

CENTERVILLE CITY PLANNING COMMISSION AGENDA

Public meetings will be held electronically via Zoom and live streamed on the Centerville City YouTube channel in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19, issued by Governor Herbert on March 18, 2020. Centerville City Utah YouTube Channel link: <https://www.youtube.com/user/centervillecityutah/videos>. *Public meetings conducted via Zoom may be terminated at any time due to hackers or inappropriate content*

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON MAY 13, 2020 AT THE CENTERVILLE CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the Planning Commission 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, Administrative Services Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

The full packet of backups can be found at <http://centerville.novusagenda.com/agendapublic>.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Christine Wilcox, Commissioner

D. COMMISSION BUSINESS

1. Administrative Decision - Public Hearing - Conceptual Site Plan - The Hive Residential High (R-H) Multi-family Development Project located at 555 North 400 West Street. Applicant is CW The Hive, LLC

Join Zoom Meeting

<https://zoom.us/j/92318624042?pwd=cGM0dEgvRkI3Q2t0MmhlOHhzc1R5Zz09>

Meeting ID: 923 1862 4042

Password: 184222

One tap mobile

+13462487799,,92318624042#,,1#,184222# US (Houston)

+16699009128,,92318624042#,,1#,184222# US (San Jose)

Dial by your location
+1 346 248 7799 US (Houston)
Meeting ID: 923 1862 4042
Password: 184222

2. Administrative Decision - Public Hearing - The Hive - Conditional Use Permit
Residential High (R-H) Multi-family Development Project located at 555 North 400 West Street. Applicant is CW The Hive, LLC

3. Community Development Director Report & City Council Update

City Council Update:

- Nothing to Report

Next Planning Commission Meeting of 5/27/2020:

- The "Hive" Project

2020 Commission Goals:

- South Main Street Corridor Plan Update - underway
- Transportation Plan Element Update - yet to be started
- West Centerville Neighborhood Plan Update (SCP mixed-residential reconsideration) - PC received initial information on Feb. 12, 2020

E. MINUTES REVIEW AND ACCEPTANCE

April 8, 2020

F. ADJOURNMENT

Mackenzie Wood
Centerville Assistant Planner

CENTERVILLE

Staff Backup Report

5/13/2020

Item No. 1.

Short Title: Administrative Decision - Public Hearing - Conceptual Site Plan - The Hive

Initiated By:

Scheduled Time:

SUBJECT

Residential High (R-H) Multi-family Development Project located at 555 North 400 West Street. Applicant is CW The Hive, LLC

Join Zoom Meeting

<https://zoom.us/j/92318624042?pwd=cGM0dEgyRkI3Q2t0MmhlOHhzcIR5Zz09>

Meeting ID: 923 1862 4042

Password: 184222

One tap mobile

+13462487799,,92318624042#,,1#,184222# US (Houston)

+16699009128,,92318624042#,,1#,184222# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

Meeting ID: 923 1862 4042

Password: 184222

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Public Comment Flyer
- ☐ 05-13-2020 PC Staff Report Conceptual Site Plan for The Hive Project
- ☐ Conceptual Site Plan Submittal for The Hive Project
- ☐ CW The Hive Existing Use Transition Plan

HOW TO PARTICIPATE IN PUBLIC COMMENT IN AN ELECTRONIC MEETING



**PLANNING COMMISSION MEETING WILL BE STREAMED LIVE ON YOUTUBE:
[HTTPS://WWW.YOUTUBE.COM/USER/CENTERVILLECITYUTAH](https://www.youtube.com/user/CentervilleCityUtah)**

**ZOOM: PUBLIC COMMENT WILL BE ACCEPTED
DURING THE DESIGNATED PUBLIC HEARING PORTION OF THE MEETING.**

JOIN VIA COMPUTER, TABLET OR SMART PHONE:

- Join URL will be posted on the Planning Commission agenda(s) and can be found online at the following link [HTTPS://CENTERVILLE.GOV/AGENDA.COM/AGENDAPUBLIC/](https://centerville.gov/agenda.com/agenda/public/)
- Please keep your video off.
- If you are watching the meeting live on YouTube, please mute the YouTube live stream when making your comments on the Zoom meeting to avoid feedback.
- When entering the Zoom meeting, please write your full name
- You will remain in the waiting room until the public hearing portion of the meeting begins.
- You will be muted and unmuted by the meeting host.
- When you are called on to speak by the Planning Commission Chair, please state your full name and city of residence for the record.
- You will be given 3-5 minutes to give your comments in order to allow all to speak. Please respect the time limits.
- You will be removed from the Zoom meeting once your comments have been given.
- You can continue to watch the live stream on YouTube.

JOIN VIA TELEPHONE CALL:

- Join URL will be posted on the Planning Commission agenda(s) and can be found online at the following link [HTTPS://CENTERVILLE.GOV/AGENDA.COM/AGENDAPUBLIC/](https://centerville.gov/agenda.com/agenda/public/)
- If you are watching the meeting live on YouTube, please mute the YouTube live stream when making your comments on the Zoom meeting to avoid feedback.
- You will remain in the waiting room until the public hearing portion of the meeting begins.
- You will be muted and unmuted by the meeting host.
- When you are called on to speak by the Planning Commission Chair, please state your full name and city of residence for the record.
- You will be given 3-5 minutes to give your comments in order to allow all to speak. Please respect the time limits.
- You will be removed from the Zoom meeting once your comments have been given. You can continue to watch the live stream on YouTube.

WRITTEN PUBLIC COMMENT (ACCEPTED UNTIL MAY 21ST AT 5:00 P.M.)

- Submit via email to recorder@centervilleut.com
- Place in City drop box located on the south side of the parking lot at City Hall, 250 N. Main
- Please include on the envelope and in the email: Planning Commission – Hive Development, full name and city of residence

SELF-ADDRESSED, STAMPED ENVELOPES (DELIVERED TO PARK RESIDENTS ONLY)

- Must be mailed back to and received by Centerville City by May 21st to be received in time for inclusion in the packet.
- Can also be placed in the City drop box located on the south side of the parking lot at City Hall, 250 N. Main by 5:00 p.m. on May 21st.

**SPECIAL ACCOMMODATIONS:
THOSE UNABLE TO PARTICIPATE IN THE PROVIDED
METHODS OF COMMENT. CALL THE CITY RECORDER
AT 801-677-6433**



**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: ***CENTERVILLE MOBILE HOME ESTATES, LC
1629 EAST 1000 SOUTH
BOUNTIFUL UTAH 84010
Owner Contact: Cecilia H. Foxley***

APPLICANT: ***CW THE HIVE, LLC
LEGACY CROSSING BLVD. #6
CENTERVILLE, UTAH 84014
Project Manager: Dane Smith of CW Land, dane@cw.land***

PROPERTY: ***555 NORTH 400 WEST
Parcel #02-024-0027***

PARCEL ACREAGE: **6.63 ACRES**

ZONING: **RESIDENTIAL-HIGH (R-H)**

APPLICATIONS: **1. CONCEPTUAL SITE PLAN ACCEPTANCE
2. CONDITIONAL USE PERMIT FOR 9-12 DWELLINGS
PER ACRE**

PROPOSED USE: **MULTI-FAMILY- 18 TWIN HOMES (DUPLEXES) AND 62
TOWNHOMES (FOUR AND SIX PLEXES) – 80 TOTAL
PROPOSED DWELLING UNITS**

RECOMMENDATIONS: **a. TABLE ACCEPTANCE OF THE CONCEPTUAL SITE
PLAN TO RECEIVE ADEQUATE PUBLIC COMMENT**

BACKGROUND

The applicant has recently purchased the existing Centerville Mobile Home Estates property. Their intent is to re-develop the land and convert the use from a “*manufactured home park*” to a “*multi-family*” housing project. The project consists of a singular development site that will likely be converted to a planned development (PUD) for future ownership possibilities.

The new development would consist of constructing two (2) differing housing types. One housing type would be twin-homes or duplexes consisting of nine buildings, totaling 18 housing units. The other housing type is townhomes consisting of 15 buildings, totaling 62 housing units. The total number of housing being proposed is 80 dwellings. Each housing unit will have a two-car garage, with alleys providing access to the townhome garages. The development will be served by private internal 30-foot wide main roadway with two access points located at Frontage Road and the other at 400 West.

