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 24, 2018 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 City Assistant to the City Manager, 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 Time: - The times shown below are tentative and are subject to change during the meeting.

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Gina Hirst, Commissioner

D. COMMISSION BUSINESS

7:15 1. Public Hearing -- Zoning Text Amendment - Chicken and Rabbit Permits

LEGISLATIVE DECISION

[Tabled from January 11th Meeting]

Consider the proposed zoning text amendment regarding chicken and rabbit permits, as outlined in CZC 12.55.24

7:30 2. Public Hearing - Preliminary Subdivision - Boulder Subdivision 60 N 1400 West

ADMINISTRATIVE DECISION

Consider the proposed Preliminary Subdivision for Boulder Subdivision Condo Conversion at 60 N 1400 West.

7:45 3. Public Meeting - Final Subdivision - Rigby Court - 150 E Jennings Lane

ADMINISTRATIVE DECISION

Consider the proposed Final Subdivision Plat for Rigby Court Subdivision, at 150 East Jennings Lane.

4. TABLED - Preliminary Subdivision for Moss Acres, 2026 N Main

This item has been tabled at the applicant's request and will be placed on an

agenda at a later date.

E. MINUTES REVIEW and ACCEPTANCE

January 10th, 2018

F. ADJOURNMENT

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/24/2018

Item No. 1.

Short Title: Public Hearing -- Zoning Text Amendment - Chicken and Rabbit Permits

Initiated By: City Council

Scheduled Time: 7:15

SUBJECT

LEGISLATIVE DECISION
[Tabled from January 11th Meeting]
Consider the proposed zoning text amendment regarding chicken and rabbit permits, as outlined in CZC 12.55.24

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- PC Staff Report 1-24-18 Chicken Permit Amendments

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 1

APPLICANT: **CITY COUNCIL**

ZONING DISTRICT: **RESIDENTIAL LOW**

APPLICATION: **ZONING TEXT AMENDMENT TO CZC 12.55.240 CHICKEN AND RABBIT PERMIT AMENDMENTS**

STAFF RECOMMENDATION: **RECOMMEND APPROVAL TO THE CITY COUNCIL**

Background

In 2010, The City Council passed an ordinance that allows residents to raise up to ten chickens and rabbits (combined total) in Residential-Low Zones. This was a great ordinance that allows citizens of Centerville to raise small animals for food production or hobby, giving them the opportunity to become more self-reliant and have a closer relationship to nature and food production.

The current ordinance requires an initial permit application with a fee of $10, with an annual permit renewal fee of $5 sent out every year after. The reminder was sent out one year from their original permit approval date. The intent and purpose of the permit was for the city to have some type of database with a list of names and addresses of those who keep these animals in the case of any disease outbreak or neighborhood complaint. A permit also ensures that the owner is aware of the regulations regarding chickens and rabbits from the city, including the exclusion of roosters, the proper size of coop and distance from other buildings to ensure animal welfare and safety.

It has been brought to the attention of Staff that this annual renewal is burdensome for the owner to pay this fee every year, and should be omitted. Instead, staff would suggest an initial permit with a cost between $10-$20. This initial permit ensures that chicken and rabbit owners are following code requirements and are aware of the safety and regulations with having such animals. It is beneficial to the city to have a list of running chicken permits, in case of any notifications of any changes, bird flu outbreaks, complaints, etc.

The downside of the eliminating the annual renewal permit would be that the city would not have a running list of who *currently* has chickens in their yard. Many people give up the hobby after one or two years, so there are many that would be expired and irrelevant in the database. The Planning Commission suggested that Staff contact the permit holders annually via mail, email, or phone, to take a "chicken census" to see if the permit holders still have their chickens and rabbits and how many, and Staff would record the response. There would be no fee associated with this survey.

The expiration of the permit would follow the same rules as nonconforming uses for our zoning code – not having chickens for more than one year would be considered an abandoned use and expire the permit. [CZC 12.22.100, Abandonment]

Alternatively, the city could forego the fee and permit process altogether, and simply allow the use of chickens and hens to exist in Residential Low zones without an official permit or fee associated with it. This would mean that any zoning violation would be complaint based.

12.55.240(a)(2)

Whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives and policies of the General Plan;

With the initial approval of the chickens and rabbit ordinance, Centerville City Council decided that maintaining backyard chickens and rabbits in backyard in Residential-Low zones was in consistent with the goals, objectives, and policies of the General Plan, as it is consistent with a suburban, residential lifestyle.

This amendment would only change the permitting process from annual to a one-time permit. This maintains the intent of the original ordinance, which is generally neutral in terms of the goals of the General Plan.

STAFF RECOMMENDATION

The Planning Commission hereby makes a motion to recommend APPROVAL of the amendments to Zoning Code CZC. 12.55.240 as follows:

> (a)(2) ~~An annual~~ A permit shall be obtained from the City as described in CZC 12.21.090. In addition to the permit application forms, the City shall provide with all ~~initial~~ permit application packets, ~~as opposed to annual renewal permit applications,~~ educational information as deemed necessary and appropriate by the City, including, but not limited to, information regarding the raising of chickens or rabbits, poultry and rabbit health care, and maintenance issues. All permits shall be non-transferrable to another person or property. Permits shall expire after 12 months of continuous non-use. City Staff shall send out an Annual Survey to

determine status of permits. All permit applications shall also include the following:

(E) ~~For initial permits, an~~ An acknowledgment and consent form requiring signature from the applicant that he or she has read the supplemental educational information and agrees to abide by the terms and conditions of applicable ordinances. The acknowledgement shall also include language acknowledging that the permit is not transferrable to another permit or property and expires after one year of non-use.

REASONS FOR ACTION

1. The proposed zoning text changes are consistent with the goals and objectives of the General Plan [12-21-080(e)1].
2. The one time permit allows residential in applicable zones to raise chickens and rabbits for family food production. [CZC 12.55.140]

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/24/2018

Item No. 2.

Short Title: Public Hearing - Preliminary Subdivision - Boulder Subdivision 60 N 1400 West

Initiated By: John Stout, Applicant

Scheduled Time: 7:30

SUBJECT

ADMINISTRATIVE DECISION
Consider the proposed Preliminary Subdivision for Boulder Subdivision Condo Conversion at 60 N 1400 West.

RECOMMENDATION

BACKGROUND

Preliminary Subdivision Plans were submitted to the City Engineer and the HOA and CC&R's were submitted to the City Attorney - Planning Staff has not received the preliminary plat and plans back. However, the previous Concept Plan has been attached for reference to depict the proposed units of the condominium.

ATTACHMENTS:

Description

- 1/24/2018 PC Staff Report Boulder Subdivision Condo Conversion
- Boulder Condominium Plan Layout

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 2

APPLICANT/OWNERS: **JOHN STOUT**
1380 WEST 50 SOUTH
CENTERVILLE, UT 84014
(87stout@gmail.com)

JAMES STOUT
1380 WEST 50 SOUTH
CENTERVILLE, UT 84014
(james@stoutbc.com)

PROPERTY LOCATION: **60 NORTH 1400 WEST (06-0316-0101)**

PARCEL SIZE: **0.83 ACRES**

ZONING DISTRICT: **INDUSTRIAL HIGH (I-H)**

APPLICATION: **PRELIMINARY SUBDIVISION FOR CONDOMINIUM CONVERSION OF THE EXISTING BUILDING**

STAFF RECOMMENDATION: **APPROVE WITH CONDITIONS**

BACKGROUND

The applicants desire to subdivide an existing building and create a condominium plat for four spaces within the building. Currently, TruGolf Inc. occupies the entire building. However, the owners desire to create the condominium spaces for future venture purposes.

