

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, April 28, 2021
7:00 p.m.

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

MEMBERS PRESENT

Kevin Daly, Chair
Cheylynn Hayman
Mason Kjar
Heidi Shegrud
Spencer Summerhays, Vice Chair
Christina Wilcox
Becki Wright

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner
Kevin Campbell, City Engineer
Brant Hanson, City Manager

VISITORS

Craig Salmon, Salmon HVAC
Russell Wilson, Symphony Homes
Kevin Anderson, Symphony Homes
Interested citizens

DETERMINATION

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

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Commissioner Kjar

PUBLIC HEARING – ZONE MAP AMENDMENT – PASTURE BUSINESS PARK
PHASE 3

Assistant Planner Mackenzie Wood explained the applicants had acquired a piece of land adjoining their property from UDOT, and wished to have it zoned Shorelands Commerce Park to enable future improvements on the land. She pointed out a portion of the property was within wetlands protected by the Army Corps of Engineers, which did not have bearing on the requested rezone, but would impact future development opportunities. Ms. Wood said Staff found the requested rezone to be harmonious with the surrounding area, and sufficient infrastructure existed to service the property.

Craig Salmon, applicant, said he was aware that letters of approval would be needed from both Davis County and the Army Corps of Engineers before development could occur. He said development he had in mind would not fall within the wetlands.

Chair Daly opened a public hearing at 7:15 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Summerhays made a **motion** for the Planning Commission to recommend approval of the Zone Map Amendment for Parcel 06-003-0047, as

depicted in the submittal dated April 1, 2021 and as presented to the City, to Shorelands Commerce Park (SCP), with the following reasons for action. Commissioner Hayman seconded the motion, which passed by unanimous vote (7-0).

Reasons for Action:

- a. The Planning Commission finds that there has been a sufficient review and consideration of the criteria found in CZC Section 12.21.080(e).
- b. The Planning Commission finds that the zone map amendment is substantially consistent with the goals of the General Plan, as described in the staff report.
- c. The Planning Commission finds the request for SCP Zoning designation is appropriate.

**PUBLIC HEARING – CONCEPTUAL SITE PLAN – PASTURE BUSINESS PARK
PHASE 3**

Final Site Plan approval was given on April 25, 2012 for a three-phase development known as The Pasture Business Park. The applicants since purchased an additional piece of property, parcel 06-003-0055 (see previous agenda item) and subsequently redesigned the third phase of development, causing a need for conceptual and final review by the Planning Commission. Ms. Wood presented the proposed Conceptual Site Plan. Mr. Salmon added that conceptual architecture and colors would match Phases One and Two.

Chair Daly opened a public hearing at 7:21 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Wilcox made a **motion** to approve Conceptual Site Plan for The Pasture Business Park Phase 3 at approximately 1230 North 1300 West with the following directives. Commissioner Summerhays seconded the motion, which passed by unanimous vote (7-0).

Directives:

1. Provide Army Corps of Engineers letter for mitigation of wetlands on parcel -06-003-0055.
2. Provide a lighting plan addressing the required intensity and self-regulating controls to minimize the use or amounts of all proposed lighting fixtures and addressing the expected illumination levels within, at, and beyond the property lines.
3. Submit an irrigation plan depicting how the different types of plantings will be irrigated and maintained.
4. Provide landscaping materials and design consistent with landscape approval and design book submittal of April 25, 2012.
5. All building colors and materials used within the Pasture's project shall comply with CZC 12.68.300, Shorelands Color Palette.

PUBLIC HEARING – SUMMERHILL LANE – PRELIMINARY SUBDIVISION

Community Development Director Cory Snyder presented a Preliminary Subdivision Plan for the Summerhill Lane Subdivision. City Engineer Kevin Campbell showed the north end of the City's Storm Drain Master Plan. He emphasized the City was gaining significant drainage improvements with the West Davis Corridor Project. He explained subdivision drainage design, and stated every lot in Summerhill Lane would have a privately owned and maintained drainage inlet box. Mr. Campbell said he believed the drainage system was well designed, and said he suspected any potential problems would be related to maintenance by the individual property owners.