CONCEPTUAL SITE PLAN REVIEW, SECTION 12.12.110(d)

Table of Uses Allowed - CZC 12.36

Within the Zoning Ordinance, the “Table of Uses” does allow both of the proposed housing type uses within the Residential High Zone (R-H) Zone. Additionally, the allowable multi-family densities are up to eight (8) units per gross acre, as a permitted use and up to nine (9) to 12 units per gross acre, as a conditional use (*see Table 12.36.020*).

From staff’s review of the conceptual plan, the total number of dwelling units is 80 with a density calculation of 80 divided by 7.11 acres (*gross, including existing ½ streets, not net*). This equates to 11.25 units per gross acre (*note: code rounds all density calculations to nearest tenth for density*). Thus, the project’s overall use density would fall within the R-H conditional use allowance of a gross density of up to nine (9) to 12 units per gross acre. Such density above the permitted eight (8) units per acre requires the issuance of a Conditional Use Permit (*see separate CUP Application and applicable Staff Report*).

However, if the Commission decides to eliminate the “*interpreted*” ½ street allowance precedence of existing streets fronting the property (*see caution as noted below in this section*). Then the project would need to eliminate only one (1) dwelling unit to comply with the maximum 12 units per acre allowance. Density calculation would then be 79 units divided by 6.63 acres, equating to 11.9 units per overall net parcel acreage.

STAFF COMMENTS: *Staff believes that the proposal to develop the property with twin homes and townhomes complies with the R-H Zoning provisions.*

Note: The “interpretive precedence” relies on the regulatory requirement of construing the gross density measurement of existing 1/2 streets, as follows

- **CZC 12.12, Density, Gross:** *The number of dwelling units per acre within a subdivision or other development based on the total tract area whether developable or not, including streets, water areas, and conservation lands.*
- **CZC 12.12, Density, Net:** *The number of dwelling units per acre within a subdivision or other development, not including streets and public property.*

- **10-9a-306. Land use authority requirements -- Nature of land use decision.**
 - A land use authority shall apply the plain language of land use regulations.
 - If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.

General Plan - Section 12-480-5

According to the City's General Plan, the property is located in Northwest - Neighborhood 4 (see Section 12-480-5). This neighborhood plan identifies the following general issues for the proposed development within this neighborhood:

1. *Future land-uses and transitions between different uses establishes the following:*
 - ✓ *Compatibility of uses as outlined in the Land Use Hierarchy Standards (adopted).*
 - ✓ *Establishment of a General Plan Land Use Map (not yet adopted).*
 - ✓ *Establishment of appropriate landscaping/design transitions using Transition Design Standards (not yet adopted).*
2. *Additionally, residential densities shall be based primarily on:*
 - ✓ *Their proximity to public services.*
 - ✓ *Higher residential densities should be located in areas adjacent to basic, high-intensity facilities/services.*
 - ✓ *Densities should naturally decrease as the distance increases away from these facilities/services.*
 - ✓ *Multi-family projects, PUDs, developments with private roads, and other similar types of projects are permitted only on parcels 3 acres or larger.*

STAFF COMMENTS: Staff believes that proposed development complies with the policy intent of the Northwest Neighborhood Plan.

General R-H Zone Development Standards

Conceptually, the development, with some alterations, appears to potentially be able to satisfy the applicable standards of Table 12.32.300 of the Zoning Ordinance, as summarized below:

R-H Development Standards Table 12.32.300			
Development Standard	Required	Actual	Compliance
Building Standards			
Maximum Height	35 Feet	Two Stories & Three Stories at 30 feet or less	Yes
Distance Between Buildings	6 feet	10-feet or greater between buildings	Yes
Lot and Parcel Standards			

Minimum Area	10,000 sq. ft.	6.63 Acres (Net)	Yes
Setbacks			
Front, and Front Street Side	25 Feet 20 feet	Frontage Rd. 20 Feet 400 West 15 feet	Partially
Rear	20 Feet	Not Applicable	NA
Side	10/8 Feet	North: 15 Feet	Yes
		South: 20 Feet	
Site Standards			
Landscaping, Non-Single-Family Projects	40% of Site	Not Calculated	Likely
Open Space Trees & Shrubs Requirement	1 Tree & 2 Shrubs per Dwelling Unit Up to 20% of trees can be substituted w/ 10 shrubs per tree	Not Depicted	Undetermined, but Likely Feasible

Other Zoning Code Applicable Residential High (R-H) Development Standards

Additional Development Standards For R-M And R-H Zones – CZC 12.32.055

Architectural Design Standards – requires a licensed architect to be involved in the design plan and provide authentication. The Conceptual design plan was prepared by CW Land. However, a licensed architect review was not verified on the submittals received from the applicant. This is normally is done at the submittal of the Final Design Plan that will be used later for developing the construction documents.

Exterior Design Standards – requires the mitigation of visual massing and articulation of the multi-family family buildings. The apparent mass of the buildings is being mitigated by bump-outs, balconies, awnings, and use of differing building materials.

Landscaping and Open Space – requires the provision of designed active and passive spaces for use by residents. The Conceptual submitted depicts the following:

- Garden Courts between the townhome buildings opposite of the alleys
- Pedestrian Pathway system connecting the dwelling units to the open/amenity space
- Gathering pavilion and Pickleball Courts.
- Thematic landscape and lighting design for the open/amenity space

Use of Public and Private Roadways – regulates access, private street widths, visitor parking, pathways, and maintenance of private supporting infrastructure.

STAFF COMMENTS: Staff believes that proposed development generally complies with these additional policies (see applicant's site layout design submittals).

Off-Street Parking - CZC 12.52

Table 12.52.300			
Off-Street Parking Requirements			
Use	Standard	Provided	Compliance
Two-family	2 spaces per dwelling	Double Car Garage*	Yes
Multi-family	1.5 spaces per studio or 1 bed, or 2 spaces per 2 bed+	Double Car Garage*	Yes
Total		160 Parking Stalls	Yes

**Note: CZC 12.52.090, Parking Dimensions requires a Minimum inside dimension of 10 by 20 feet and minimum door width of 8 feet for each parking space.*

Additionally, CZC 12.32.55(d).4 requires additional “visitor parking” at a ratio of 0.5 stalls per dwelling. This equates to providing a capacity of at least 40 on-site visitor parking spaces.

STAFF COMMENTS: *In review of the site plan, each twin-home has a two-car driveway equating to a visitor parking capacity of 32 spaces. There is a separate amenity parking area with a capacity of 12 stalls. Thus, the site meets the visitor parking ratio requirement. However, the twin-home visitor spaces are not likely servicing the townhomes. Therefore, staff believes the applicant should better address the visitor parking needs of the townhomes. There is potential capacity along the 30-foot wide private drive to allow on-street parking on on-side of the street. However, parking enforcement may be problematic.*

Landscaping & Screening - CZC 12.51

The submitted plans indicate the general location of landscaping and the concept design depicted. Since the property is greater than one acre, the Zoning Code requires a landscape architect prepare a final detailed landscaping design and submit with the final site plan application. These plans must indicate location of all landscaping, types of plantings, total number of plantings and accurate calculations of landscaping percentages and totals.

Required Landscaping Summary			
Guidelines	Standard	Required Site Specific	Actual/Compliance
Total Area Landscaping	40%	Not Provided	Likely, more than required
Total Required Trees	1 Tree & 2 Shrubs per Dwelling Unit	Not Depicted	Feasible
Trees for Street Frontage	1 per 25 linear feet	Not Depicted	Feasible

Total Interior Parking Lot Landscaping	10%	Garage Parking Provided	Generally, Not Applicable (except for visitor parking area needs raised by staff)
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 1 tree		
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 2 shrubs		
Public Street Landscaping (measured from curb to interior lot)	10 Feet for Local Streets	15 feet or greater	Yes

Screening – CZC 12.51.110

The plans do not show any detail concerning the trash enclosures. The final plans will need to provide details indicating the number of dumpsters. Also, all dumpsters must be completely screened from view with an opaque six-foot wall or fence. The wall or fence must be compatible in material and color of the main buildings on the site.