PREVIOUS CONCEPTUAL SUBDIVISION ACCEPTANCE

On December, 13, 2017 the Planning Commission reviewed and accepted the Conceptual Subdivision for the Boulder Subdivision.

1. A Preliminary Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance. [Completed]
2. The Preliminary Subdivision Plans shall also address the compliance with requirements of the Utah Condominium Ownership Act, as set forth in Utah Code [Documents have been submitted]

3. The Preliminary Subdivision Plans identify and depict the desired condominium spaces and common area spaces [Depicted on Preliminary Plat]
4. The Preliminary Plans are to address compliance with any related building and fire code provisions regarding the conversion of the building into condominium spaces [Not Complete]
5. The parking capacity and limitations are to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building [Not Complete]

PRELIMINARY SUBDIVISION REVIEW - CHAPTER 15.2

15.03.010 Preliminary Plat - Purpose – The purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat and to ensure compliance of the subdivision with City ordinances and regulations. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the subdivision provisions and any other applicable City ordinances and regulations.

GENERAL REQUIREMENTS SUBDIVISIONS - CHAPTER 15

CMC 15.01.040 Definitions - "Condominium" means property conforming to the definition set forth in Utah Code § 57-8-3. A condominium is also a "subdivision" subject to these regulations and the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-1, et seq.

> ***Staff Comment:*** It is the position of staff that the general subdivision requirements for property were accounted for during the previous subdivision and site plan approvals obtained for the property. The request for further subdivision would now be narrowly focused on the building being divided into condominium spaces. The primary focus for creating the subdivision is as follows:
>
> - Creation of a subdivision plat related to condominium conversion of the building.
> - Identification of spaces for condominium spaces and common area spaces
> - Creation of the Owner's Association
> - Creation of related CC&R's
> - Compliance with the Condominium Ownership Act of the Utah Code

PRELIMINARY SUBDIVISION SUMMARY SUBMITTAL REVIEW

DRC & Planning Staff Comments:

- Drafted HOA and CC&R's documents were submitted and forwarded to the City Attorney for compliance review with applicable State Codes.
- Preliminary Plat was submitted to the City Engineer for survey review
- Preliminary Plat appears to contain ancillary engineering and service utility information that will need to be removed to comply with the City's Final Plat format.

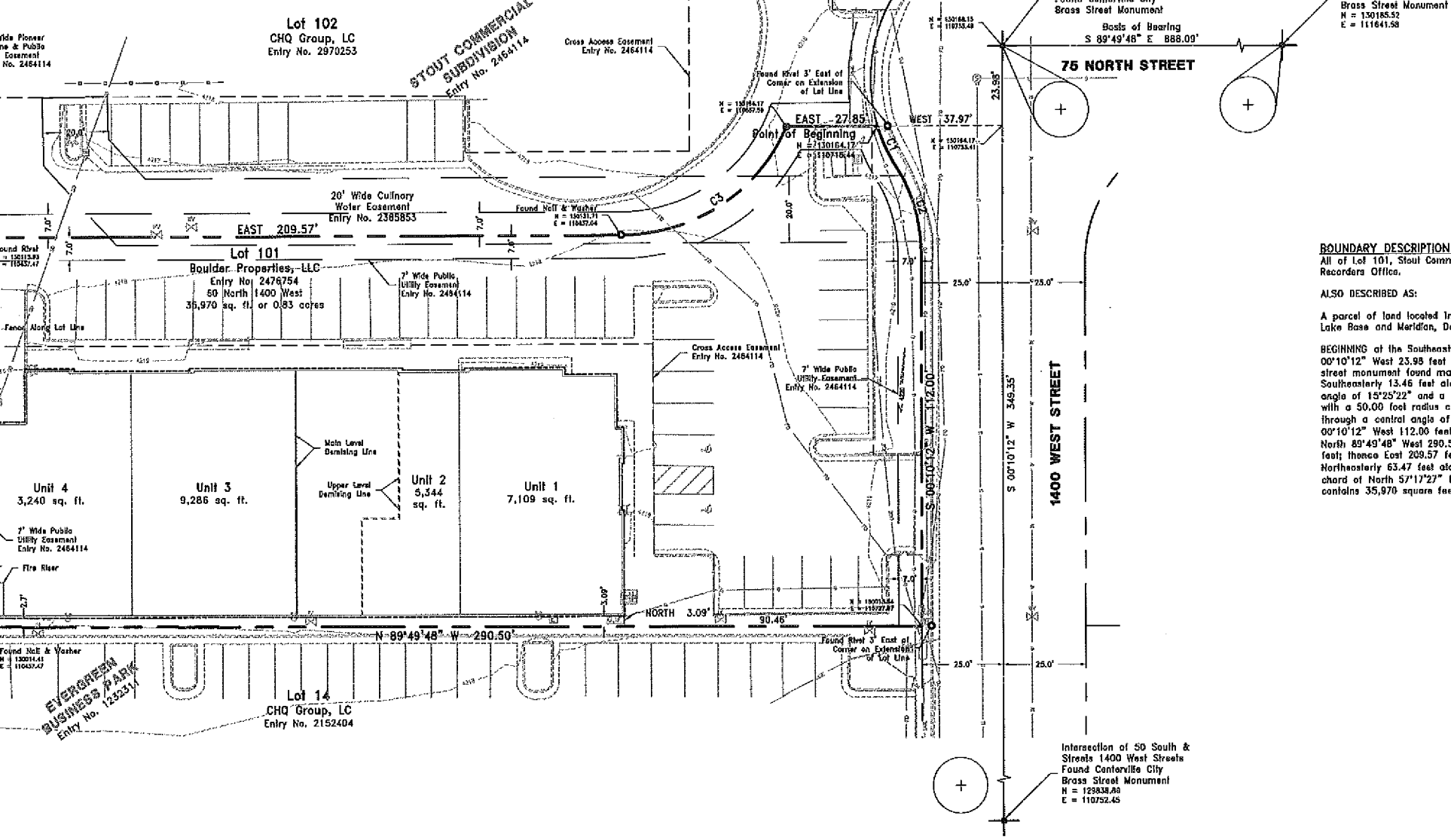
- The parking capacity and limitations still need to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building

PLANNING STAFF RECOMMENDATION
I hereby make a motion for the Planning Commission to APPROVE the Preliminary Plan for the Boulder Condominium Subdivision, with the following conditions:

1. A Final Subdivision Application shall be submitted in accordance of CMC 15.04 of the Subdivision Ordinance.
2. The drafted HOA and CC&R's documents are to be deemed acceptable by the City Attorney prior to final subdivision plat review by the Planning Commission
3. The Final Plans shall be submitted to the City Building Official and South Davis Metro Fire District for compliance with any related building and fire code provisions regarding the conversion of the building into condominium spaces.
4. The applicant shall obtain written confirmation regarding compliance with applicable building and fire code provisions.
5. The parking capacity and limitations are to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building.

<u>Suggested Reasons for the Action:</u>

a) The Planning Commission finds that with the identified conditions, this proposed subdivision plan to ensure compliance with the Subdivision Development Standards and the Utah Condominium Ownership Act
b) The Planning Commission finds that the applicable review standards of the Subdivision Ordinance pertaining to a Preli9mnary Subdivision application have been reviewed and conditions of approval established to allow the proposal to proceed to final subdivision plan submittal.



BOUNDARY DESCRIPTION:

All of Lot 101, Stout Commercial Subdivision, as recorde
Recorders Office.