1 Mr. Snyder spoke of easement requirements, and explained conditions of approval
2 recommended by Staff. Mr. Snyder and Ms. Romney repeated previous advice from Staff that
3 the City not become involved in the private easement dispute between the applicant and Mr.
4 Packer, and neighboring property owner. Commissioner Kjar said he would be more
5 comfortable with a condition requiring the HOA to take responsibility for the subdrain system.
6 Responding to a question from Commissioner Summerhays, Mr. Snyder said Reading
7 Elementary indicated they did not want a trail connection from the development to school
8 property.
9

10 Commissioner Wright expressed concern with advice that the Planning Commission not
11 respond to the private land dispute, and suggested that a lack of response was the same as
12 siding with the developer. Ms. Romney repeated that the dispute was up to the court to decide.
13 She said the City did not have a legal reason related to the private dispute to hold up
14 development.
15

16 Russ Wilson, Land Manager for Symphony Homes, thanked Staff for their time and
17 expertise in working with Symphony Homes on the project. He said Symphony Homes met with
18 UDOT and incorporated plans for the West Davis Corridor in their development plan. He
19 confirmed the HOA would maintain open space and backyard subdrain systems. Mr. Wilson
20 said the maximum density for the zone was 4 units per acre, and the development project was
21 currently at 3.5 units per acre. He explained plans to incorporate the remnant parcel into the
22 plan.
23

24 Kevin Anderson, Legal Counsel for Symphony Homes, said he agreed with City Staff
25 that the private dispute was not an appropriate issue for Preliminary Plat consideration. He said
26 Symphony Homes was willing to take the risk of proceeding with development with the pending
27 legal issue. Commissioner Wright said she appreciated the Frontage Road access and the mix
28 of smaller and larger lots.
29

30 Chair Daly opened a public hearing at 8:19 p.m.
31

32 Matthew Anderson – Mr. Anderson thanked the Planning Commission for their service.
33 As attorney for Mr. Packer, he said he believed real progress had been made on the private
34 dispute matter. He emphasized that the easement in question was a matter of record. Mr.
35 Anderson stated the recorded easement needed to show up on the plat and the title report,
36 which he believed was sufficient grounds for the Planning Commission to table, condition, or
37 reject the request for Preliminary Plat approval. He said the easement, recorded in 1908 and
38 again later, would affect about ten of the proposed lots. Mr. Anderson stated the existing dirt
39 road on the property was used to access the Packer property. He said Symphony Homes knew
40 about the existence of the easement when they purchased the property.
41

42 Brendon Allen, Centerville resident – Mr. Allen expressed concern that emergency
43 personnel would not have space to access side yards with the reduced setbacks.
44

45 John Stahl – Mr. Stahl stated he was a consultant and land surveyor working with the
46 Packers on the private dispute. He stated thirteen proposed lots would be affected by the
47 Packer easement. Mr. Stahl said the 33-foot-wide easement was originally recorded in 1908, at
48 the same time the Packer parcel was created. He argued the lots affected would not have
49 sufficient space to accommodate the easement and meet City setback requirements for building
50 a home. Mr. Stahl said the easement originally provided access to as many as ten properties,
51 and was referred to as Drake Lane. He pointed out that all easements of record or use were
52 required to be shown on the plat.
53

54 Chair Daly closed the public hearing at 8:32 p.m.
55

1 Kevin Anderson referred to the 1908/1972 deeds mentioned by Mr. Matthew Anderson
2 and Mr. Stahl, and stated that no easement was mentioned when the property was deeded to
3 Symphony Homes, and no easement was reserved or noted when Mr. Packer was deeded his
4 property. He expressed the opinion that while there may have been an easement in 1908 and
5 1972, there was not an easement now. Responding to a question from Commissioner Kjar,
6 Kevin Anderson said he was not aware of any document stating the easement was
7 extinguished. Mr. Wilson said the title company working with Symphony Homes was of the
8 opinion that no easement existed. Commissioner Summerhays pointed out that the title
9 commitment showed a possible exception. Kevin Anderson said he believed the title
10 commitment reflected the historic record, which was different than the more current information.