Signage CZC 12.54

All signage requires separate permits and must be approved by the Zoning Administrator as part of the sign permit application. However, the final site plan needs to indicate the location of any wall or monument signage, which must meet the requirements found in CZC12.54 of the Zoning Ordinance. The submitted plans depict two entry monument areas located at the project entrances.

STAFF'S GENERAL CONCLUSION FOR CONCEPTUAL SITE PLAN

Generally, staff believes that the Conceptual Site Plan submitted depicts how the site could be appropriately developed in accordance with the applicable provisions of the Residential High (R-H) Zone (see CZC 12.21.110(d)5). Nonetheless, the allowance for the requested density for more than eight (8) units per acre is subject to the additional provisions regarding conditional use permit (CZC 12.21.100). Thus, there may be other issues related to these CUP criteria that may affect the design and layout of the proposed development.

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends the following:

- ✓ *Proceed with the related review for the request for the Conditional Use Permit of 9-12 dwelling units that includes a staff recommendation to “table” the CUP decision to an applicable Final Site Plan Application.*
- ✓ *Conduct the Public Hearings for both the Conceptual Site Plan and applicable Conditional Use Permit, as outlined in the attached “Public Hearing Flyer” with this report.*

- ✓ *Table any “Action for Conceptual Site Plan Acceptance” until the Public Hearing has been completed.*
- ✓ *Provide any directions to the applicant that the Commission would like to the applicant to address prior to the next Planning Commission Meeting of May 27, 2020.*

MATERIALS

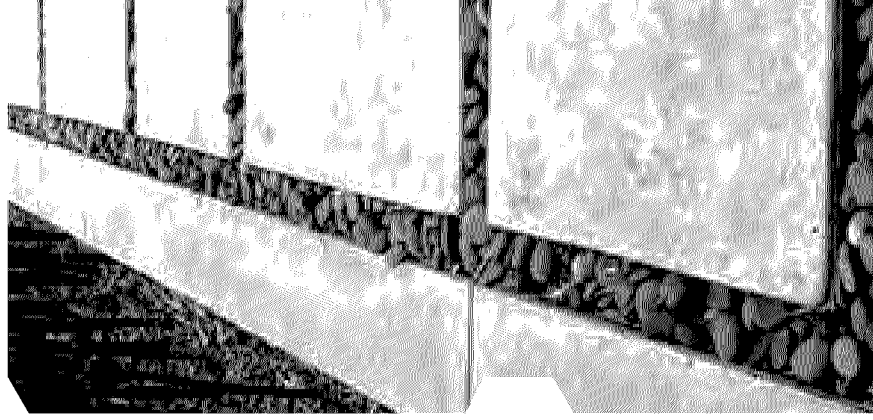
- Materials
- Site furnishings

PLANTING

- Planting character imagery

SITE DESIGN

- Monumentation character imagery and design
- Amenity character imagery and design

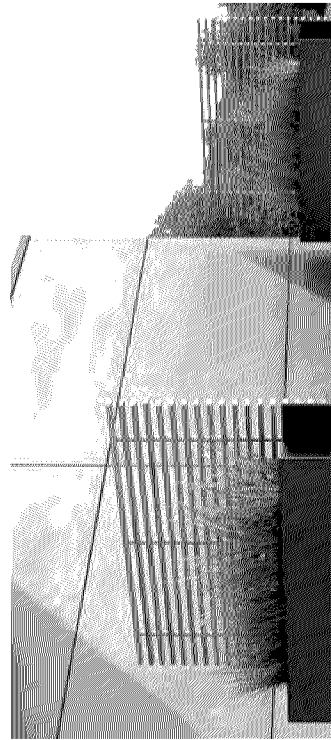


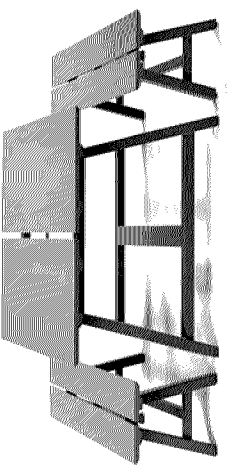
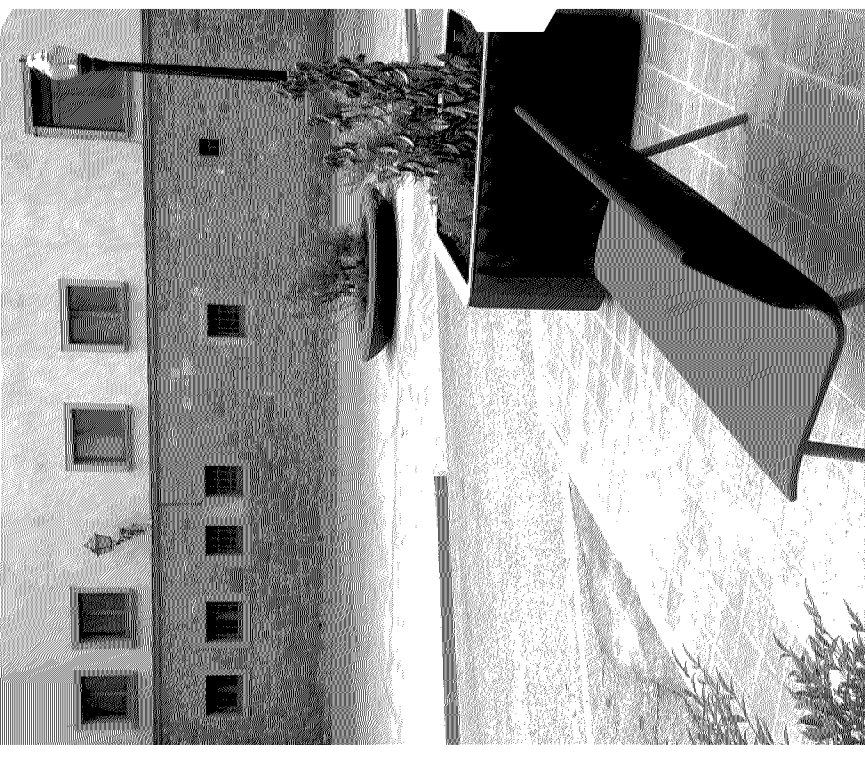
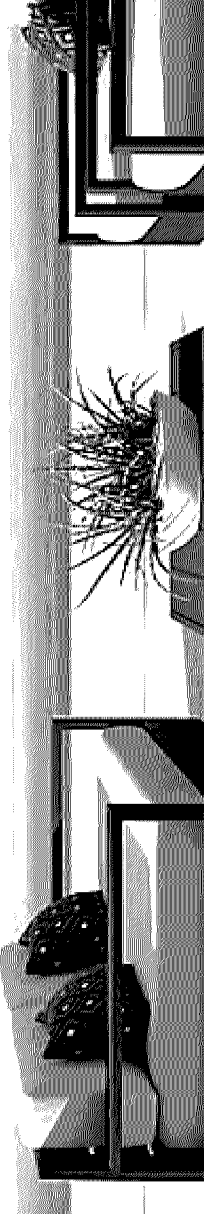
MATERIALS PALETTE

