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3 **PLANNING COMMISSION MINUTES OF MEETING**

4 **Wednesday, March 26, 2014**

5 **7:00 p.m.**
6

7 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
8 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.
9

10 **MEMBERS PRESENT**

11 David Hirschi, Chair

12 Brian Holman

13 Logan Johnson

14 Scott Kjar

15 Kevin Merrill

16 Debra Randall
17

18 **MEMBERS ABSENT**

19 Gina Hirst
20

21 **STAFF PRESENT**

22 Corvin Snyder, Community Development Director

23 Brandon Toponce, Assistant Planner

24 Lisa Romney, City Attorney

25 Kathy Streadbeck, Recording Secretary
26

27 **VISITORS**

28 Ron & Connie Dean Kathryn Lindsay

29 Mike & Meri Jo Oman Jim Crib

30 Lance Tempest Sandi Hunt

31 Gregory Johnson
32

33 **PLEDGE OF ALLEGIANCE**

34
35 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Randall

36
37 **MINUTES REVIEW AND APPROVAL**
38

39 The minutes of the Planning Commission meeting held March 12, 2014 were reviewed
40 and amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The
41 motion was seconded by Commissioner Randall and passed by unanimous vote (4-0). Chair
42 Hirschi and Commissioner Holman abstained as they were not present at this meeting.
43

PUBLIC HEARING | ZONE MAP AMENDMENT | 1984 N 400 W & 2000 N 400 W
Consideration of a zone map amendment (rezone) for parcels located at 1984 North 400
West (07-072-0114) and 2000 North 400 West (07-072-0115), from A-L (agricultural-low) to
R-L (residential-low) Zone. Spencer Packer & Howard Turner, Applicants

Cory Snyder, Community Development Director, reported the proposed lots (.35 acres and .50 acres) are recognized by the City as one parcel (.85 acres). In the past, the subject parcels were divided and subsequently sold to other parties without proper approval from Centerville City (illegally divided and developed). In addition, one of the divided properties (.35 acres) has already been developed with a single family home and another party now desires to do the same on the second parcel (.50 acres). Consequently, the original lot needs to be properly subdivided and the second parcel needs to install the required infrastructure prior to development. The proposed parcels are located within the Agricultural-Low (A-L) Zone which requires a ½ acre minimum lot size. The first parcel (already developed) does not meet the A-L Zone requirements. Therefore, the applicants are requesting a rezone from A-L Zone to R-L (Residential-Low) Zone. The minimum lot size required for the R-L Zone is 0.25 of an acre. If the R-L Zone is granted then both lots would be brought into compliance.

Mr. Snyder explained the proposed rezone is compatible with surrounding uses and the goals, objectives, and policies of the General Plan. The surrounding area is primarily developed with single-family dwellings. The proposed rezone is consistent with the development pattern of this super-block area. The General Plan promotes an incremental transition from A-L to R-L throughout the future for this neighborhood. Mr. Snyder explained the current situation of the property (illegal subdivision and development) could negatively affect surrounding property values and assessments, and future usability of the properties. He explained it appears the illegal lot split is due to an error in recording. He said if the lot split is not remedied then the City cannot grant the applicant a building permit as requested. It is also possible the illegal status could affect financing, refinancing, or even the future sale of the property.

Spencer Packer, applicant, said the 0.35 acre portion of the lot has been sold several times since the home was built many years ago. The property has been in foreclosure at times and there has always been confusion and problems when anyone tries to fix the situation. He said he would like to purchase the .50 acre portion and build a single-family home. He said his preference would be to keep the property zoned A-L, maintaining his animal rights, and to build a home. However, if he has to choose, it is of greater value to secure a building right and forego the animal rights.

1 Howard Turner, applicant, said his intent is not to change anything within the
2 neighborhood, but rather to secure an appropriate subdivision and building right for Mr. Packer.
3 He said this property has been held captive for twenty years because of its illegal status. He said
4 he has no intention of changing the zoning designation of any other property in the
5 neighborhood.

6
7 Commissioner Holman said he would like to respect the rights of the property owner. If
8 there is a way to help him keep his animal rights that seems reasonable. He said the .50 acre
9 portion that Mr. Packer intends to purchase and develop would meet the standards of the A-L
10 Zone. He questioned if that parcel could remain in the A-L Zone. He suggested only the .35 acre
11 parcel be rezoned to R-L.

