Secretary

VISITORS

Interested citizens

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Johnson

ELECTION OF CHAIR AND VICE CHAIR

Chair Hayman nominated Kevin Daly to serve as Chair of the Planning Commission. Commissioner Johnson seconded the nomination. Commissioner Wright nominated Cheylynn Hayman to continue as Chair of the Planning Commission. Commissioner Hintze seconded the nomination. Commissioner Johnson made a **motion** to close nominations. Commissioner Wright seconded the motion, which passed by unanimous vote (5-0). Ballots were cast and tallied. Cheylynn Hayman was reelected Chair of the Planning Commission by majority vote (5-1).

Commissioner Wright nominated Kevin Daly to serve as Vice Chair. No other nominations were made. Commissioner Johnson made a **motion** for Kevin Daly to continue as Vice Chair of the Planning Commission. Commissioner Wright seconded the motion, which passed by unanimous vote (6-0).

PUBLIC HEARING – ZONING TEXT AMENDMENT – CZC 12.12 DEFINITIONS AND 12.36 TABLE OF USES TATTOO ESTABLISHMENT AND PERSONAL CARE

Cassie Younger, Assistant Planner, explained that the applicant owns a business on Main Street called Taylor Kay Brows & Co. She would like to incorporate micro blading and other permanent cosmetics into her business in Centerville. However, micro blading on eyebrows is a form of tattooing, and tattoo establishments are not allowed within the city. Ms. Davis would like for this use to be allowed within Centerville code under “Personal Care” so her business does not have to be categorized as a tattoo parlor.

Chair Hayman expressed concern with regard to the city prohibition of tattoo parlors, the definition of tattoo parlors under constitutional law, and the possibility that adoption of the proposed text amendment would increase the City’s risk of challenge should someone bring up the legality of prohibiting tattoo parlors. City Attorney Lisa Romney explained that federal courts are mixed on whether or not tattoo establishments are protected under the First Amendment as a form of free speech. The Ninth Circuit has held that tattoos and the process of tattooing are forms of free expression protected by the First Amendment and struck down an ordinance completely banning tattoo establishments as unconstitutional. Other courts have upheld reasonable zoning and permitting requirements for tattoo establishments. The question of whether tattoo establishments are protected under the First Amendment as free express is undecided in the Tenth Circuit and has not been addressed by the Utah Supreme Court. Therefore, it is unclear whether the adoption of the proposed text amendments would open up the door to increased challenge, because the legality of prohibiting tattoo parlors and whether they are protected under the First Amendment has not been decided in Utah. If tattooing is deemed protected by the First Amendment, the distinction in the ordinance is likely not sustainable. Ms. Romney said, however, it could be argued that micro blading is more of a procedure or form of makeup than expression through tattoo subject to reasonable regulation. Cory Snyder, Community Development Director, commented that a lot of cities have adopted a distinction between permanent makeup and tattooing as a form of self-expression.

Commissioner Wright agreed that the city ban on tattoo parlors could potentially be challenged, but said she does not think approving the proposed ordinance would strengthen that challenge. Commissioner Wright asked if any special signage is required outside the business indicating an age minimum. Vice Chair Daly asked if licensing is required to perform micro blading and general tattooing. Mr. Snyder responded that general tattooing is regulated by the Health Department.

Taylor Davis, applicant, said she thinks there is a big difference between permanent cosmetics and tattoos. She said a lot of her patients have experienced health-related eyebrow loss and have benefited from micro blading. Licensing requires a certification course, Health Department approval, and certification in CPR and bloodborne pathogens. Ms. Davis said she does not accept clients under the age of 18 for insurance reasons. She is not required to post an age restriction. Ms. Davis explained the micro blading procedure. She said micro blading is designed to enhance what is there or meant to be there, and is not self-expression in the same way as tattoos.

Chair Hayman opened a public hearing at 7:29 p.m., and closed the public hearing seeing that no one wished to comment. Vice Chair Daly suggested the City identify and accentuate the difference between the cosmetic nature of micro blading and the artistic nature of tattooing. He suggested the definition of permanent cosmetics include the requirement that it be done by a licensed cosmetician or aesthetician. Chair Hayman said she did not think

1 including that requirement would provide any additional protection. Ms. Romney pointed out
2 that a tattoo license is required by the State to practice micro blading and agreed with Chair
3 Hayman that the proposed language would not likely add any protection. Ms. Davis commented
4 that an aesthetician license is required to wax or trim eyebrows, but not to do micro blading. If
5 an aesthetician license were required for micro blading, it would need to be required for tattoo
6 artists are well. She said she does not know any tattoo artists with an aesthetician license.
7

8 Commissioner Wright made a **motion** for the Planning Commission to recommend to
9 the City Council the following changes in Zoning Code 12.12 Definitions:
10