11
12 Ms. Romney suggested adding a condition of approval that all easements of record must
13 be shown on the final plat, as well as a plat note referring to the book and page number calling
14 out the notice of claim. Kevin Anderson said he did not believe the suggested condition would
15 affect the viability of the subdivision. Mr. Wilson said he did not believe the width of the
16 easement would affect the building pad area on the lots.

17
18 Responding to the public comment regarding space for public safety access, Mr. Snyder
19 explained access for emergency personnel was a minimum of six feet by ordinance.

20
21 Commissioner Kjar said it was his understanding that Planning Commissioners must
22 require that a preliminary plat include all existing easements or recorded easements, and said it
23 was his opinion that the proposed Preliminary Plat did not satisfy the requirement of the
24 ordinance. He said both parties had indicated there was a title exception #17, both parties
25 indicated it involved the easement in question, and neither party disputed there were documents
26 predating 1971. There was dispute regarding whether the easement still existed; however, the
27 title company clearly believed there was something there worth noting as an exception.
28 Commissioner Kjar said he would be in favor of approving with modification that anything
29 brought back to the Planning Commission reflect whatever was in the title report, or include
30 supporting documents to indicate why it didn't need to be there at the final platting stage.

31
32 Commissioner Hayman said it sounded as though there was dispute over the existence
33 of an easement, and questioned who the adjudicator of that dispute would be. She suggested it
34 was the City's place to step back and wait for a judge, jury, or finder of fact to make that
35 decision. Ms. Romney said she agreed, and said she did not believe the City was the finder of
36 fact or the adjudicator of that dispute. Ms. Romney agreed that if the easement was on the title
37 report, it should be on the plat; but if the easement was not on the title report, it should not be
38 required to be on the plat. She said she wanted time to review the documents received that day.
39 Commissioner Hayman said she was in favor of following advice of the City Attorney and
40 approving the Preliminary Plat with the expectation that if the title report included an easement,
41 it should be included on the Final Plat.

42
43 Commissioner Wright said she would want further clarity before approving the
44 Preliminary Plat. Mr. Snyder said it was his opinion that postponing approval until the private
45 dispute was resolved would place the City in a position as party to the dispute. He said he would
46 not be opposed to an approval with condition, but had concerns with the idea of tabling to
47 require adjudication of a dispute outside of the City's role.

48
49 Commissioner Kjar **moved** to approve the Preliminary Subdivision Plan for the
50 Summerhill Lane Subdivision, subject to directives/conditions 1-9. Commissioner Wright
51 seconded the motion, and suggested addition of language recommended by Ms. Romney as
52 condition 10. Commissioner Kjar agreed to the addition. Ms. Romney said she was comfortable
53 with the motion as proposed. The motion passed by unanimous vote (7-0).

Conditions:

1. A Final Subdivision Application and Plat shall be submitted in accordance with CMC 15.04 of the Subdivision Ordinance.
2. The Final Subdivision Submittal shall also provide the applicable subdivision infrastructure construction plans for the subdivision in accordance with CMC 15.04.104.
3. The Final Plat shall depict the required 10-foot easements along and required 7-foot side yard and rear yard easements for each lot.
4. Where lots do not have sufficient room for the 7-foot easement, the final plans shall provide a minimum 6-foot easement, or a minimum determined by the City Engineer.
5. The required buildable area of 2,000 square feet for each lot shall be depicted that meets the ratio allowance provisions of the R-L Zone.
6. The staff report noted missing "utility provider" sheets shall be submitted with the Final Subdivision Application.
7. The applicant shall resolve the remnant issue located at the intersection of 400 West and the new roadway with the priority of transferring or incorporating the land area into adjacent lots.
8. The Final Plat shall address the following notations:
 - Subject to Applicable PDO Approvals – make reference to the PDO Approval.
 - Listing of Setbacks for Lot – provide listing on the to be recorded plat sheets.
 - Driveway Location & Limitations (street knuckles) – the lot frontage adjacent are snow storage locations.
 - Roadway Names & Addressing – Provide labels and addressing, as per the Public Works Director.
 - Secondary Water Notes – provide language as requested by Weber Basin Water.
 - Standard City Plat Notes – provide typical City Standard Plat notes.
9. The Final Plat shall comply with CZC 15.03.030(I).
10. The Plat Note shall show the book and page number and a notice of claim.