12
13 Mr. Snyder said the property is not recognized as two pieces and cannot be rezoned as
14 such. The correct course of action is to rezone the entire parcel and then subdivide. It may be
15 possible for the applicant to rezone, subdivide, then rezone the .50 acre piece back to A-L;
16 however, the General Plan may not support such an application. Mr. Snyder explained .50 acres
17 allows about 50 agricultural points which equates to only one horse. The right to build is more
18 important for the applicant than keeping his animal rights.

19
20 Lisa Romney, City Attorney, said Centerville City cannot legally or ethically recognize
21 this illegal use/subdivision. The City must view this property as one piece. The appropriate legal
22 action is to rezone the parcel before it is subdivided.

23
24 Chair Hirschi opened the public hearing.

25
26 Ronald Dean said the residents of this neighborhood have fought hard to keep this area
27 zoned A-L since 1976. He said he had to give up a portion of his property to the City for the
28 development of 400 West. At that time the City Council promised the residents in this area that
29 they could keep their A-L zoning indefinitely. He said the City should issue a building permit for
30 Mr. Packer regardless of zoning on the property. He said the property owner of the .35 acre
31 portion of the property is aware of the illegal status and is willing to continue to live with this
32 situation. He said he is disappointed that the City views this area as an eventual transition to R-L.

33
34 Mike Oman said there are other "illegal" lots within the neighborhood. He claims a
35 neighbor sold a portion of his lot to another bringing his property below the .50 acre minimum.
36 He is concerned the R-L zone will set a precedence that will easily allow other smaller lots
37 within the neighborhood. The residents of this neighborhood would like to keep the minimum
38 .50 acre lot status, which R-L could destroy. He believes Mr. Packer should be able to build on

1 the .50 acre portion of the lot, keep the A-L zoning along with his animal rights. He said the
2 residents' view of the future is A-L, not R-L.

3
4 Lance Tempest said he is the owner of the "illegal" home on the .35 acre portion of the
5 property. He has lived at this residence for the past twelve (12) years. He said the state of this
6 property has been "illegal" for about 25 years. He is in favor of securing building rights for Mr.
7 Packer and if it were possible to keep the A-L zone as well, it would be ideal. He said the rezone
8 will not create a new precedent for the neighborhood and will not change the use in the
9 neighborhood if all the neighbors choose to keep their .50 minimum acreage. He said he has
10 talked with the county assessor's office, with mortgage lenders, and with appraisers and has
11 learned that financing would not be an issue for his home because the property is too small to
12 require a jumbo loan. It is not likely this property will ever appreciate to a level that would
13 hinder financing. He said he is confused how an illegal lot, not recognized by the City, can have
14 legal authority to require a rezone. He said he has no problem continuing to live in this illegal
15 situation and is not opposed to allowing Mr. Packer the right to build.

16
17 Jim Crib told the Commission to use their common sense and keep the A-L Zone as it
18 exists and grant Mr. Packer a building permit.

19
20 Kathryn Lindsey provided some history of the property. She said at one point a petition
21 was created to allow the .35 acres to be subdivided, but Mr. Turner got the petition terminated so
22 that the .50 acre minimum within the neighborhood could be preserved. She said Mr. Turner
23 could sell or quit claim deed a small amount of his property (east of the .35 acre portion) to Mr.
24 Tempest giving him the needed .50 acre minimum to maintain the A-L zoning. This would be a
25 simple solution.

26
27 Chair Hirschi closed the public hearing.

28
29 Commissioner Kjar agreed the simplest solution would be for Mr. Tempest to purchase
30 an additional seventy (70) feet from Mr. Turner bringing his property up to the needed .50 acre
31 minimum to maintain the A-L zone. Mr. Tempest said he would be interested, but this option has
32 never been offered.

33
34 Chair Hirschi said any change to property zoning, boundary line adjustments,
35 subdivision, etc. requires an application for City review and approval. It is true the proposed
36 rezone would change the standard for the property in question, but it will not change the
37 remainder of the neighborhood which will stay A-L. He said the City cannot wholly change
38 zoning in an area without the proper processes.

39

1 Commissioner Johnson said he understands the neighbors are fearful that a precedent
2 may be set with this rezone, but agreed it is up to the property owners to initiate a change to the
3 use of their property. All property owners are required to follow ordinances and each
4 situation/decision could be made differently depending on the Commission at the time. He said
5 the majority of the public was supportive of providing a building permit for Mr. Packer.