ALSO DESCRIBED AS:

A parcel of land located in the Southeast Quarter of Se
Lake Base and Meridian, Davis County, Utah, described

BEGINNING at the Southeast Corner of Lot 102, Stout Co
00°10'12" West 23.98 feet along the monument line of
street monument found marking the intersection of 75
Southeasterly 13.46 feet along the arc of a 50.00 foot
angle of 15°25'22" and a long chord of South 23°54'2
with a 50.00 foot radius curve to the right; thence Sou
through a central angle of 31°47'18" and a long chord
00°10'12" West 112.00 feet to the north line of Lot 14,
North 89°49'48" West 290.50 feet; thence North 101.52
feet; thence East 209.57 feet to a point of tangency of
Northeasterly 63.47 feet along the arc of said curve th
chord of North 57°17'27" East 60.08 feet; thence East
contains 35,970 square feet or 0.83 acres, more or les

CURVE TABLE					
DIUS	LENGTH	DELTA	BEARING	CHORD	TANGENT
.00'	13.46'	15°25'22"	S 23°54'25" E	13.42'	6.77'
.00'	27.74'	31°47'18"	S 15°43'27" E	27.39'	14.24'
.59'	63.47'	65°25'06"	N 57°17'27" E	60.08'	35.70'

LEGEND

- Centerville Street Monument Found
- Property Boundary Line
- Right-of-Way Line
- Monument Line
- Set Rebar W/ Cap Stamped "DOMINION ENGINEERING" (Unless Otherwise Noted)
- Found Property Monument (As Noted)
- Edge of Existing Improvements (As Noted)
- Existing Vinyl Fence
- Existing Storm Drain Line
- Existing Sewer Line
- Existing Water Line
- Existing Gas Line
- Existing Underground Electric Line
- Existing Fiber Optic Line
- Existing Elevation Contour Line
- Existing Utility Pole, Guy, Light Pole, Electric Box, Meter
- Existing Water Valve, Man Hole, Fire Hydrant
- Existing Sewer Man Hole
- Existing Storm Drain Man Hole, Roof Drain
- Existing Telephone Box, Man Hole
- Existing Fiber Optic Box
- Existing Gas Meter
- Existing Fire Department Connection, Yard Hydrant
- Existing Irrigation Valve

N

0 20 40

Scale in Feet

17

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/24/2018

Item No. 3.

Short Title: Public Meeting - Final Subdivision - Rigby Court - 150 E Jennings Lane

Initiated By: Fred Hale, Applicant

Scheduled Time: 7:45

SUBJECT

ADMINISTRATIVE DECISION
Consider the proposed Final Subdivision Plat for Rigby Court Subdivision, at 150 East Jennings Lane.

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 01/24/2018 PC Staff Report Rigby Court Final Subdivision
- Rigby Court Final Subdivision Submittal

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 3

APPLICANT: **FRED HALE**
63 WEST 1750 NORTH
CENTERVILLE, UT 84014
(fredh@colonialbuilding.com)

OWNERS: **FRED L. & CHERYL HALE**
63 WEST 1750 NORTH
CENTERVILLE, UT 84014
(fredh@colonialbuilding.com)

PROPERTY LOCATION: **150 EAST JENNINGS LANE (1700 NORTH)**

PARCEL SIZE: **3.046 ACRES**

ZONING DISTRICT: **AGRICULTURAL-LOW (A-L)**

APPLICATION: **FINAL SUBDIVISION PLAT AND PLANS WITHIN THE HILLSIDE OVERLAY**

STAFF RECOMMENDATION: **APPROVE WITH CONDITIONS FOR FINAL SUDIVISION SUBMITTAL TO CITY COUNCIL**

BACKGROUND

On December 13, 2017, the Planning Commission approved the Preliminary Plan for the Rigby Court Subdivision, provided the preliminary plat technical engineering issues be deemed acceptable by the City's Development Review Committee (DRC). The applicant revised the preliminary plans and submitted them to the DRC. The DRC reviewed the plans on December 27th and deemed them acceptable with a few revisions. Most notably, the applicant had scheduled a meeting with Weber Basin Water to finalize the

infrastructure plan to provide secondary water service for the subdivision. The DRC then requested that the applicant provide written verification of secondary water service, as part of the final subdivision approval process.

FINAL SUBDIVISION REVIEW - CHAPTER 15.04

15.04.010 Final Plat – The purpose of the final plat is to require formal approval by the Planning Commission and City Council before a subdivision plat is finalized and recorded in the office of the Davis County Recorder and to ensure compliance of the subdivision with applicable ordinances. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

PREVIOUS PRELIMNARY SUBDIVISION APPROVAL

On *December 13, 2017*, the Planning Commission approved the Prelimnary Plan for the Rigby Court Subdivision, subject to the following conditions:

1. This Preliminary Approval is subject to the City's Approval of the applicant's petition to amend the Hillside Overlay Zone provisions, or the subdivision plan layout shall be altered to comply with the adopted/modified provisions, prior to submittal of any Final Subdivision application and submittal.

   Staff Comment – On 1/16/2018 Council approved amendments for the A-L Zone width requirements in the Hillside Overlay Zone. It appears the final subdivision plans are compliant with the amended provisions.

2. A Final Subdivision Applications shall be submitted in accordance of CMC 15.04 of the Subdivision Ordinance. Completed on 12/27/2018

   The Final Subdivision Plat shall provide the following notes for the private alley or as recommended by the City Attorney:
   - The private alley has been provided by the original developer for the convenience of accessing the rear yards of all lots within the subdivision. -Complete-
   - A City right-of-way "encroachment permit" is required for construction of and use of the alley's drive access point from the public roadway. – Not Addressed-
   - The use of the private alley is an "accessory amenity" for the convenience of the lot owners to establish any allowable accessory use of the lots. -Complete-
   - The private alley shall not be used for any commercial/industrial nature or other like practices that generates frequent and consistent traffic to and from the rear yard of the lots. -Complete-

3. The construction plans for the subdivision shall address the provision of secondary water service and shall acquire any needed off-site easements prior to any approval and recordation of a final subdivision plat. - In progress, not complete-

4. The submittal of the Final Subdivision Plat and Plans shall be submitted to the City's Development Review Committee (DRC) and shall be deemed complete and in compliance with the Hillside Overlay provisions and this preliminary plan approval, prior to scheduling the final plat for review by the Planning Commission. -Complete-

5. If any dispute arises between the DRC and the applicant during the final subdivision review by the DRC, the DRC shall remand this preliminary approval back to the Planning Commission for resolution, prior to scheduling the final subdivision for Planning Commission consideration. -No Disputes Occurred-

PLANNING STAFF RECOMMENDATION

I hereby make a motion for the Planning Commission to RECOMMEND the Final Subdivision Plat and Plans for the Rigby Court Subdivision, subject to the following:

1. The Final Recordable Subdivision Plat shall reflect the lot layout and engineering dated December 27, 2017, or as amended by the City in preparation of its recording.
2. The Final Plat shall provide a plat note indicating that a City right-of-way "encroachment permit" is required for construction of and use of the alley's drive access point from the public roadway.
3. Weber Basin Water shall provide written acceptance of the secondary water infrastructure plans to establish this service to the subdivision, prior to the recordation of the subdivision plat with Davis County.
4. The subdivision construction plans shall be deemed acceptable to the City Engineer prior to recordation of the subdivision plat with Davis County
5. A Final Paper Plat shall be submitted to the City Recorder's office to be reviewed by the City staff to ensure plat compliance with City's approved format, approval final layout, survey standards, and owner dedications. Such paper plat shall be deemed acceptable by the City Attorney and City Engineer prior to preparation and submittal of the final recordable linen plat to the City.
6. A Preliminary Title Report shall be submitted to the City with the Final Paper Plat Submittal to the City Recorder.
7. The required improvement bond and associated fees shall be prepared, reviewed, and paid prior to the recordation of the subdivision plat with Davis County
8. After the plat recording, a preconstruction meeting shall be held with the City that includes all parties that are installing the public and utility service infrastructure.

