PLANNING COMMISSION MINUTES OF MEETING
Wednesday, March 27, 2013
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
Tamilyn Fillmore
Kent Holbrook
Scott Kjar
Kevin Merrill, Chair
Debra Randall

MEMBERS ABSENT
Brian Holman
Steven Markham

STAFF PRESENT
Corvin Snyder, Community Development Director
Brandon Toponce, Assistant Planner
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

VISITORS
Wesley Ziegler
Stephen Ziegler

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Chair Merrill

MINUTES REVIEW AND APPROVAL

Minutes of the Planning Commission meeting held March 13, 2013 were reviewed and amended. Commissioner Fillmore made a **motion** to approve the minutes as amended. The motion was seconded by Chair Merrill and passed by unanimous vote (5-0).

PUBLIC HEARING | ISLAND PARCEL (IGGY'S) | 782 WEST PARRISH LANE
Consideration of a small subdivision waiver/lot split for the Island Parcel (Iggy's Sports Grill) which would create a building lot for a proposed future business, Wasatch Running Center in the C-VH Zone. Mackey Investments Centerville LC, Applicant.

Cory Snyder, Community Development Director, reviewed the ordinances regarding small subdivision waivers/lot splits. The proposed lot split will create only two (2) lots, all infrastructures are in place, all related roads are dedicated, and no future roads are anticipated or planned through this site. The proposed site is an island parcel and is within a redevelopment area. There are governing documents related to this parcel and the applicant will be required to work with the City Council and the Redevelopment Agency to make sure all provisions within those documents are followed. Typically, a small subdivision does not allow double frontage, but this being an island parcel it actually has three streets bordering the site. Technically, there is nothing within ordinance that deals with this particular situation, but the lots, once split, will actually create a corner parcel. The proposed lot split is an improvement to the site and will not create any additional issues. Staff believes all requirements have been met and the proposed application is ready for approval.

Russ Mackey, applicant, said they will be recording all easements on the plat as required. He said the plat is all but complete; they do not anticipate additional changes at this time. He said, initially, the biggest concern with this site was parking, but they feel Wasatch Running Center is a good fit and will be a great benefit to the community.

Chair Merrill opened the public hearing. There was no comment; he closed the public hearing.

Commissioner Kjar made a **motion** for the Planning Commission to approve the small subdivision waiver for 782 West Parrish Lane (Parcel #02-024-0064), with the following conditions:

Conditions:

1. This small subdivision waiver shall be for the dividing of Parcel 02-024-0064.
2. This small subdivision waiver approval does not represent any site plan approval for future development for the new lot (i.e., Wasatch Running Center).
3. The applicant shall provide the proper public utility easements on each lot consisting of one 10-foot easement along the Frontage Road and two other 7-foot side or rear yard easements on each property.

4. The required cross-access agreements for parking and circulation to be deemed acceptable by the City Attorney and the City Engineer prior to the recordation of the subdivision.
5. All required utility provider sheets shall be received by the City prior to the recordation of the subdivision.
6. The applicant shall pay all applicable impact fees and post the related bonds for sewer, culinary water, and irrigation lateral extensions prior to recordation of the subdivision, as approved by the City Engineer in accordance with City ordinances.
7. The applicant shall provide the correct address for the new lot, as approved by the Zoning Administrator in accordance with City ordinances.
8. The following items, as recommended by the City Attorney, shall be effective or addressed as part of this small subdivision waiver approval:
    a. This review and approval does not represent any site plan approval for future development on either lot. Any future site plans submitted shall meet all applicable City ordinances and applicable governing documents for the property.
    b. Applicant shall show all easements of record on the plat or submit a vacation of easement prior to recording the plat and subject to review by the City Engineer. Any additional easements, such as cross-access or parking easements shall be provided to City Engineer and City Attorney for review and acceptance prior to recording the lot split plat.
    c. Any delinquent taxes shall be paid prior to recording the lot split plat. Evidence of payment shall be provided by the applicant to the City.
    d. Prior to recording the small subdivision waiver plat, applicant shall submit an updated title report for the entire island parcel for review and approval of encumbrances and ownership by the City Attorney and City Engineer.
    e. Prior to recording the small subdivision waiver plat, all easements on the plat shall be submitted to and accepted by the City Council.
    f. Prior to recording the small subdivision waiver plat, the Third Amendment to the ADL Agreement shall be executed by the parties and recorded against the property.
    g. Prior to transfer of any lot within the subdivision, the new owner and user must sign an Assignment and Assumption Agreement agreeing to be bound by the Parrish Lane Gateway Neighborhood Development Plan, as amended, and the Agreement for Disposition of Land, as amended; including the RDA's reservation of right to approve successor users and/or tenants. Applicant shall condition the sale of any lot in the subdivision upon new owner entering into the Assignment and Assumption Agreement as part of closing documents and escrow instructions.