6
7 Mr. Snyder confirmed a rezone will not change property uses unless a property owner
8 requests it. The R-L zone may allow a greater density than A-L but that would require an action
9 from a property owner and that does not mean every property is capable of additional dwellings.
10 If a property owner were to request additional development after a rezone, it would require
11 research and approval from the City. He said public comment suggested there may be other
12 "illegal" or "non-conforming" lot splits/uses in the area. This lends itself to the General Plan's
13 goal to incrementally rezone this area throughout the future to R-L. However, no rezone will take
14 place without a property owner initiation. Mr. Snyder explained a staff member did mention that
15 a previous City Council promised this neighborhood they would honor the A-L zone for the
16 duration of their tenure. Mr. Snyder has not verified this information, but said that Council is no
17 longer active and, even if true, their decisions would not bind any future Councils decision
18 following their tenure. The Commission should base their decision on the current policies and
19 ordinances of the City.

20
21 Commissioner Holman encouraged the applicant to continue this process and ask for an
22 additional rezone back to A-L once the subdivision is final. Commissioner Kjar said he shares
23 the public's concern about the R-L setting a precedent for smaller lots in the future, but
24 understands the need to create a conforming, legal lot. He again encouraged neighbors to look at
25 solving this problem through a boundary line adjustment to increase the .35 acre lot to .50 acres.

26
27 Ms. Romney reminded the Planning Commission and the public that the final approval on
28 this application lies with the City Council.

29
30 Commissioner Hirschi made a **motion** for the Planning Commission to recommend to the
31 City Council the following amendment to the Centerville City Zoning Map:

32
33 Rezone the following parcels from Agricultural-Low (A-L) to Residential-Low (R-L):

- 34 a. Parcel 07-072-0114 (0.35 Acres)
35 b. Parcel 07-072-0115 (0.50 Acres)

36
37 ***Reasons for the Action (Findings):***

- 38 1. The Planning Commission finds that the proposed rezone meets the criteria found in
39 Section 12-21-080(e) of the Zoning Ordinance.

2. The Planning Commission finds that the rezone request is consistent with the goals of the General Plan found in Section 12-480-5, as reviewed in the Planning Staff Report.
3. The Planning Commission finds that the subject parcels were divided and subsequently sold to other parties (apparently a few times) without proper approval from Centerville City.
4. The Planning Commission finds that City Ordinances only recognize the existence of one parcel (.85 ac) with only one residential development right.
5. The Planning Commission finds that another party desires to purchase the vacant divided lot (.50 ac) and construct another residential structure.
6. The Planning Commission finds that in order to develop a second dwelling, the original lot needs to be properly subdivided and install the required infrastructure to establish another house.
7. The Planning Commission finds that due to the original size of these divided tracts (.85 acres), there is not sufficient amount land area to meet the minimum lot size requirement of ½ acre for the Agricultural-Low (A-L) Zone.
8. The Planning Commission finds that if the R-L were approved, the lot size requirement reduces to four (4) units per acre and hence there would be sufficient opportunity to subdivide the land into two lots.
9. The Planning Commission finds that, upon a future subdivision approval, the parcel with the existing dwelling, which is currently situated on an illegal undersize lot (.35 where .50 is required by the A-L Zone), would then become a conforming lot size within the R-L Zone.

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

PUBLIC HEARING | ZONING TEXT AMENDMENT | BUILDING STREET FRONTAGE FOR SOUTH MAIN STREET CORRIDOR - Consideration of amending various proposed zoning ordinance text amendments regarding building street frontage (corner lots) and landscaping buffer requirements, in the South Main Street corridor (SMSC) Zone (Section 12-48-150 and Table 12-48-30). Planning Staff, Centerville City, Applicant

Brandon Toponce, Assistant Planner, reported that during a recent application process, staff became aware that a proposed configuration of a building did not meet the current standards for development on a corner lot within the South Main Street Corridor (SMSC) District. City Ordinances indicate that a building frontage along Main Street should cover at least 75% of the lot width. In addition, the street frontage for a corner lot is for both the front and side streets, requiring 75% street frontage along two streets. This is not feasible since the Zoning Ordinance

also requires a total number of parking stalls and a total percentage of landscaping. With such small lots along Main Street, this prohibits any type of development to occur on corner lots. Staff also believes there is an inconsistency with Table 12-48-3 which prohibits maximum development for smaller lots along Main Street. Furthermore, the landscaping requirements may be confusing, with different buffering standards based on specific districts, zoning and development. Staff proposes that the Ordinance be consistent with the entire length of Main Street concerning buffer landscaping. Staff recommends the following amendments to the Ordinance to clarify and allow for the best use of space and development for the Main Street Corridor Area.