<u>Suggested Reasons for the Action:</u>

a) The Planning Commission finds that Final Plat and Plans are consistent with the previous Conceptual Plan Acceptance directives and Preliminary Subdivision Plan Approval.
b) The Planning Commission finds that the final subdivision complies with the applicable regulations of the subdivision and Hillside Overlay ordinances.

2. All sanitary sewer lines shall meet the standards and specifications of South Davis County Sewer Improvement

3. All work shall also comply with all requirements and specificiations of all governing agencies and utility companies. The contractors shall provide all tests, statements, notes, and other items required by such entities to assure compliance with their standards.

4. Contractors are responsible to acquire all permits for excavations and construction of all work and to bear all costs of said permits.

5. Contractors are responsible to contact all utility companies for "Blue Stake" locations and verify all utility line locations prior to the beginning of work. In the event that an unforseen utility line is found, the City, Balling Engineering, Inc., and the correspoinding utility company should be contacted immediately and before proceeding with the work.

6. In the event that any discrepancy is found between field conditions, plans, specifications or field staking, Balling Engineering, Inc. should be contacted immediately and before proceeding with further work.

7. All contractors shall thoroughly review the erosion control panel and facilities prior to beginning work. All erosion control devices must be cleaned and constructed prior to any site excavation or disturbance of existing conditions.

8. Erosion control basins and structures must be periodically inspected (at least weekly and after each rain storm) and repaired and cleaned. No structure is to remain in a damaged, unclean, or incomplete condition overnight during the construction process.

9. All contractors are to immediately repair all erosion devices as utilities and improvements traverse such devices.

tested at intervals assigned by
the Developer to assure compacti
95 percent of ASTM D-1557 (modif

12. The final grading Contractor sha
all manhole lids and cones and
required to match the final

13. All work must be done expeditiou
in the best manner to avoid dela

14. All Utility Contractors will pr
of construction plans showing
service laterals and tees to
with measurements from lot c
hydrants and other permanent f
in writing the accuracy of all l

15. The Sewer Main Contractor will b
adjust manhole lid elevations
in no case higher than fini
plans.

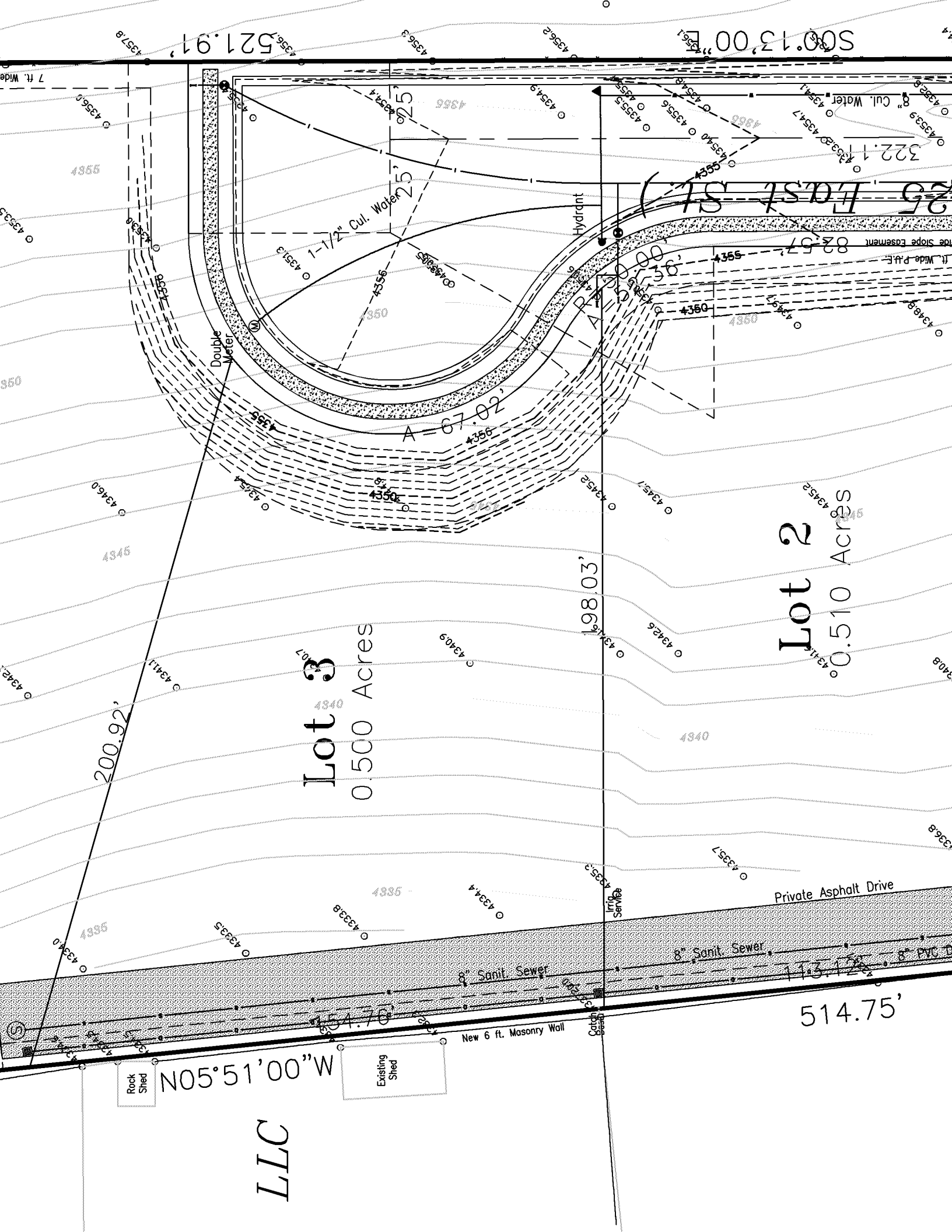
16. On the plans "Field Verify" mea
that the location, grade, and m
same as on the plans. Shoul
deviation from what is shown, Ba
be notified and allowed ample
receive approval of said rev
agencies prior to proceeding wit
any work without approval from
be at the Contractor's risk.