11 **Personal Care Service:** An establishment primarily engaged in the provision of
12 frequently or recurrently needed services of a personal nature. Typical uses include
13 beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops,
14 electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons,
15 and weight loss centers. The term excludes Tattoo Establishment.
16

17 **Tattoo Establishment:** Any location, place, area, structure, or business used for the
18 practice of affixing a permanent mark or design on or under the skin by a process of
19 cutting for the purpose of scarring or pricking or ingrainning an indelible pigment, dye, or
20 ink in the skin, or instruction for such a practice. The term excludes permanent
21 cosmetics.
22

23 **Permanent Cosmetics:** A cosmetic treatment involving the controlled insertion of
24 pigment into the skin as a means of producing designs that resemble makeup such as
25 eye brows and eye lining and other natural enhancing colors to the face, lips, and
26 eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are
27 already present or to provide artificial eyebrows for those who have lost them as a
28 consequence of old age, disease, chemotherapy, genetic disturbance and to disguise
29 scars and skin conditions. It may be referred to as "Semi Permanent" because
30 occasional touch ups are required.
31

32 The motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0).
33

34 **PUBLIC HEARING – CONDITIONAL USE PERMIT – CAR SALES FOR SENSIBLE**
35 **RIDES AT 707 N 1000 WEST SUITE 4**
36

37 Cory Snyder, Community Development Director, explained that the applicant operates a
38 Vehicle Repair, Limited business, and desires to add sales use as an accessory use to the
39 vehicle repair activities. The applicant has a small sales operation with only a few cars per year
40 for select patrons of his business, so he does not need more than the minimum of three display
41 stalls required by the State. Mr. Snyder explained that parking is shared between multiple
42 suites on the property. He stated that staff has been unable to verify sufficient parking exists for
43 the current business and the added use involving the occupation of three parking stalls to
44 double as a vehicle sales display area. He presented two possible motions for resolving this
45 matter.
46

47 Justin Manning, applicant, explained that all parking stalls in the center of the property
48 are allocated for his business through agreement with the property owner. Parking
49 requirements for the other businesses are met with the parking stalls in front of the offices. He
50 said there is space for three display stalls in front of one of his office spaces. Mr. Manning
51 indicated he would be willing to designate open space on the east side of the property for the

three display stalls if needed. He said his business occupies almost 50% of the property. Mr. Manning has a dealer license, but he emphasized that his business is different from a regular dealership. Responding to a question from Commissioner Johnson, Mr. Manning said he would not object if the number of display stalls were capped at three.

Chair Hayman opened a public hearing at 7:55 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Johnson made a **motion** 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 encumber 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.

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 use 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 does not need much space or just enough to fulfill the state's dealer minimum requirements of three (3) display stalls (see email 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.

Commissioner Hirst seconded the motion, which passed by unanimous vote (6-0).

PUBLIC MEETING – PARKING MODIFICATION – MISSION BUILDING – 803 N 1250 WEST

Ms. Younger explained the request for parking modification for the Mission Building located at 803 North 1250 West based on the different hours of use of the various tenants. The applicant reports that tenants in Suites 1 and 5 currently operate between 9:00 a.m. and 5:00 p.m., with a need for approximately 24 parking stalls during the day according to City code. Tenants in Suites 2, 3, and 4 primarily operate after 5:00 p.m. and on weekends, with 89 stalls needed according to City code. The applicant proposes to increase the number of parking stalls from 38 to 92.

Commissioner Wright said she knows from experience that the existing parking lot is frequently full in the evenings for recitals and performances. She said she suspects the use is higher and more frequent than listed. Vice Chair Daly commented that adequate circulation in the parking lot for dropping children off is an important consideration. Mr. Snyder explained that the application meets parking regulations for the shared-use standard. Centerville does not have a design standard to regulate whether a parking lot is configured appropriately for dropping off children. Commissioner Hirst said she suspects the evening uses begin at 4:00 p.m. rather than 5:00 p.m. Commissioner Wright expressed concern that overlap between day uses and evening uses would exacerbate the parking problem. Commissioners Hirst and Wright both commented on the need to provide a safe situation for dropping off children. Mr. Snyder emphasized the need to stay within the boundaries of the ordinance. The application is for shared-use consideration.

Troy Salmon, representing the applicant, said he believes going from 38 parking stalls to 92 stalls is a drastic change. Parking needs of the day use are minimal. He expressed willingness to place a sign to indicate that additional parking is available on the north side of the building.

Chair Hayman opened a public hearing at 8:25 p.m.

Grant Shupe – Mr. Shupe said he knows parking is an important question. He commented that with the increase to 92 stalls, parking problems would be unlikely. If a parking problem exists it would probably be mitigated by a tenant choosing to move to a different location. He agreed that child safety is a top priority.

The public hearing was closed at 8:27 p.m.