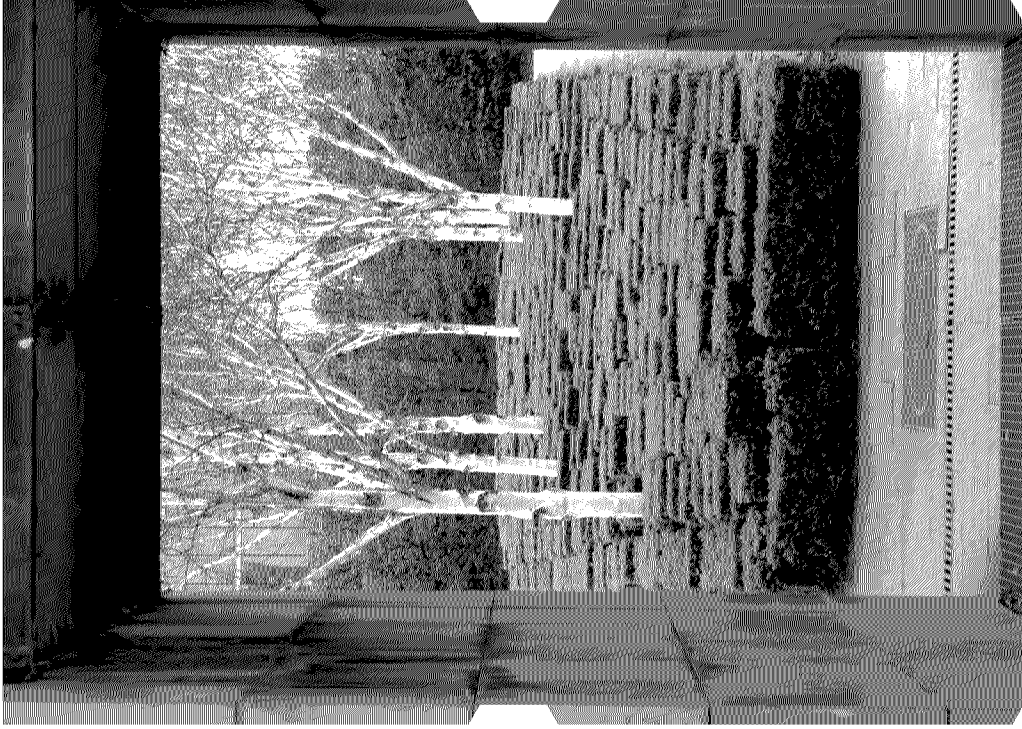
Concrete //

Powder Coat Aluminum //

Steel //







PLANTING S

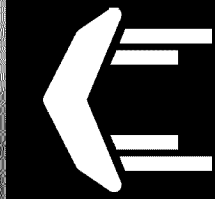
Modern //
Mass plantings //
Mounds to create s
Monoculture //

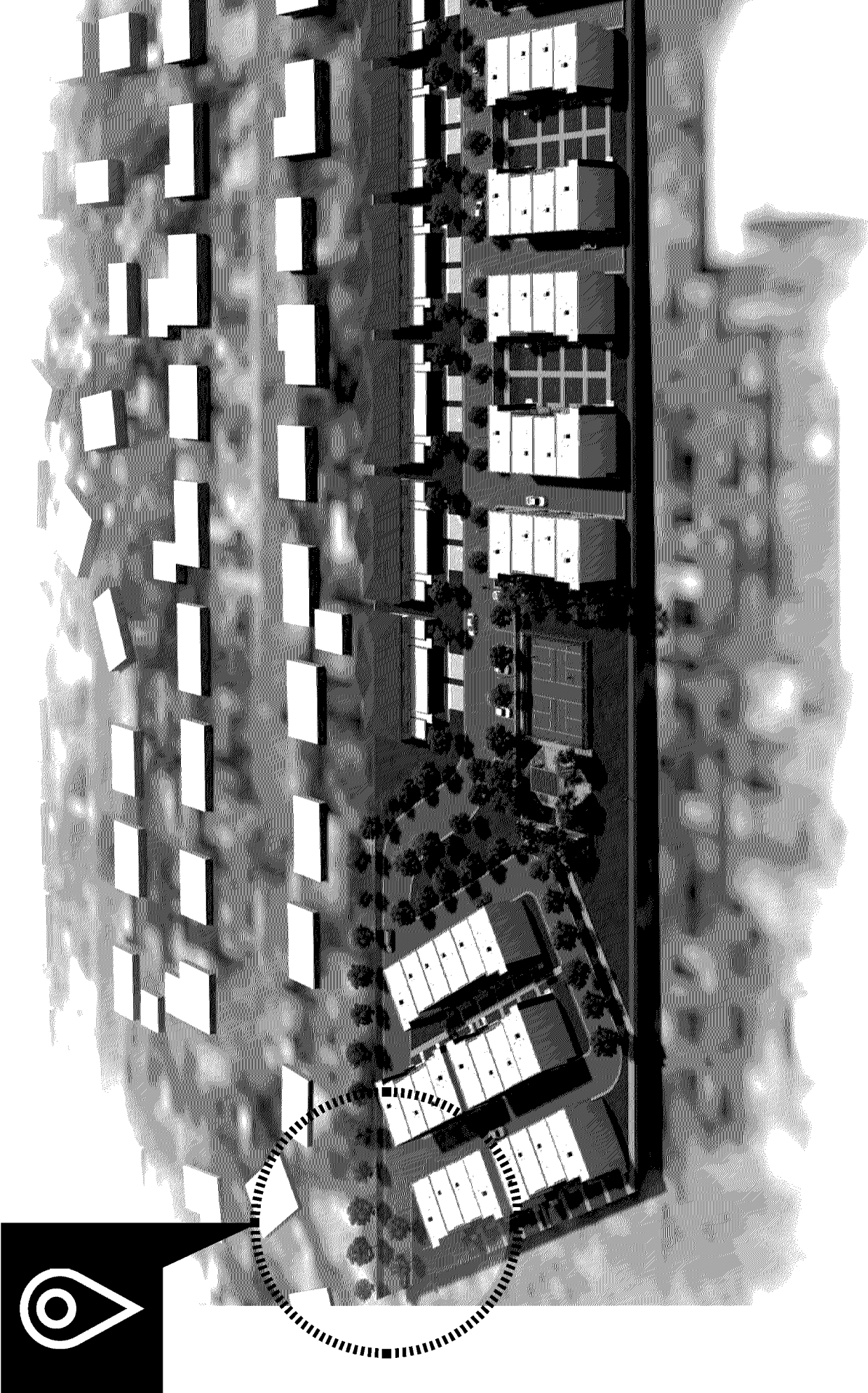


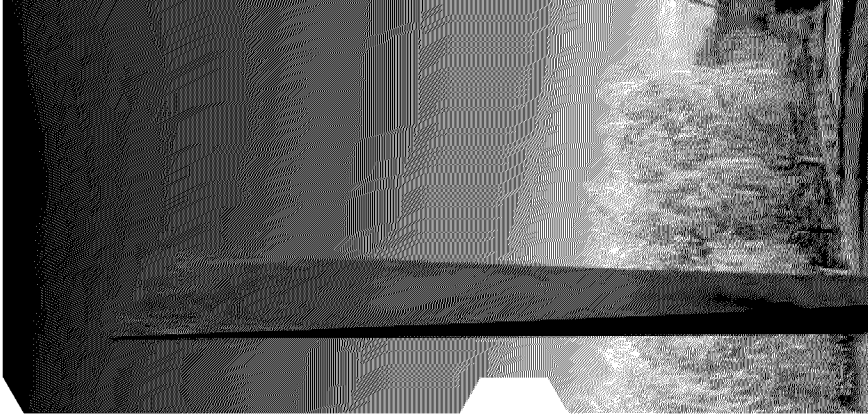
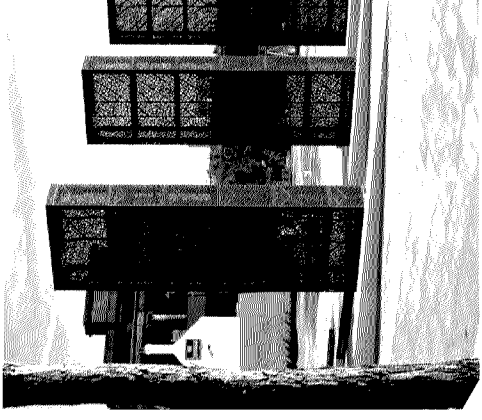
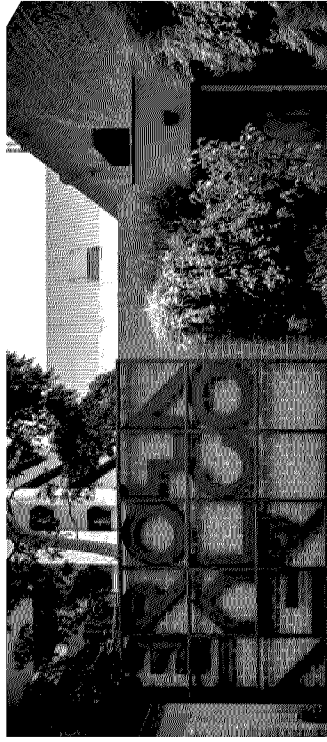
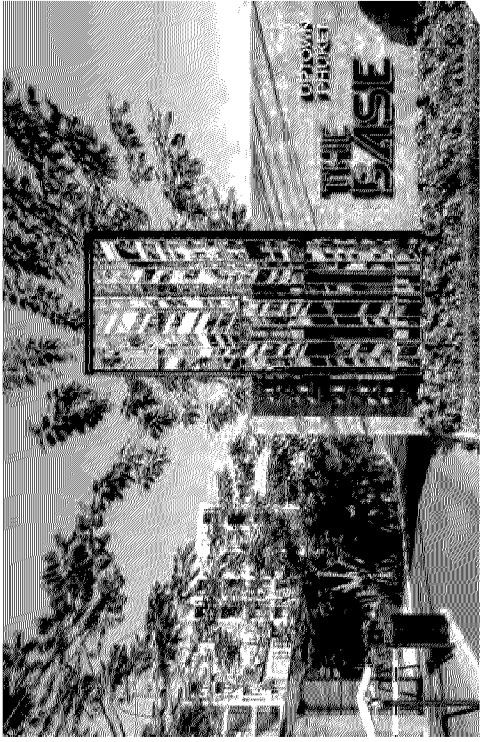
Monument entry//