17. Contractor is responsible to obt
from Balling Engineering, Inc
beginning and construction an
and Balling Engineering of a
plans which have cost effects.
be prior to beginning constr
payments will be justified witho

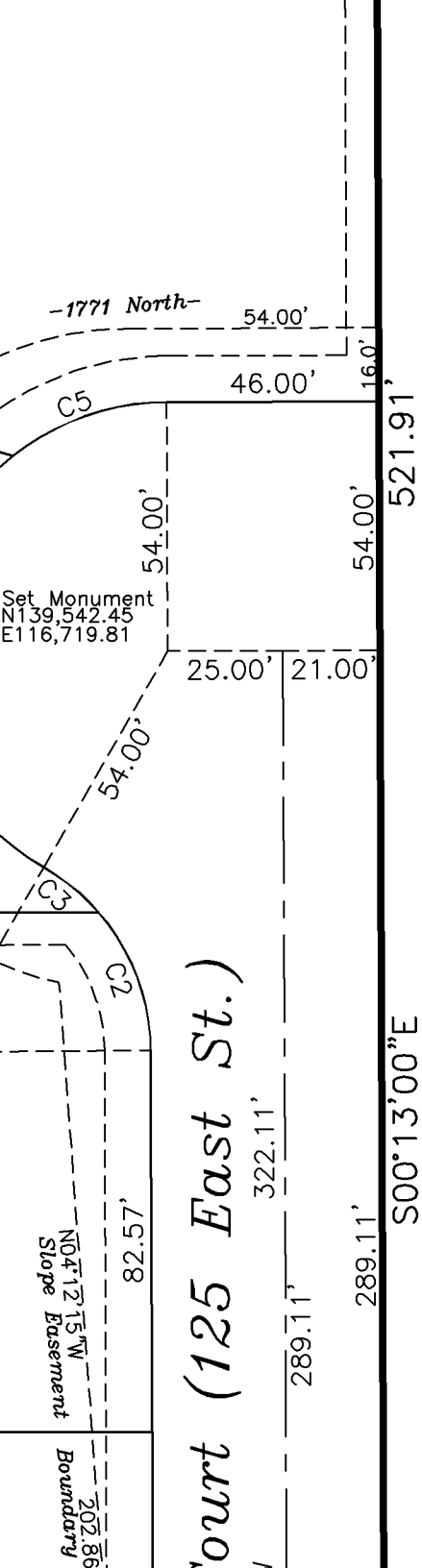
17. Waterline Contractor is to inst
the horizontal allignment as sho
case shall the deflection withi
the recommendations of the pipe

Holding
Strip

" Deep



Lot 2
0.510 Acres
Lot 3
0.500 Acres
A=67.02'
R=30.00'
A=57.36'
25' East St.
1-1/2" Cul. Water
Hydrant
Double Meter
Private Asphalt Drive
8" Sanit. Sewer
8" Sanit. Sewer
8" PVC D
New 6 ft. Masonry Wall
Irrig. Service
Catch Basin
Rock Shed
Existing Shed
N05°51'00"W
514.75'
200.92'
198.03'
LLC



Rigby
Property

Scale: 1"=

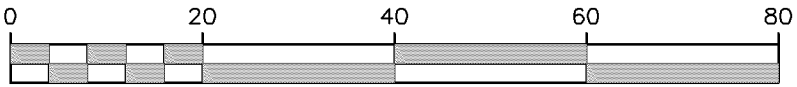
0 30 60

sting Curb and Gutter

Right of Way Line

Plan View

Scale: 1"=20'



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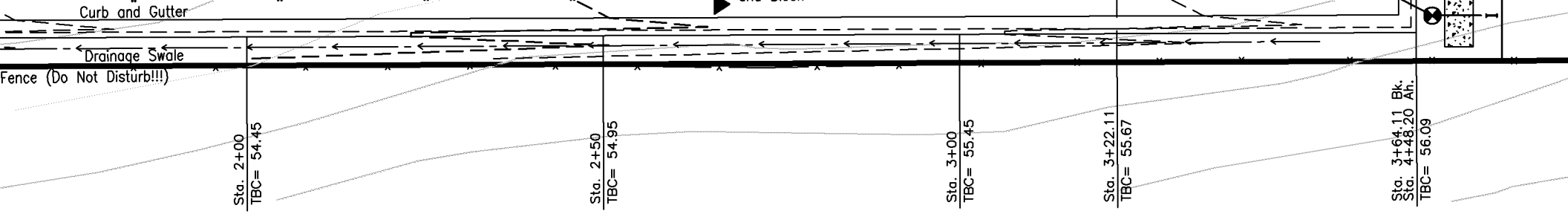
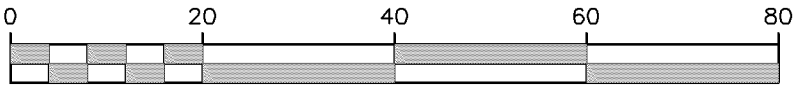
4+00



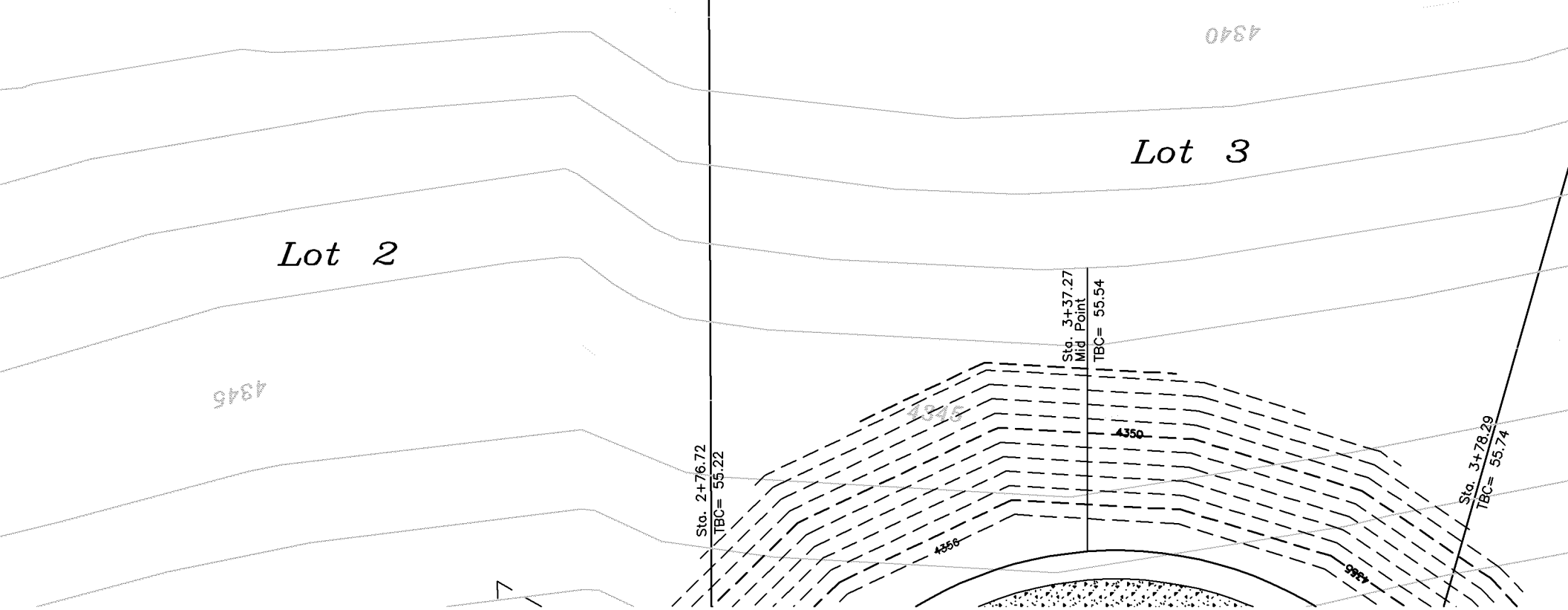
Rigby Property

Plan View

Scale: 1"=20'