h. The following plat notes shall be set forth on the final plat for the small subdivision waiver:
   1. Approval of the small subdivision waiver plat by Centerville City does not constitute any representation as to the adequacy of subsurface soil conditions nor the location or depth of ground water tables.
   2. All owners shall be required to provide utility easements for all as-built utilities after the utilities are installed if they do not lie within the boundaries of an existing PUE.
   3. All owners, users, lots and development within the subdivision shall be subject to all agreements, easements, and restrictions governing the property, including, but not limited to, the Parrish Lane Gateway Neighborhood Development Plan, as amended, and the Agreement for Disposition of Land, as amended.

Reasons for the Action (Findings):

a. The Planning Commission finds that the applicant has submitted an application for a Small Subdivision Waiver [Section 15-2-107].
b. The Planning Commission finds that the subdivision qualifies for the small subdivision waiver, in accordance with the criteria found in Section 15-2-107 of the Subdivision Ordinance.
c. The Planning Commission finds that the subdivision for two commercial lots is consistent with the goals of the Centerville City General Plan concerning development within Neighborhood 2, Southwest Centerville [Section 12-480-3].
d. The Planning Commission finds that the property is currently zoned Commercial-Very High (C-VH) and that the subdivision, with the conditions imposed, meets the applicable development standards found in Chapter 12-34 of the Zoning Ordinance in regard to layout and proper street frontage.
e. The Planning Commission finds, with the conditions imposed, that the general requirements for all subdivisions have been addressed and fulfilled [Chapter 15-5].

The motion was seconded by Commissioner Holbrook and passed by unanimous roll-call vote (5-0).

MTC BUILDING #2 & PARKING STRUCTURE | 550 N. MARKET PLACE DR.
Consideration of a final site plan for MTC Building #2 and parking structure located on Lot 202 of the Centerville Corporate Park Amended Subdivision in the C-VH Zone. Dayton West, LLC, Applicant.

Brandon Toponce, Assistant Planner, reviewed the conditions of the conceptual approval explaining how each has been addressed by the applicant. He reviewed the upgraded public amenities, pedestrian circulation, lighting plan, landscaping, and architectural relief on both the building and the parking structure. Staff believes all areas meet the Parrish Lane Design Guideline Standards. All utility provider sheets have been submitted. The Fire Marshal has requested an additional fire hydrant, which will be installed as requested. The site is within a redevelopment area and is governed by several documents. The applicant will be required to continue to work with staff, the City Council, and the Redevelopment Agency to ensure all governing documents are followed. No construction will begin on this site until all permits are approved. The applicant will also continue to work with Chick-Fil-A on the construction of their shared parking. Overall, Staff recommends approval of the proposed site plan.

Chair Merrill asked how long pedestrian lighting stays lit at night; are the lights on a timer? He also said the staff report mentions the snow load for the roof is thirty (30) pounds. He asked if this is per square foot. Cory Snyder, Community Development Director, said the lights are installed by the applicant, but are operated and maintained by the City. It is the Public Works Director's responsibility to decide how the lights are run according to needs and budget allowances. Mr. Toponce said he believes the snow load is per square foot, but he will verify.

Commissioner Fillmore asked about the angled canopy over the front door. She said it seems this canopy is smaller than originally shown. She is also concerned about the public amenities (tables, chairs, and benches). She asked why they are not permanent structures. She would like to see them anchored in place.

Dave Broadbent, applicant, said they are excited about this project and look forward to moving ahead. He said the angled canopy will be changed to a rectangle and will extend four (4) feet from the building. He said their plan for the public amenities is to match those that are already on site. The tables, chairs, and benches are made of steel with an epoxy coating. None of their current amenities are bolted in place and none have been moved or removed from the site in twelve (12) years.

Mr. Toponce said the applicant has met the requirements for public amenities. Staff is not concerned with whether they are bolted down. It is likely the applicant would make the amenities permanent or bolt items in place if they have a problem in the future.

Commissioner Holbrook made a **motion** for the Planning Commission to approve the final site plan for the 2nd MTC Building, located at approximately 550 North Market Place Drive, with the following conditions:

Conditions:

1. All professional service fees shall be paid.
2. A bond shall be posted for all on site improvements and landscaping prior to the issuance of a building permit.
3. The applicant shall attend a preconstruction meeting with staff in accordance with City ordinances prior to any work being constructed for public improvement.
4. The applicant shall work closely with the City Engineer to ensure proper drainage, water line protection and connection has been satisfied.
5. The MTC shall coordinate the construction with any shared parking and parking lot landscaping with Chick-Fil-A Restaurant, west of the proposed office building.
6. A new fire hydrant shall be located in the parking island north of the new MTC Building, with the location determined by the Fire Marshal.
7. The parking garage shall include a standpipe for adequate fire protection.
8. The actual design of the pedestrian lighting and hookup location along Market Place Drive shall be determined by the Public Works Director.
9. All signage requires a separate permit and shall follow all applicable standards found in Chapter 12-54 of the Zoning Ordinance.
10. Any and all development on Lot 201 shall comply with and be subject to all Governing Documents for the Centerville Corporate Park Subdivision, as amended, and all conditions of lot split approval for the subdivision.

