

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, May 8, 2013**

3 **7:00 p.m.**

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Tamilyn Fillmore

10 David Hirschi

11 Scott Kjar

12 Steven Markham

13 Kevin Merrill, Chair

14 Debra Randall

15
16 **MEMBERS ABSENT**

17 Brian Holman

18
19 **STAFF PRESENT**

20 Corvin Snyder, Community Development Director

21 Kathy Streadbeck, Recording Secretary

22
23 **VISITORS**

24 Interested Citizens (see attached sign-in sheet)

25
26 **PLEDGE OF ALLEGIANCE**

27
28 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Fillmore

29
30 **MINUTES REVIEW AND APPROVAL**

31
32 Minutes of the Planning Commission meeting held April 24, 2013 were reviewed and
33 amended. Chair Merrill made a **motion** to approve the minutes as amended. The motion was
34 seconded by Commissioner Fillmore and passed by unanimous vote (5-0). Commissioner Hirschi
35 abstained from voting as he was not present at this meeting.

36
37 **PUBLIC HEARING | GAS STATION EXPANSION | 1011 SOUTH MAIN**

38 **Consideration of a conceptual site plan for the expansion of the existing gas station; which**
39 **includes: convenience store, fuel and food service uses, located on the corner of Pages Lane**
40 **and Main Street, in the C-H Zone. Dell S.Nichols, Commerce Real Estate Solutions,**
41 **Applicant.**

1 Commissioner Randall disclosed the applicant, Dell Nichols, has been a close family
2 friend for many years, but she sees no conflict of interest. Commissioner Hirschi disclosed that
3 he sat on the Board of Adjustment when this matter was reviewed and approvals granted, but he
4 too does not see a conflict of interest.

5
6 Cory Snyder, Community Development Director, reported the applicant desires to
7 enlarge and expand a legally existing, but non-conforming structure for the purposes of
8 demolishing an existing car wash building and adding a fast-food restaurant use to their approved
9 gas station/convenience store. Mr. Snyder explained the long complex history of this site
10 including bankruptcy, vacancy, abandonment, and non-conformities. After several actions and in
11 accordance with City ordinances, this site has recently come out of bankruptcy, overturned the
12 presumption of abandonment, been granted a legally non-conforming status, and been authorized
13 an expansion per the Board of Adjustment. The applicant is now seeking conceptual site plan
14 approval for this expansion including parking, landscaping, car wash demolition, and the
15 addition of a fast-food restaurant use. Mr. Snyder reviewed the standards of approval as listed in
16 the staff report dated May 8, 2013. The proposed alterations and additions are in compliance
17 with City ordinances. Staff recommends approval with directives as recommended. The
18 applicant will be required to apply for a conditional use permit as required in conjunction with
19 the final site plan approval process.

20
21 Dell Nichols, applicant, explained the unique complications that have been associated
22 with this property. He reviewed the history including the many entities involved, conflicts faced,
23 and recent resolutions. He commended the City for their help and involvement in the many
24 recent approval processes. He explained the property is now under contract for redevelopment
25 and use and they are ready to move forward in making this site functional and a benefit to the
26 city once again. This site used to be lively and well attended and they look forward to its
27 revitalization.

28
29 Commissioner Hirschi said there are often conditions or approvals tied to contract closing
30 and he questioned if there are any unforeseen conditions, or if any approvals are not granted,
31 could this hinder the contract for redevelopment/use. Mr. Nichols said he does not foresee any
32 complications and explained there are authorizations already in place that will not stop progress
33 on this project.

34
35 Chair Merrill opened the public hearing. There was no comment; he closed the public
36 hearing.

37

Commissioner Kjar said it will be nice to see this eye sore redeveloped. Chair Merrill agreed. He said the intent of the South Main Street Plan is to revitalize this area. Hopefully this plan will help push redevelopment along the entire corridor.

Commissioner Hirschi made a **motion** to amend staff's recommended motion and findings to include the car wash demolition. The motion was seconded by Commissioner Randall and passed by unanimous vote (6-0).

Commissioner Randall made a **motion** for the Planning Commission to accept the conceptual site plan for the proposed changes to the existing gas station, including the carwash demolition, 1011 South Main Street, with the following directives:

Conditions:

1. The applicant shall submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Zoning Ordinance.
2. The applicant shall receive a conditional use permit approval for allowing the fast-food use subject to the standards found in Section 12-21-100 of the Zoning Ordinance, prior to or as part of any final site plan submittal.
3. The final site plan submittal shall also address the following:
 - a. Provide a landscaping plan that addresses the following:
 - i. Site and street tree requirements
 - ii. Parking lot landscaping requirements
 - iii. 50% building foundation landscaping
 - b. An updated site plan that addresses the following:
 - i. The screening of the service and loading area from public view
 - ii. The dumpster area design including the use of materials, color and height of the walls and gate
 - iii. The screening of any site, wall, or roof-mounted utility service equipment
 - c. An updated sign plan that addresses the following:
 - i. Indicate the location of any monument, wall, or free-standing signs that are being maintained or changed

Reasons for Action (Findings):

- a) The Planning Commission finds that on January 16, 2013, the presumption of abandonment of the site was deemed "Rebutted" by the Board of Adjustment.
- b) The Planning Commission finds that on April 9, 2013, the Board granted authorization to the owner's request to expand and enlarge the non-conforming building of this site including the demolition of the existing car wash.