Assembly area//



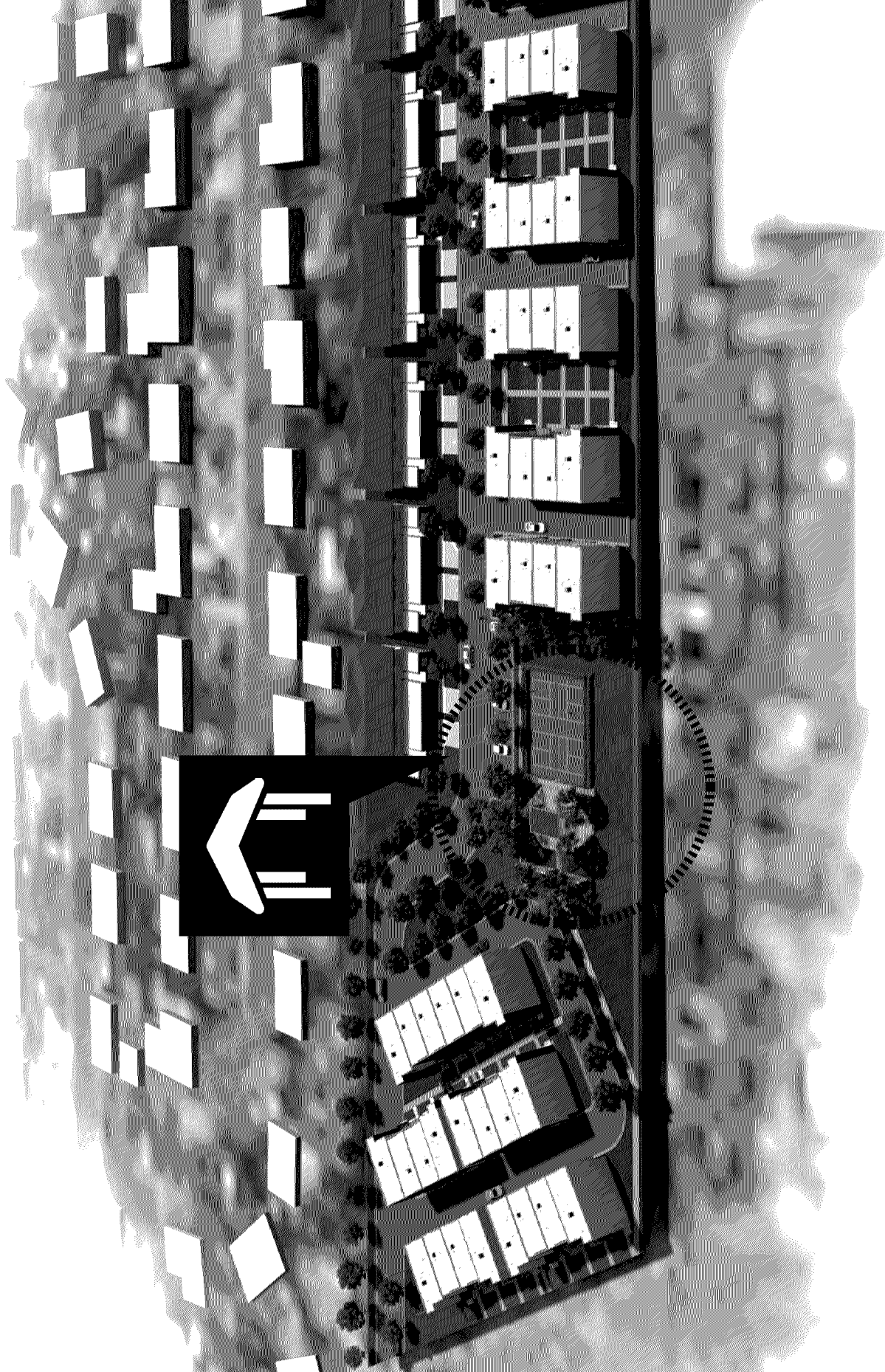




MONUMENTATION

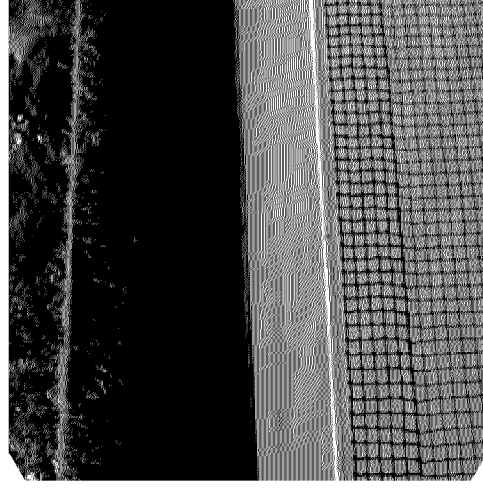
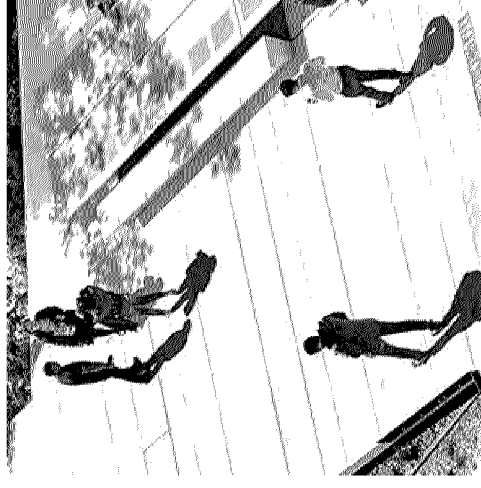
Structural element //
Integrated into architecture //
Placed at both entry points of development //





AMENITY SPACE

Gathering area//
Pickle ball courts//
String lights //
Wall to create outdoor space //
Outdoor movies //