Section 12-48-150(c)2.(B)

The street frontage for corner lots shall be for both the front and side streets apply to that portion of the building facing Main Street only.

Table 12-48-3

TABLE 12-48-3 – Landscaping Modifications		
Land Use Type	SMSC Districts	
	City Center	All Others
Buffer Landscaping for Mixed Use Projects Only (all others per 12-51)	8 Feet for "M" Zones 15 Feet for "H" and "VH" Zones	8 Feet for "M" Zones 15 Feet for "H" and "VH" Zones

Mr. Toponce explained the proposed amendments are consistent with the goals and objectives of the General Plan and the SMSC District. The proposed amendments will provide consistency and allow the same developable advantages as other lots, keeping corner lots in harmony with surrounding uses. Staff believes the proposed changes do not create any additional negative impacts.

Chair Hirschi questioned the impact these amendments may have on a development that chooses to build adjacent to a corner lot along the distance of the side street. Cory Snyder, Community Development Director, said the SMSC district only has a depth of about a half-block distance. It is not likely the depth of the SMSC district will ever be extended because it would run into existing neighborhoods.

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

Commissioner Merrill made a **motion** for the Planning Commission to recommend approval to the City Council for the following Code Text Amendments to the Zoning Ordinance:

Section 12-48-150(c)2.(B)

The street frontage for corner lots shall apply to that portion of the building facing Main Street only.

Table 12-48-3

TABLE 12-48-3 – Landscaping Modifications		
Land Use Type	SMSC Districts	
	City Center	All Others
Buffer Landscaping	8 Feet for “M” Zones 15 Feet for “H” Zones	8 Feet for “M” Zones 15 Feet for “H” Zones

Reasons for the Action (Findings):

- a. The proposed text amendment meets the factors to be considered for an amendment found in Section 12-21-080(e) of the Zoning Ordinance.
- b. The change was found to be consistent with the General Plan [Section 12-480-7-1D, 12-480-7-4B].
- c. There will not be any significant impacts to the surrounding community in relation to this amendment [Section 12-21080(e)(3)].

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

DISCUSSION ONLY | ACCESSORY DWELLING UNITS (ADU’S) - Discuss with Commissioners directive from the City Council regarding accessory dwelling units.

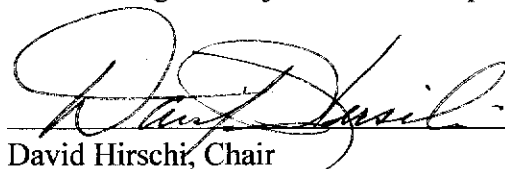
Cory Snyder, Community Development Director, reported the City Council has directed the Planning Commission to initiate and manage the education, discussion, and public outreach regarding the consideration of allowing ADU’s as a housing option within the City. Staff does not believe it is necessary to establish any type of sub-committee to address this topic. Staff believes that using tools such as the website, newsletters, and other mailers would be adequate to inform the public. The Commission could use their regular meeting times to hold discussions and present information for the public to consider. If there is an interest, staff could draft a model ordinance for consideration in the future. The Commission could then proceed with the formal process and public hearings and forward a recommendation to the City Council.

1 The Commission agreed ADU's may be a beneficial housing option for Centerville's
2 residents. They also agreed that ADU's already exist within the city and it may be helpful to
3 provide a legal option for their use. The Commission agreed an open house would be a good way
4 to inform the public. Staff will create materials to advertise the Commission's intent to discuss
5 ADU's and to hold a public open house. Staff will bring these materials back to the Commission
6 for approval prior to distribution.

7
8 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
9

- 10 1. The next Planning Commission meeting will be Wednesday, April 9, 2014.
11 2. Upcoming Agenda Items
12 • Bamberger Office Building, Final Site Plan
13 • The Pastures, Amended Final Site Plan
14

15 The meeting was adjourned at 9:27 p.m.

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17 
18
19 David Hirschi, Chair

4-14-14
Date Approved

20
21 
22
23 Kathleen Streadbeck, Recording Secretary