Reasons for Action:

- a) The Planning Commission finds that Preliminary Subdivision Plans are substantially consistent with the previous R-L/PD Subdivision Rezone and Conceptual Plan Approval.
- b) The Planning Commission finds that the Preliminary Subdivision Submittal, with the conditions imposed, complies, or will comply with the applicable regulations of the Subdivision Ordinance and/or the applicable R-L/PD Approval.
- c) The Planning Commission finds that the Preliminary Subdivision Submittal, with the conditions imposed, complies, or will comply with the applicable regulations of the City's Zoning and/or Subdivision Ordinances, and as addressed in the related Staff Report.

PUBLIC HEARING – ZONING CODE AMENDMENTS – NEWSPAPER NOTICING AMENDMENTS – SB 201 (2021)

The Utah State Legislature adopted SB 201 during the 2021 General Session eliminating many newspaper noticing requirements. Based on these amendments to State law, Staff prepared proposed Ordinance No. 2021-10 to amend various provisions of the Centerville Zoning Code and Subdivision Ordinance eliminating newspaper notice requirements where applicable to be consistent with State law. Ms. Romney explained that not all State law newspaper noticing requirements were eliminated by SB 201, but newspaper notice was no

longer required for notice of General Plan, Zoning Code, Zoning Map, and other subdivision amendments. She explained proposed amendments, and answered questions from the Commission.

Chair Daly opened a public hearing at 9:30 p.m.

Brendon Allen – Mr. Allen said he found the a-frame noticing used by the City to be ineffective, and requested that notice of agenda items be easier to find online.

Chair Daly closed the public hearing at 9:33 p.m., and commented it was possible to subscribe to public notices. Commissioner Wright suggested incorporating public noticing with social media. City Manager Brant Hanson responded it was his goal to move in that direction.

Commissioner Summerhays **moved** to recommend to the City Council approval of Ordinance No. 2021-10. Commissioner Hayman seconded the motion, which passed by unanimous vote (7-0).

LAND USE TRAINING – MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT – PART 4 – GENERAL PLAN

City Attorney Lisa Romney provided training on the General Plan portion of the Municipal Land Use, Development, and Management Act, and answered questions from the Planning Commission.

CONFLICT OF INTEREST AND ETHICS TRAINING

Ms. Romney provided training regarding conflicts of interest and ethics. The City requested Planning Commissioners complete a Conflict of Interest Form every year.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

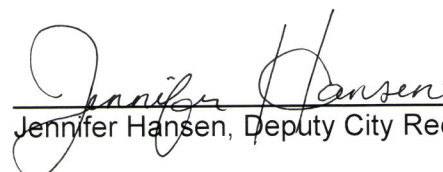
The Planning Commission was scheduled to meet next on May 12, 2021.

MINUTES REVIEW AND ACCEPTANCE

Minutes of the March 24, 2021 Planning Commission meeting were reviewed. Commissioner Hayman **moved** to accept the minutes. Commissioner Wright seconded the motion, which passed by unanimous vote (7-0).

ADJOURNMENT

At 9:59 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Summerhays seconded the motion, which passed by unanimous vote (7-0).


Jennifer Hansen, Deputy City Recorder

May 12, 2021
Date Approved


Katie Rust, Recording Secretary