Commissioner Wright stated she thinks there must be something better than the proposed plan, but agreed that the significantly increased parking would improve the current situation. Ms. Younger confirmed that if tenants change and parking needs change, the issue will be reevaluated. Vice Chair Daly made a **motion** to approve the Parking Modification for Mission Building, located at 803 N 1250 West based on the following conditions and reasons for the action. Commissioner Hintze seconded the motion, which passed by unanimous vote (6-0).

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 are any changes to tenants that exceed 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 the 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.

PUBLIC HEARING – ZONING TEXT AMENDMENT – 12.48 SOUTH MAIN STREET OVERLAY ZONE

On 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. Staff prepared the proposed draft language for Council review, and on December 18, 2018, the Council directed the edits to be submitted to the Planning Commission for review and recommendation. On January 2, 2019, the Council met with staff to discuss the intent of the SMSC Overlay and General Plan. In the course of that meeting, the City Council stated the intention to have a replacement SMSC plan ready by June of 2019. Mr. Snyder explained to the Commission that because of the new direction, in his opinion, the relevancy of the proposed edits is not very high.

Requested Amendment #2 would change the “Civic Lot” Type Setbacks range from “15 to 25 feet” to “30 to 50 feet”. Mr. Snyder stated the requested amendment is not consistent with the General Plan, which sets the maximum range at 15-25 feet. He recommended denial of Amendment #2.

Centerville Zoning Code states: “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”. Mr. Snyder said the Council would like to eliminate that requirement. Proposed Amendment #1 would add: “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.” Mr. Snyder repeated that the edits were requested before the January 2, 2019 discussion. He stated that if a new plan is put in place, the proposed edits become irrelevant.

Chair Hayman opened a public hearing at 8:52 p.m.

1 Grant Shupe – Mr. Shupe asked the definition of “Civil Lot” type. Mr. Snyder responded
2 that Main Street has a defined “Civic Lot” type that is designed around civic uses. The “Civic
3 Lot” type is not limited to the Civic Area within the SMSC. Mr. Shupe said he was concerned at
4 the last Council meeting he attended that because the Council did not like what the Planning
5 Commission had recommended, they sent it back to the Planning Commission without clear
6 direction. He said he hopes there is more communication between the two groups than he has
7 seen. He expressed appreciation for the Planning Commission and what they do. Mr. Snyder
8 commented that the two edits before the Planning Commission are in response to City Council
9 frustrations related to the new fire station, and are completely separate from the revised use list
10 recommended to the City Council by the Planning Commission.

11
12 Chair Hayman closed the public hearing at 9:05 p.m. Commissioner Johnson said he is
13 inclined to approve both proposed amendments in the interest of improving relations with the
14 City Council. Vice Chair Daly said the proposed amendments feel reactionary, like putting the
15 cart before the horse, and he is inclined to say no to both in favor of including them as part of a
16 bigger, holistic discussion, which he thought was the plan to begin with. Vice Chair Daly stated
17 that the Planning Commission is allowed to listen to the public on legislative issues, and in
18 listening to public comment they heard that Main Street should be opened up to more uses.
19 Commissioner Wright agreed, stating she would like to look at the whole picture and not put
20 blinders on. Chair Hayman expressed surprise that the Council said they want to look at the
21 SMSC in a holistic way, but then sent back a little piece for Planning Commission consideration.
22 She expressed support for denying both amendments.

23
24 Commissioner Wright made a **motion** for the Planning Commission to recommend the
25 following regarding the proposed text amendments for the SMSC Overlay District:

26
27 Amendment #1 – Denial of proposed language
28 Amendment #2 – Denial of proposed language

29
30 Reason for the Action:

31
32 The Planning Commission feels the overall plan of addressing the SMSC in a holistic
33 manner is the schedule agreed to with the City Council, and something the Commission would
34 like to continue. These issues will be addressed at that time.

35
36 Chair Hayman seconded the motion. Commissioner Johnson stated he is fine with
37 proposed Amendment #1, even taken out of order. He commented that the City Council faces
38 different challenges than the Planning Commission, and he would like to show support in that
39 direction. The motion to recommend denial passed by majority vote (5-1), with Commissioner
40 Johnson dissenting.

41
42 **COMMUNITY DEVELOPMENT DIRECTOR’S REPORT**

43
44 Mr. Snyder informed the Planning Commission of issues currently on the agenda for the
45 next Planning Commission meeting.

46
47 **CITY COUNCIL REPORT**

48
49 Ms. Romney reported on actions recently approved by the City Council. Discussion by
50 the Council of the SMSC table of uses is tabled to the second Council meeting in February.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the December 12, 2018 Planning Commission meeting were reviewed. Commissioner Johnson made a **motion** to accept the minutes without amendment. Commissioner Wright seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 9:20 p.m., Chair Hayman made a **motion** to adjourn the meeting. Vice Chair Daly seconded the motion, which passed by unanimous vote (6-0).

Mackenzie Wood, City Recorder

Date Approved

Katie Rust, Recording Secretary