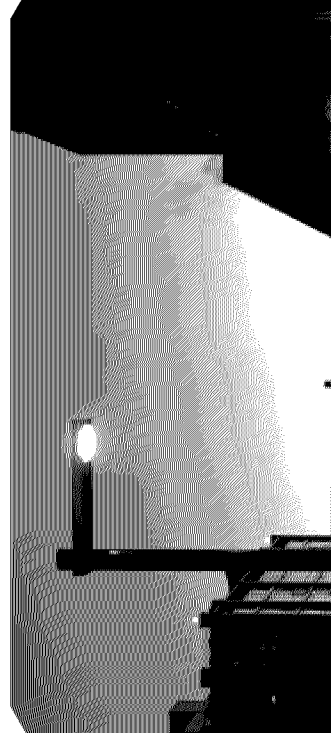
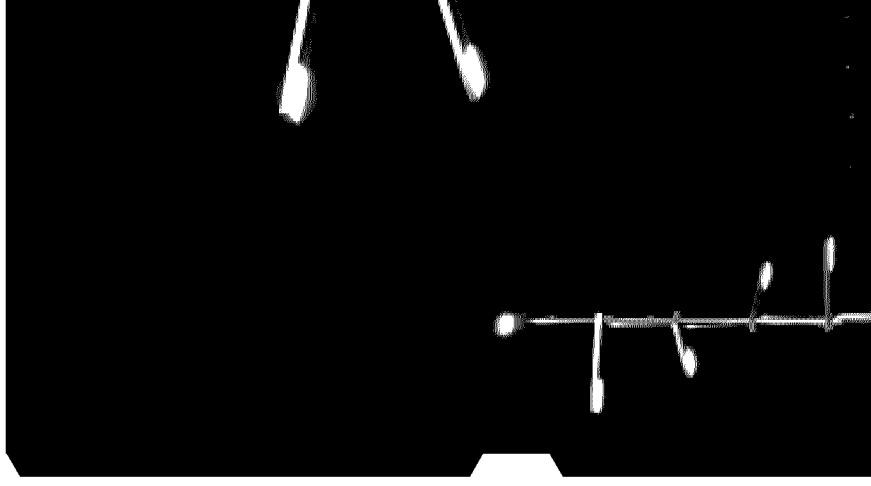
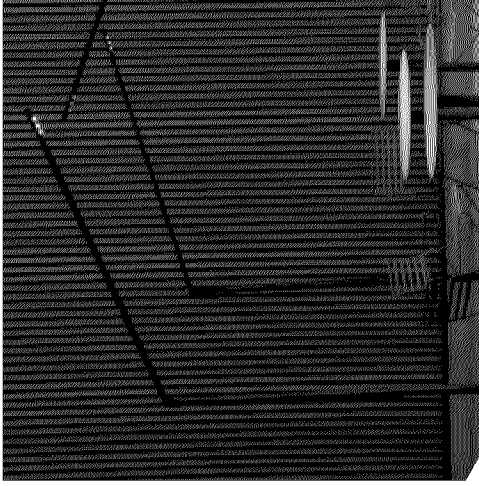