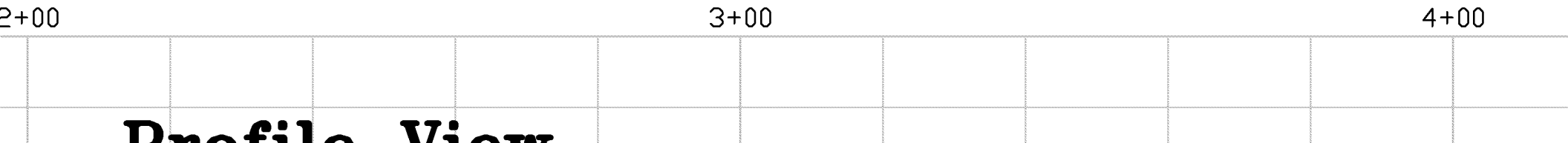
2+00 3+00 4+00



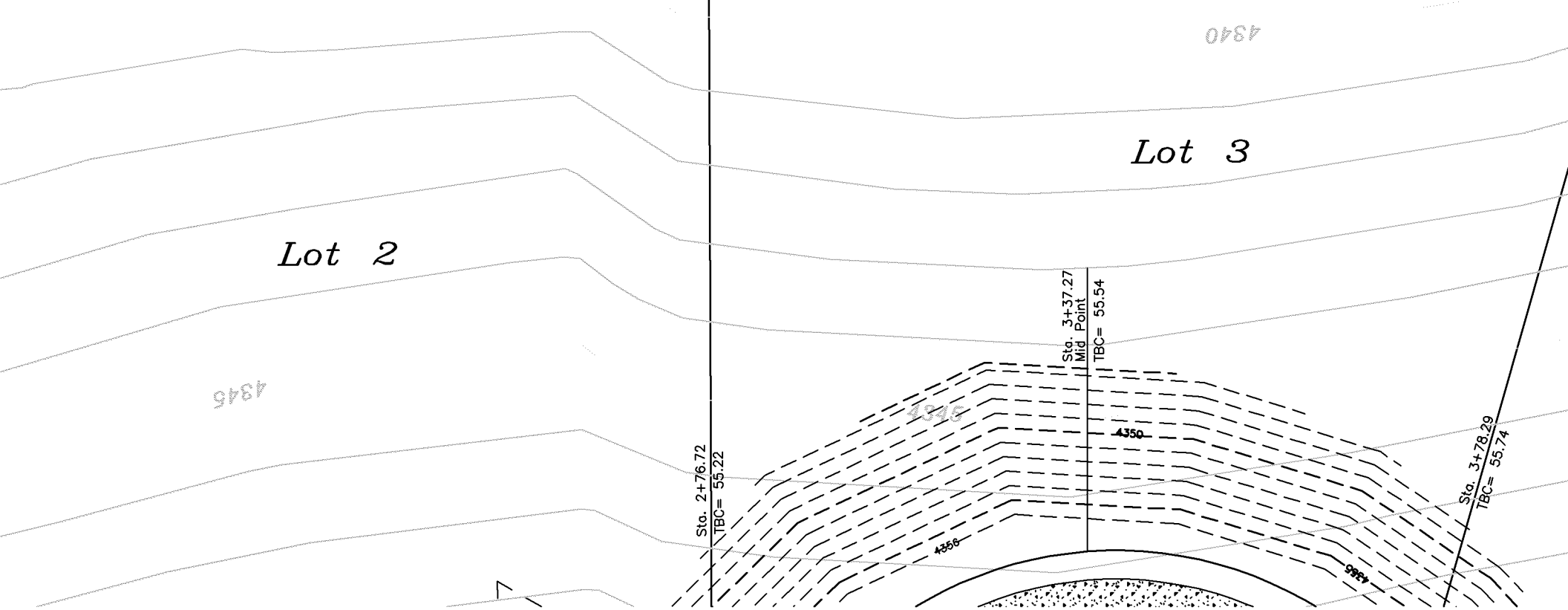
Plan View

Scale: 1"=20'

0 20 40 60 80



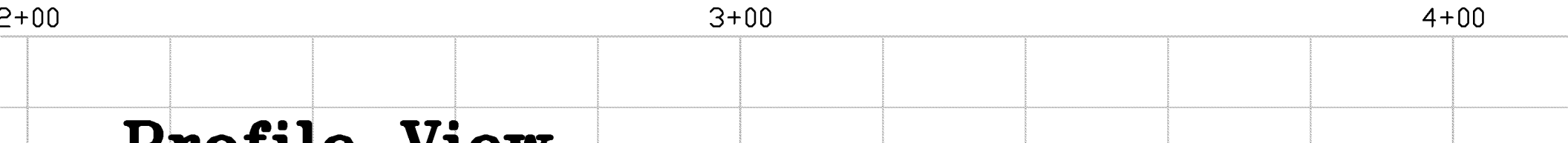
Profile View



Plan View

Scale: 1"=20'

0 20 40 60 80



Profile View

CENTERVILLE

Staff Backup Report
1/24/2018

Item No.

Short Title: January 10th, 2018

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 01-10-18 PC Preliminary Minutes

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, January 10, 2017
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 6:55 p.m.

MEMBERS PRESENT
Kathy Helgesen
Kevin Daly, Vice Chair
Logan Johnson
David Hirschi
Gina Hirst
Becki Wright

MEMBERS ABSENT
Cheylynn Hayman, Chair

STAFF PRESENT
Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Cassie Younger, Assistant Planner
Avalon Comly, Recording Secretary

VISITORS
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

ELECT A NEW CHAIR AND VICE CHAIR FOR 2018

Chair Hirschi disbursed ballots for position of Chair; explained that votes would be counted by Lisa Romney, City Attorney; and opened the floor for nominations.

Commissioner Johnson nominated Vice Chair Hayman for the position of Chair of the Planning Commission for 2018. Commissioner Becki Wright seconded the nomination.

Hearing no other nominations, the Commissioners cast their ballots. Vice Chair Hayman was elected Chair by unanimous vote (6-0).

Commissioner Hirschi opened the floor for nominations for the positions of Vice Chair.

Commissioner Johnson nominated Commissioner Wright for the position of Vice Chair of the Planning Commission for 2018. Commissioner Hirst seconded the nomination.

Commissioner Wright nominated Commissioner Daly for the position of Vice Chair of the Planning Commission for 2018. Commissioner Johnson seconded the nomination.

Hearing no other nominations, the Commissioners cast their ballots. Commissioner Daly was elected Vice Chair of the Planning Commission by majority vote (4-2).

PUBLIC HEARING—TEXT AMENDMENT—HOME OCCUPATIONS

Cory Snyder introduced the proposed text amendment. He explained that in the 2017 General Session, the Utah legislature adopted S.B. 81 restricting a municipality's authority to charge a business license fee for home based businesses, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

Mr. Snyder explained that staff reviewed this new law, and discussed whether home based businesses should still be issued licenses, though they would now be free; or whether licenses should not be required for home based business. Staff is recommending that the City continue to issue licenses, with no fee, to home based businesses, as this would allow business owners to have an official license that they could use in proving that they are a valid business entity.

Staff also discussed how to ensure that home based businesses meet zoning compliance before business licenses are issued. Staff recommends that Permitted Use home occupations go through a one-time review for zoning compliance. The Zoning Administrator would approve Permitted Use permits, and a business license would then be issued. Conditional Use permits would still be subject to Planning Commission review.

Vice Chair Daly questioned whether Commercial Use permits and business licenses would change and Mr. Snyder confirmed that they would not.

Commissioner Hirschi asked whether people who ran home based businesses had previously paid a fee for a use permit and a business license. Mr. Snyder responded that there used to be one fee for both, but, per staff recommendations, there would now only be a one-time $75 zoning review fee and no business license fee, or annual review fee. Commissioner Hirschi questioned Ms. Romney if this change is in keeping with the spirit of S.B. 81. Ms. Romney responded that in her opinion it is.

Vice Chair Daly opened the matter for public hearing at 7:16 p.m. and closed the public hearing seeing that no one wished to comment.