Reasons for Action (Findings):

1. The final site plan submittal has adequately shown how the property may be developed and met all applicable submittal requirements [Section 12-21-110(e)(1)].
2. The MTC building is found within the Parrish Lane Gateway and is subject to all requirements found there in [Section 12-63-020(b)].
3. A storyboard was submitted with detailed information on the color and material to be used on the new office building [Section 12-63-040(c)(1)].
4. The MTC is part of the Centerville Corporate Park and is subject to other restrictions, conditions and guidelines [Parrish Lane Gateway Neighborhood Development Plan, August 1, 1989, and as amended February 1, 2008, Conditional Use Permit for the Planned Center, May 10, 2000 and as amended 2008, Development Agreement May 24, 2000, Grant of Easements and restrictions, June 23, 2000].
5. The applicant has fully addressed all concerns by the Planning Commission from the February 27, 2013 Meeting.

The motion was seconded by Commissioner Randall.

Commissioner Fillmore made a **motion to amend** to add the following additional condition:

11. The Commission discussed a desire for all public amenities (i.e., tables, chairs, and benches) to be permanent fixtures and if removed shall be replaced by the applicant.

The motion to amend was seconded by Commissioner Holbrook and failed with a 2-3 vote. Chair Merrill and Commissioners Kjar and Randall opposed.

Chair Merrill said he does not believe it necessary to require the public amenities be bolted in place. The applicant has stated they have had no problem with their other amenities. Commissioner Kjar agreed. He said this is a nice project and he believes they will keep the public amenities in good condition and will replace as needed.

Chair Merrill called for a **vote** on the original motion (without amendment). The motion passed by unanimous roll-call vote (5-0).

TRAINING FOR COMMISSIONERS – Review Zoning Map Amendments

Lisa Romney, City Attorney, trained the Commission on Zoning Map Amendments (rezones). She reviewed the Utah definition and statutory restrictions governing rezones. She reviewed Centerville's zoning map and ordinance provisions. She explained how rezones are initiated and the public process. She discussed the Planning Commissions role in a rezone and the factors involved with a rezone decision. A rezone is a legislative decision and should be made to promote the public good and general welfare of the community. (***Note***: Attached to these minutes is Ms. Romney's PowerPoint presentation).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be held on April 24, 2013.

The meeting was adjourned at 8:40 p.m.