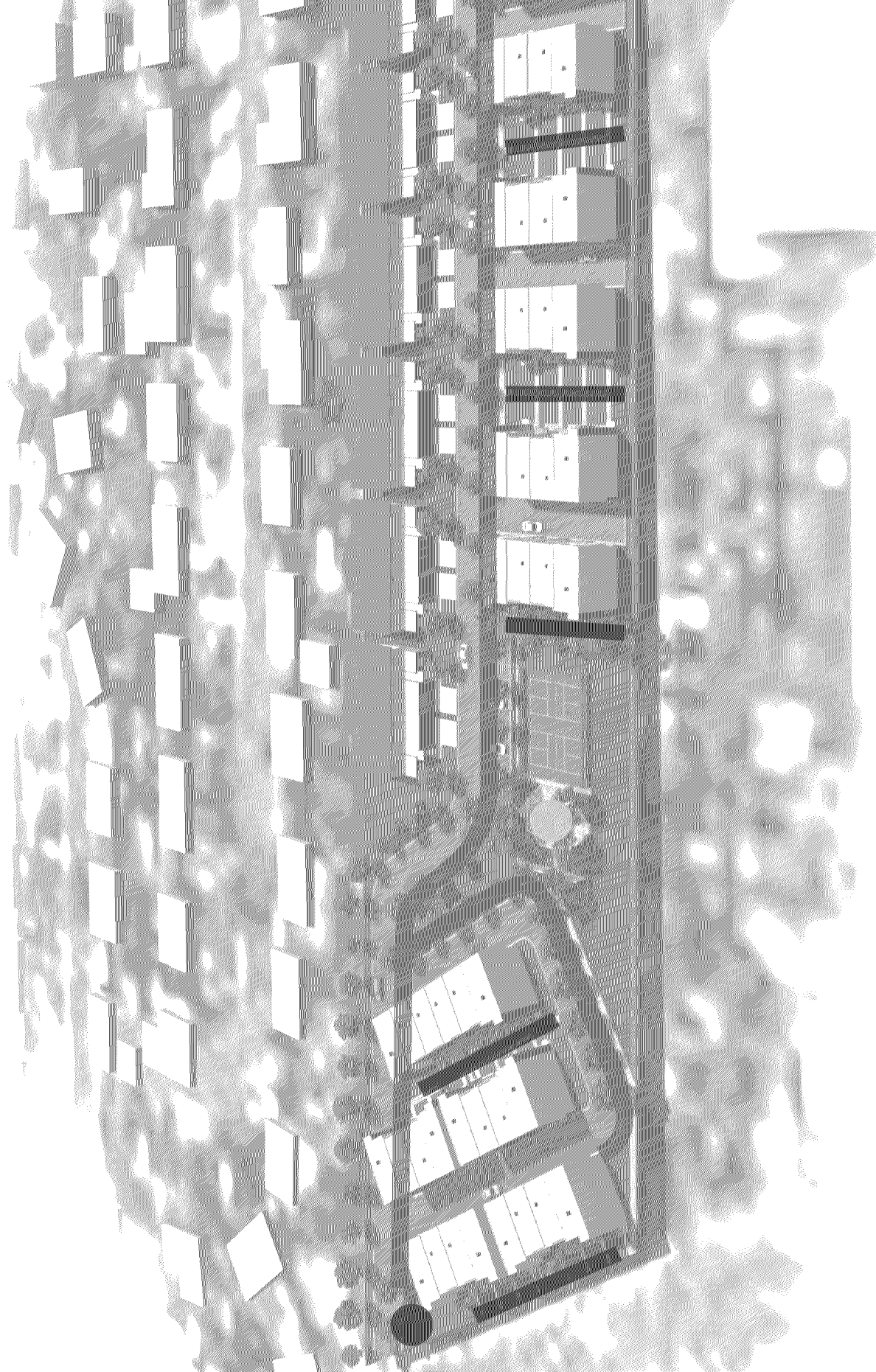




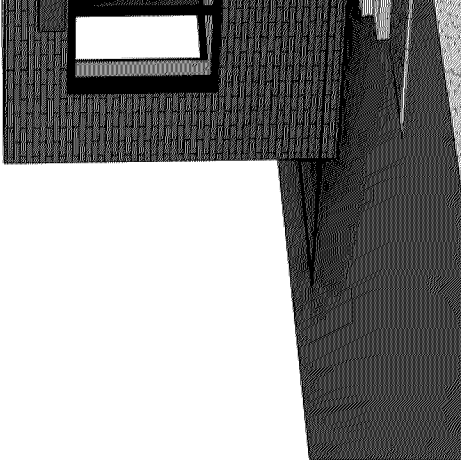










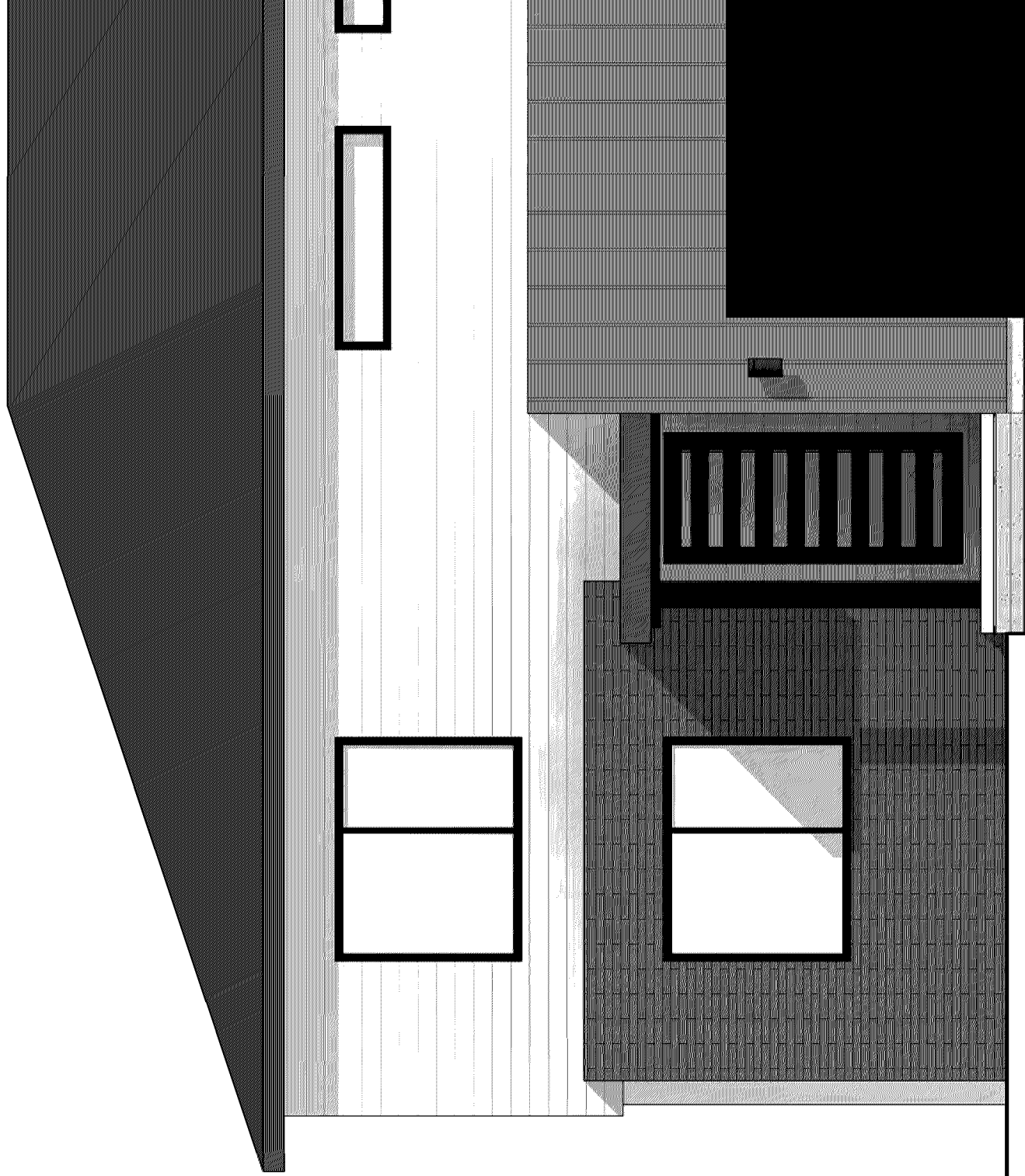


—

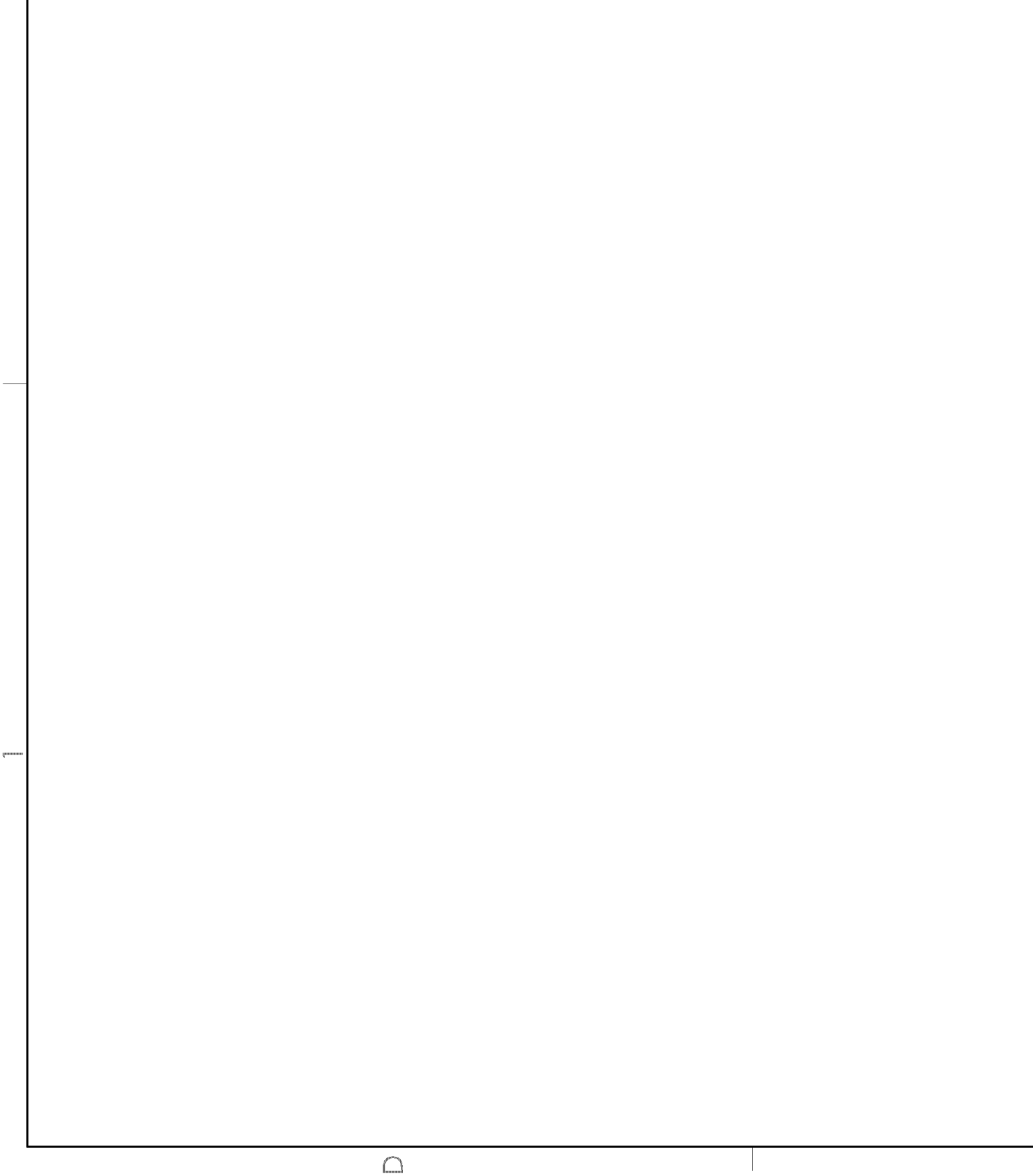
—

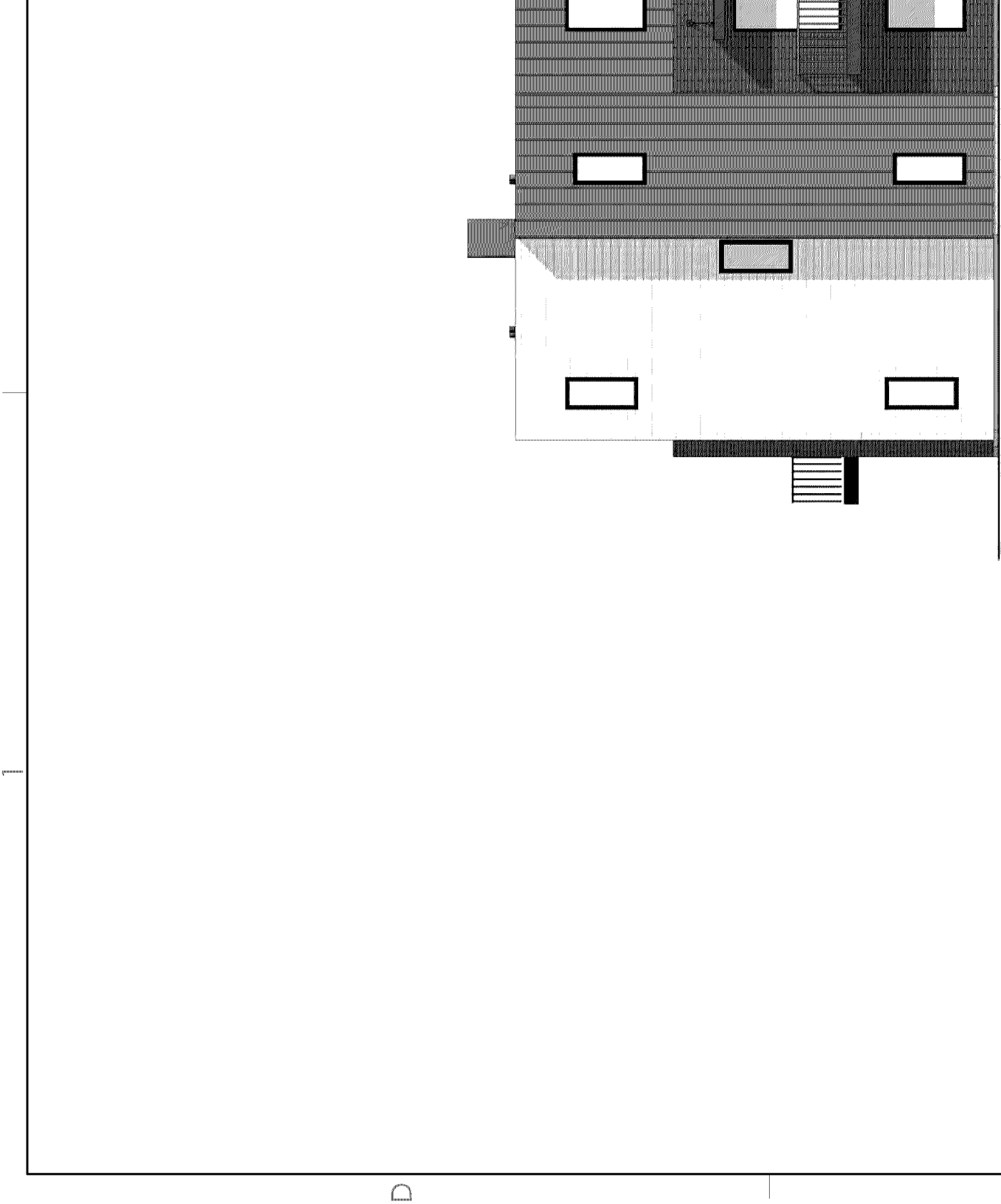
—

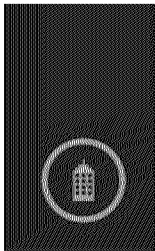
—



1 FRONT ELEVATION
1/4" = 1'-0"







C.W.
URBAN

1222 W LEGACY CROSSING BLVD, SUITE #6
CENTERVILLE, UT 84014

1-866-744-CITY

C.W. Urban Transition Plan for Centerville Mobile Estates

Current owner: “Centerville Mobile Estates”

Future owner: “C.W. Urban”

Centerville Mobile Estates gave notice on March 23rd to the mobile home owners that a planned use change was going to occur to the property where their personal property resides. The land use change will dissolve Centerville Mobile Estates’ operation and therefore, will require mobile home owners to move their personal property. In conjunction with the Mobile Home Park Residency Act (the “Act”), mobile home owners received notice 9 months in advance of the change of use and vacate date. By law the landowner could have required mobile home owners to vacate on December 24th, 2020, however the vacate date was extended to January 4th, 2021 as a courtesy to the residents to not conflict with the holiday season.

In accordance with the Act, Centerville Mobile Estates sent a second notice 10 days in advance of the first public meeting for the proposed land use change. This meeting will take place on May 13th, 2020. The applicant at this meeting is C.W. Urban. As a result of these notices, 9 residents have contacted the law firm who sent the notices to discuss the process.

As part of the sale of this property, C.W. Urban is committed to being transparent with the current mobile home owners as to its course of action. C.W. Urban plans to take the following actions to support the mobile home owners to facilitate a safe and smooth transition.

- C.W. Urban will create a private Facebook group for the current mobile home owners to participate in where open communication can occur.
- C.W. Urban will send a letter to each mobile home owner inviting them to participate in that Facebook Group.
- Mobile home owners can continue to contact the attorney who is helping manage the process, Tyler Jensen with any inquiries, questions, or concerns.
- C.W. Urban will coordinate and connect mobile home owners with preferred trailer movers or potential trailer buyers to assist with the move.

C.W.

URBAN

1222 W LEGACY CROSSING BLVD, SUITE #6
CENTERVILLE, UT 84014

1-866-744-CITY



- C.W. Urban will commit that at the time of change of ownership, it **will CEASE** all rent payments required until the mandated vacate day. C.W. Urban's anticipated land transfer date is August 1st, 2020.
- The vacate date is January 4th, 2021. Current monthly lot rent is \$600. The potential savings for mobile home owners may be up to \$3,000 over this time period.
- C.W. Urban will commit that it **will not** exercise its right to collect any interest, penalties or payments for late or missed payments by mobile home owners.