- c) The Planning Commission finds that the conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d)(2)].
- d) The Planning Commission finds that the proposal remains consistent with the overall expectations of the General Plan, which had and does envision a neighborhood base of commercial uses for this area [Section 12-480-2].
- e) The Planning Commission's directives provide feedback regarding the applicable standards for developing within the C-H Zone and/or the SCP Zone standards of the City's Zoning Ordinance.
- f) The Planning Commission finds that the proposed fast-food use requires a conditional use permit, as depicted in the Table of Uses, Chapter 12-36.
- g) The Planning Commission finds that all existing sites with non-conformities with regards to site landscaping, screening, or other issues, shall be brought into conformance upon the occurrence of any increase more than 30% of the building floor area, as described in Section 12-22-080.

The motion was seconded by Chair Merrill.

Commissioner Fillmore emphasized a statement in the staff report dated May 8, 2013 (page 3) reading, "Thus, the proposal does not fully capitalize on the future development opportunities and design expectations that are also desired by the General Plan." She said she was involved in the creation of the South Main Street Corridor (SCP) Zone and she has some disappointments and hesitations about the continuation of this proposed use because it does not fulfill the intent of the SCP. However, this was a unique situation and she has respect for the process and City ordinances the applicant has followed. She said this is an administrative decision and she will base her decision on that and not on her future planning desires for this area.

Commissioner Hirschi said this site is an entrance to the city and he would hope the developer will incorporate designs, landscaping, and planning that are pleasing for such a gateway to the city.

Chair Merrill called for a vote on the motion. The motion passed by unanimous roll-call vote (6-0).

Commissioner Fillmore said this has been an interesting issue. She said she has a deep respect for Centerville's ordinances and how they are written. However, this process has proven there are possible holes within the ordinances that could be addressed. The use matter was resolved by the Board of Adjustment per City ordinances. Although she was not happy with the end result, because the SCP is a pedestrian oriented plan and the gas station/fast-food uses are

1 car oriented, City ordinances were followed. The issue of abandonment was also handled by the
2 Board of Adjustment appropriately. However, she is concerned with the process for determining
3 what increases the degree of non-conformity. This decision lies solely with the Zoning
4 Administrator and is a unilateral, single person decision without any written criteria. She agrees
5 the Zoning Administrator made the correct determination in this case (deeming it an expansion
6 of a non-conformity) which sent the decision to the Board of Adjustment. She said with no
7 written criteria in the ordinance it is difficult for the Board of Adjustment to make an informed
8 decision. In addition, the decision to expand a non-conformity is a planning issue not an
9 arbitration issue and she questioned if the Board of Adjustment is the appropriate body for this
10 type of decision. She said this is a hole in the ordinance she suggests the City review. She
11 recommends, at a minimum, written planning criteria be created regarding the determination for
12 increasing the degree of non-conformity and that this determination should possibly be made by
13 the Planning Commission rather than Zoning Administrator and the Board of Adjustment.
14

15 Mr. Snyder said there are findings the Board of Adjustment is required to review and in
16 this case they determined the findings were met thus allowing the expansion. He also explained
17 the underlying Commercial Zone on Main Street allows a gas station and fast food as conditional
18 uses. He agreed the intent of the SCP vs. the underlying allowed uses are conflicting. However,
19 the end nodes (north and south gateway points) to Main Street are intended for more intense
20 uses. The main pedestrian oriented focus is intended for the core of Main Street and not
21 necessarily for the nodes. Mr. Snyder said the major factor in this application process was the
22 overcoming of the presumption of abandonment. If the abandonment had not been overturned
23 then the SCP would have played a greater role in the planning for this redevelopment. He also
24 said he is not opposed to reviewing the ordinances regarding expansion of non-conformity and
25 possibly creating written criteria.
26

27 Commissioner Fillmore said she understands the balance between property rights,
28 existing uses, existing needs, and future vision/needs. She said when a remodel is approved it
29 pushes future visions and plans out an additional 20-40 years. She is concerned with the holes
30 that have appeared within the ordinances as part of this application process. It may also be
31 beneficial to further discuss the expectations for the nodes or gateways to Main Street.
32

33 Commissioner Fillmore made a **motion** to direct staff to bring the Planning Commission
34 more information regarding possible holes in the ordinances concerning the determination of
35 what increases the degree of non-conformity and suggest possible solutions including written
36 criteria and possibly changing the decision making body. The motion was seconded by
37 Commissioner Kjar and passed by unanimous roll-call vote (5-1). Commissioner Markham
38 opposed.
39

PUBLIC HEARING | CHICK-FIL-A RESTAURANT | 540 NORTH FRONTAGE

Applicant requested this item be postponed until the May 22, 2013 Planning Commission meeting.

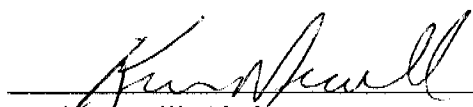
PUBLIC HEARING | CODE TEXT AMENDMENT | SIGNAGE

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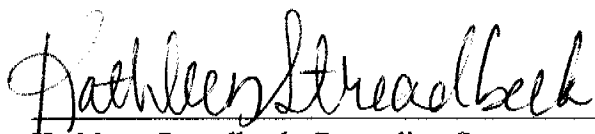
COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be held on May 22, 2013.
2. Upcoming Agenda Items
 - Chick-Fil-A Restaurant, Final Site Plan & CUP
 - Code Text Amendment, Signs in Parrish Gateway Area
 - Deseret Industries Parking Lot Expansion Final Site Plan & CUP
 - Woods Park, Preliminary Subdivision & PDO
 - Ice Breakers Shaved Ice, CUP

The meeting was adjourned at 8:10 p.m.


Kevin Merrill, Chair

5-22-13
Date Approved


Kathleen Streadbeck, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, May 8, 2013
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Dee Nichols

FRASER RY

ISAAC RY

ERIC CHEN

1394 Fairway Ln Farmington

869 N 700 E, CENTERVILLE

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1534 W 1900S. WOOD, CORVALLIS, OR

** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.