Kevin Merrill, Chair 4-24-13 Date Approved

Kathleen Streadbeck, Recording Secretary

CENTERVILLE CITY UT 1848 CORPORATE SEAL

Utah Definition of Zoning Map

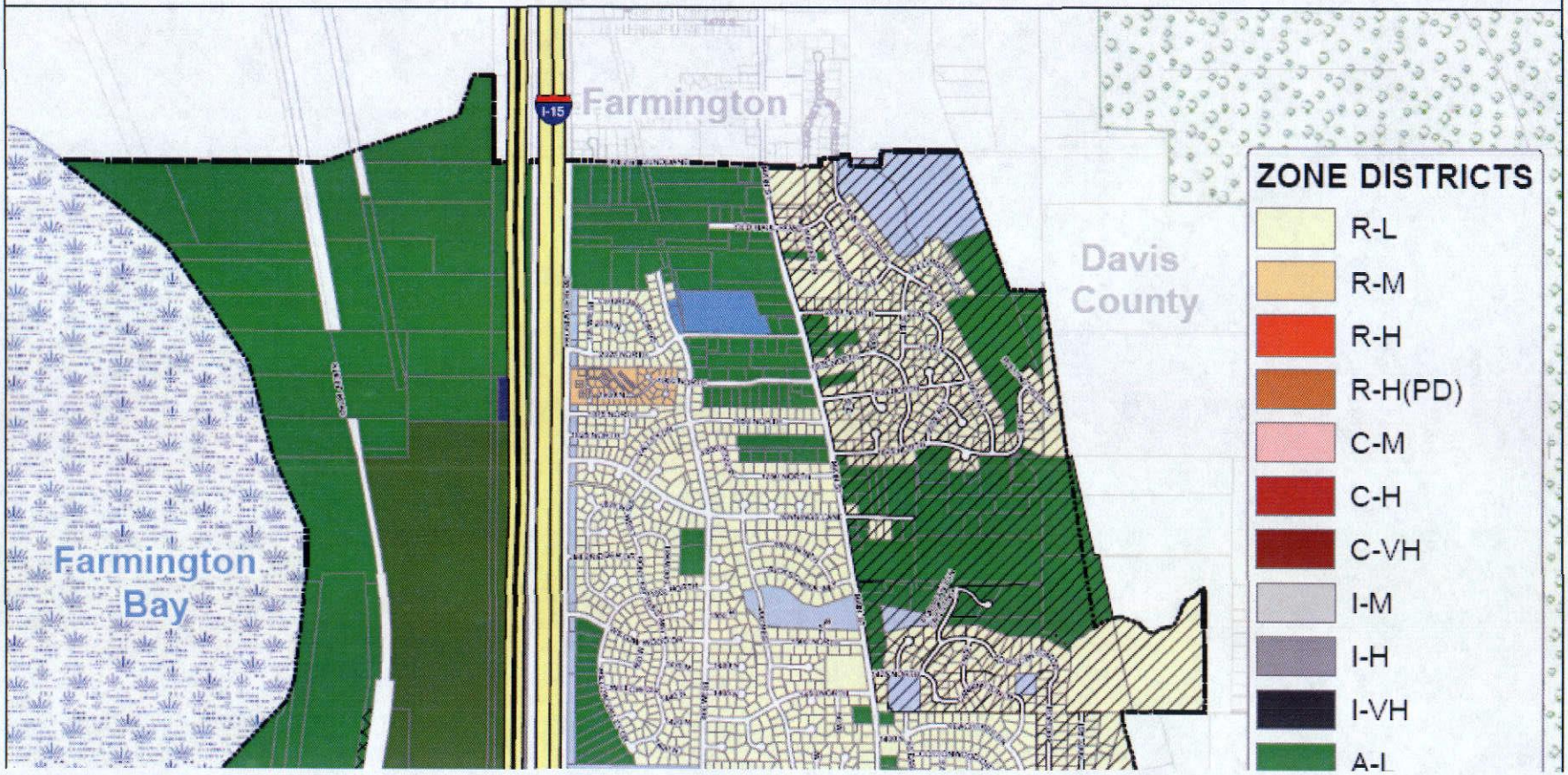
- Zoning Map means a map, adopted as part of a city's land use ordinances, that depicts land use zones, overlays, or districts.

Authority to Adopt

- Municipalities in Utah are authorized to adopt a Zoning Map and to rezone properties into various zoning districts consistent with the purposes set forth in the Utah Land Use Development and Management Act.
- Municipalities are authorized to regulate and restrict the construction, alteration, repair or use of buildings and structures or land within such zoning districts.

CENTERVILLE, UTAH

Zoning Map



Utah Statutory Restrictions

- The City must ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.
- There is no minimum area or diversity of ownership requirement for a zone designation.
- Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

Centerville Ordinance Provisions

- The zones established in the Zoning Ordinance are intended to further the goals and policies of the General Plan.
- All rezone decisions must comply with applicable provisions and policies of the General Plan

Initiation of Zone Map Amendment

- An amendment to the Zoning Map may be initiated by:
  - City Council
  - Planning Commission
  - Property owner affected by the proposed amendment
  - Agent of property owner affected

Planning Commission's Role

- Planning Commission is required by law to review and make a recommendation to the City Council regarding all Zoning Map enactments or amendments
- Planning Commission is required to provide notice and hold a PUBLIC HEARING regarding any proposed Zoning Map enactments or amendments
- City Council makes the final decision regarding Zoning Map enactments or amendments based on Planning Commission recommendation
- City Council is required by Ordinance to hold a PUBLIC HEARING on any proposed Zoning Map enactments or amendments

Decision-Making Factors

- Whether the proposed amendment is consistent with the goals, objectives and policies of the General Plan;
- Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity;
- The extent to which the proposed amendment may adversely affect adjacent property; AND
- The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse control

Legislative Decision

- The adoption of Zoning Map or amendments is a legislative decision
- Courts give cities broad discretion in making legislative decisions
- Your recommendations regarding Zoning Map should promote public good and general welfare
- Ultimate decision by City Council will be upheld if it is reasonably debatable that such action and policy will promote general welfare
- Legislative decisions are presumed valid and upheld unless there is no reasonable basis for the decision

Interaction

- Zoning is a tool to implement the policies of the General Plan
- By Ordinance, all zoning decisions must comply with provisions and policies of the General Plan
- All rezones should be consistent with and further the purposes of the Zoning Ordinances and land use statutes

The End