A member of the public, requested to ask a question of the Commission. Chair Daly asked him to come forward.

Karl Taylor - Mr. Taylor questioned whether his sister-in-law, who runs a hair stylist business from her home in Lehi, would be affected by this change and whether each municipality is choosing to do a different thing.

Lisa Romney responded to Mr. Taylor that each city is dealing with the legislation differently and Mr. Taylor's sister would want to look into what changes Lehi is making in response to the new legislation.

Commissioner Hirschi made a **motion** for the Planning Commission to recommend to the City Council to approve the proposed amendments for "Home Occupations," as presented by the staff to the Planning Commission with reasons for the action (a)-(c). Commissioner Wright seconded the motion.

Commissioner Wright requested an amendment to change the wording in suggested reason for action (b) from *"ARE NOT INCONSISTENT"* to *"ARE CONSISTENT."* Commissioner Helgesen seconded the amendment, which passed by unanimous vote (6-0).

Commissioner Johnson expressed that he would prefer that the City move in the direction of not requiring any fee or licensure. Commissioner Wright asked if Commissioner Johnson foresaw that moving in the direction of have no fee and no business licensure for home based businesses would create more work, or less work, for City employees. Commissioner Johnson responded that he believes it will be less work for City employees. Commissioner Wright asked Commissioner Johnson what owners of home-based businesses would need to do if they needed a license to provide to a mortgage company or other entity. Commissioner Johnson responded that they would need to take care of that requirement in some other fashion. Commissioner Johnson did point out that the rebuttal to his argument would be that the City does have the authority to regulate the uses in the homes, and licensure would provide recourse should there be any kind of complaint against a home based business.

The Commission voted to pass the motion as amended by majority vote (5-1), with Commissioner Johnson dissenting.

Reasons for the Action

a. The Planning Commission find that the "decision to amend the . . . zoning ordinance is a matter of within the legislative discretion of the City Council as described in *CZC 12.21.060.a.1.B.*
b. The Planning Commission finds that amendments *ARE INCONSISTENT* with the goals, objectives and policies of the City's General Plan.
c. The Planning Commission finds that the amendments are needed to comply with S.B. 81, in the 2017 General Session of the Utah State Legislature.

PUBLIC HEARING—ZONE TEXT AMENDMENT— "CATERING, GENERAL" AND "CATERING, LIMITED" DEFNITIONS AND TABLE USES

Cassie Younger, Assistant Planner, explained that after the Planning Commission and City Council voted in November of 2017 to approve the new definition of the use "Catering, Limited" and allow the use as a Conditional Use Permit in Commercial-Medium Zones at an applicant's request, staff examined Catering use beyond the scope of the original request to create a broader definition to incorporate into the Table of Uses in other zones. Staff believes that the inclusion of a "Catering, General" definition into the Table of Uses and the permission of this definition in Industrial zones, along with permission of "Catering, Limited" operations in Commercial zones, is compatible and consistent with the General Plan.

Commissioner Wright asked how a "Catering, Limited" business that wanted to be located in an Industrial zone would be permitted. Ms. Younger explained that in an Industrial zone a business that would otherwise be classified as "Catering, Limited" would just be classified as Catering, General because, in an Industrial Zone, there is no limit on food odors or the number of catering vehicles allowed.

Commissioner Wright stated that she is concerned about changing the definition of the business operation's use, based on the zone it is to be located in. She further explained that she would prefer to have the business permitted so that it remains the same defined type of use. Mr. Snyder responded that it would not be desirable to make a catering business located in an Industrial zone be subject to enforcement of rules on odors and limitations on the number of trucks parked outside, when that is not a concern for other businesses in industrial zones.

Commissioner Hirschi and Commissioner Wright asked a question about why Commercial-Very Heavy zones can't have Catering, General businesses in them, at least as a Conditional Use. Cory Snyder said this is because of all of the trucks that are associated with that business being located so close to other businesses that have heavy truck trafficking.

Vice Chair Daly asked whether there are currently restrictions on food odors for restaurants that do not have catering operations. Mr. Snyder replied that there are not any food odor restrictions on restaurants.

Vice Chair Daly opened the matter for public hearing at 7:36 p.m.

Robert Love – Mr. Love inquired of the Commissioners whether this amendment would just impact food trucks. He asked about residential areas where catering trucks might show up for games and other events. He said that he has had many events that were catered by companies that do not have trucks and wondered if this is impacting those companies.

Kyler James – Mr. James pointed out that the staff report for item 2, which was being displayed on a projector screen, had a 2017 date in the footer.

Seeing no one else wished to make a comment, the public hearing was closed at 7:38 p.m. by Vice Chair Daly.

Cory Snyder responded to Mr. Love that delivery of services is not where the use is being regulated. He explained that what is being regulated with the zone text amendment is the operation of the base place where the use occurs. If a catering company does not involve trucks, they would still be considered a catering company. Catering-Limited use would be when a catering company wants to grow their business by having a few trucks. Catering- General use would then be applied when a catering company grows even beyond the limited use. The question has been in what zone a Catering, General company should be located. Staff has taken the position that a large Catering, General operation should be located in Industrial zones, and the Commission is debating in what Commercial Zones Catering, Limited operations should be located.

Vice Chair Daly asked about parking for Catering, General businesses. Mr. Snyder says at this time parking has not been considered in the Catering, General definition. If Commissioners do not describe parking amount required in the definition of use then parking studies will be required when a person applies for that kind of use.

Commissioner Wright referenced a zoning map of Centerville that Cassie Younger was displaying. She questioned the use classification a business where a catering and restaurant operation are together. Mr. Snyder explained that the business would be considered a "Multi-Use" facility, and would need to be located in a zone that allows restaurants and catering, but that it would need to be determined whether the catering is primary and the restaurant is accessory. He further confirmed that restaurants are not allowed in industrial zones, so Catering, General companies or other catering companies located in Industrial zones could not open a restaurant operation.

Commissioner Wright raised again her previous concerns about classifying business uses differently for catering operations based on the zone they are in. Vice Chair Daly questioned what the benefit would be of requiring a Catering, Limited use business that moved to an Industrial Zone to remain classified as Catering, Limited. Commissioner Wright states that she feels it would send a message about where the City prefers various types of catering businesses to be located.

Commissioner Helgesen commented that she does not see it as a problem that a Catering, Limited company that chooses to move to an Industrial Zone can be reclassified as Catering, General and thereby expand their business. She feels that the parameters as they are set already send a clear message that certain size catering businesses belong in Industrial Zones.

Commissioner Hirschi made a **motion** that the Planning Commission recommend acceptance to the City Council of the Definition of "Catering, General", as shown below, and that the Table of Uses regarding "Catering, General" and "Catering, Limited" be amended as shown in Table 1 below, with Reasons for Action (a)-(c). Commissioner Wright seconded the motion.

"Catering- General": An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. Includes catering for food for single event-based food services and contractual agreements for a specified period of time. This may include the storage of mobile food trucks, and catering transport vehicles. *(Does not include subordinate catering to a food establishment).*

Table 1

Zones															
Use	**A-L**	**A-M**	**R-L**	**R-M**	**R-H**	**PF-L**	**PF-M**	**PF-H**	**PF-VH**	**C-M**	**C-H**	**C-VH**	**I-M**	**I-H**	**I-VH**
Catering, General	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P

Reasons for Action

a. The Planning Commission finds that the "decision to amend the. . . zoning ordinance is a matter of within the legislative discretion of the City Council as described in *CZC* 12.21.060.a.1.C.
b. The definition of "Catering, limited" as permitted in all Commercial Zones and the new definition of "Catering, General", as permitted in all Industrial Zone is consistent with the goals objections and policies of the General Plan [12-430-1]
c. The uses are consistent with the zone purposes as stated in CZC 12.30.020.

Commissioner Hirst commented that she does not agree with the Conditional Use for Catering, General in C-VH zones, as she does not feel catering should be brought into a zone which is primarily used for services that are used by residents on a daily basis. She also stated that she does not feel Catering, Limited needs to be permitted in Industrial Zones.

Vice Chair Daly made a **motion** to amend the Table of Uses regarding "Catering, General" and "Catering, Limited" such that Catering, Limited not be permitted in Industrial Zones, as shown in Table 2 below. Commissioner Johnson seconded the amendment, which failed (3-3), with Vice Chair Daly, Commissioner Hirst, and Commissioner Helgesen in favor, and Commissioners Johnson, Hirschi, and Wright dissenting.

Table 2

Zones															
Use	**A-L**	**A-M**	**R-L**	**R-M**	**R-H**	**PF-L**	**PF-M**	**PF-H**	**PF-VH**	**C-M**	**C-H**	**C-VH**	**I-M**	**I-H**	**I-VH**
Catering, General	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	N	N	N

Commissioner Helgesen made a **motion** to amend the Table of Uses regarding "Catering, General" and "Catering, Limited" such that Catering, General not be permitted in C-VH Zones and

Catering, Limited not be permitted in Industrial Zones, as shown in Table 3 below. Commissioner Hirst seconded motion to amend, which failed (2-4), with Commissioners Helgesen and Hirst in favor.

Table 3

Zones															
Use	**A-L**	**A-M**	**R-L**	**R-M**	**R-H**	**PF-L**	**PF-M**	**PF-H**	**PF-VH**	**C-M**	**C-H**	**C-VH**	**I-M**	**I-H**	**I-VH**
Catering, General	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	N	N	N

A vote was taken on Commissioner Hirschi's original motion, and the motion passed (4-2) with Commissioners Hirst and Helgesen dissenting.

PUBLIC HEARING – ZONING TEXT AMENDMENT – CHICKEN AND RABBIT PERMITS

Ms. Younger explained that residents living in Residential-Low Zones who are raising chickens or rabbits currently pay $10 for their initial permit fee, and $5 for an annual permit review fee. Requiring that chicken and rabbit owners obtain a permit has allowed the City to maintain a database of names and addresses of owners in case of disease outbreak or neighborhood complaint, and ensured that the owners were aware of the regulations regarding keeping chickens and rabbits in the City. However, it has recently been brought to staff's attention that the annual permit review fee is burdensome. The proposed zoning text amendment would remove the renewal fee, but maintain the initial permitting process and fee.

Vice Chair Daly asked how often residents apply for an initial permit and then do not renew the permit the following year. Ms. Younger responded that there are 30 active permits, and 15 permits that have been closed out over the past 7 years.

Commissioner Wright asked if there are any permits in the City that renew bi-annually. Mr. Snyder responded that there are not. Commissioner Wright asked if there is any way that chicken & rabbit owners could still be required to obtain a permit annually, perhaps online, without having to pay a fee. She is concerned that not having this annual permit renewal would mean that the City does not have a record of chicken and rabbit owners in case of disease outbreak. Mr. Snyder responded that it would not be possible for renewals to be done online as it stands currently.

Vice Chair Daly questioned how chickens and rabbits are permitted in agricultural zones. Mr. Snyder replied that Agricultural Zones have an assigned point value for each type of animal, and a point allowance per acre of land. He also explained that there is no permit required for chickens or rabbits in Agricultural Zones.

Vice Chair Daly opened a public hearing at 8:16 p.m. and closed the public hearing at 8:16 p.m. seeing that no one wished to comment.

Commissioner Helgeson made a **motion** to recommend approval of the amendments to Zoning Code CZC 12.55.240 as shown below, with reasons for action (1)-(2). Commissioner Johnson seconded the motion.

(a)(2) ~~An annual~~ A permit shall be obtained from the City as described in CZC 12.21.090. In addition to the permit application forms, the City shall provide with all ~~initial~~ permit

application packets, ~~as opposed to annual renewal permit applications~~, educational information as deemed necessary and appropriate by the City, including, but not limited to, information regarding the raising of chickens or rabbits, poultry and rabbit health care, and maintenance issues. All permit applications shall also include the following:

(E) ~~For initial permits, an~~ An acknowledgement and consent form requiring signature from the applicant that he or she has read the supplemental educational information and agrees to abide by the terms and conditions of applicable ordinances.

Reasons for Action

1. The proposed zoning text changes are neither against nor inconsistent with the goals and objectives of the General Plan [12-21-080(e)1].
2. The one-time permit allows residents in applicable zones to raise chickens and rabbits for family food production. [12.55.140]

Vice Chair Daly raised a concern that people who live in Agricultural zones don't need permits for their chickens or rabbits. He stated that he is of the opinion that permits should either be required everywhere, or not required at all. In response, Commissioner Johnson pointed out that based on the size of the agricultural property, there are natural barriers to complaints from neighbors; whereas, Residential-Low Zone properties do not have those land barriers and owners are not trained in farming procedures. The permitting process allows the City to provide education to owners of chickens and rabbits in the Residential-Low Zone.

Commissioner Hirschi commented that he feels it would be a mistake not to have an annual or periodic review of chicken and rabbit owners in the Residential-Low Zone, as he believes the City has a responsibility to monitor who has these animals for the health and welfare of the population.

Ms. Younger suggested that she could send out an annual "Chicken and Rabbit Survey" to see who still has chickens for purposes of maintaining a database.

Commissioner Hirst made a **motion** to amend the proposed zoning text changes to include an annual survey to see who still has chickens or rabbits (text to be prepared by staff). Commissioner Wright seconded the motion.

Commissioner Hirschi made a **motion** to table the issue to allow staff time to prepare additional language regarding the proposed annual survey to be added to Zoning Code CZC 12.55.240. Commissioner Hirst seconded the motion and rescinded her previous motion.

The motion to table passed unanimously (6-0).

TABLED – RIGBY COURT FINAL SUBDIVISION, 150 E JENNINGS LANE

Because City Council tabled the amendment that was requested by the owner, the Rigby Court Final Subdivision approval will need to be tabled until the next regularly scheduled Planning Commission meeting.

Vice Chair Daly made a **motion** to table the Rigby Court Final Subdivision to the next regularly scheduled Planning Commission meeting. Commissioner Johnson seconded the motion, which passed unanimously (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Cory Snyder reported on upcoming issues that will be coming before the Planning Commission.

Lisa Romney asked the Commissioners on behalf of the City Manager, who would be available for a work session at 6:30 p.m. on January 17, 2018. Four Commissioners expressed that they have prior commitments on that evening. Ms. Romney and Mr. Snyder said they will communicate to the City Manager that the work session will need to be postponed.

The next Planning Commission meeting will be January 24, 2018, and the first Planning Commission meeting in February is scheduled for Tuesday, February 13, 2018.

CITY COUNCIL REPORT

Cory Snyder reviewed recent decisions made by the City Council.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the December 13, 2017 meeting were reviewed and amendments suggested. Commissioner Hirst made a **motion** to accept the minutes as amended. Commissioner Hirschi seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:36 p.m., Vice Chair Daly made a **motion** to adjourn the meeting. Commissioner Hirschi seconded the motion, which passed by unanimous vote (6-0).

_____ _____
Cheylynn Hayman, Chair Date Approved

_____
Avalon Comly, Recording Secretary