 - It has been communicated to C.W. Urban that Centerville Mobile Estates is not being professionally managed. As such, missed or late payments for some mobile home owners are a significant monetary amount.
- C.W. Urban will facilitate an early "community MOVE-OUT date." This date is set for October 15th, 2020. C.W. Urban will give a \$2,000 check to any mobile home owners who remove all personal property on or before this date.
 - C.W. Urban has no intent to obtain any personal property belonging to the residents of Centerville Mobile Estates, however if an owner cannot move their mobile home and wishes to abandon it and vacate the property, C.W. Urban will acquire the title and the owner will still receive a \$2,000 check, if the mobile home is vacated by October 15th, 2020.

CENTERVILLE

Staff Backup Report

5/13/2020

Item No. 2.

Short Title: Administrative Decision - Public Hearing - The Hive - Conditional Use Permit

Initiated By:

Scheduled Time:

SUBJECT

Residential High (R-H) Multi-family Development Project located at 555 North 400 West Street. Applicant is CW The Hive, LLC

RECOMMENDATION

Join Zoom Meeting

<https://zoom.us/j/92318624042?pwd=cGM0dEgyRkI3Q2t0MmhlOHhzcIR5Zz09>

Meeting ID: 923 1862 4042

Password: 184222

One tap mobile

+13462487799,,92318624042#,,1#,184222# US (Houston)

+16699009128,,92318624042#,,1#,184222# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

Meeting ID: 923 1862 4042

Password: 184222

BACKGROUND

ATTACHMENTS:

Description

- Public Comment Information Sheet
- 5-13-20 PC Staff Report The Hive Conditional Use Permit

HOW TO PARTICIPATE IN PUBLIC COMMENT IN AN ELECTRONIC MEETING



**PLANNING COMMISSION MEETING WILL BE STREAMED LIVE ON YOUTUBE:
[HTTPS://WWW.YOUTUBE.COM/USER/CENTERVILLECITYUTAH](https://www.youtube.com/user/CentervilleCityUtah)**

**ZOOM: PUBLIC COMMENT WILL BE ACCEPTED
DURING THE DESIGNATED PUBLIC HEARING PORTION OF THE MEETING.**

JOIN VIA COMPUTER, TABLET OR SMART PHONE:

- Join URL will be posted on the Planning Commission agenda(s) and can be found online at the following link [HTTPS://CENTERVILLE.GOV/AGENDA.COM/AGENDAPUBLIC/](https://centerville.gov/agenda.com/agenda-public/)
- Please keep your video off.
- If you are watching the meeting live on YouTube, please mute the YouTube live stream when making your comments on the Zoom meeting to avoid feedback.
- When entering the Zoom meeting, please write your full name
- You will remain in the waiting room until the public hearing portion of the meeting begins.
- You will be muted and unmuted by the meeting host.
- When you are called on to speak by the Planning Commission Chair, please state your full name and city of residence for the record.
- You will be given 3-5 minutes to give your comments in order to allow all to speak. Please respect the time limits.
- You will be removed from the Zoom meeting once your comments have been given.
- You can continue to watch the live stream on YouTube.

JOIN VIA TELEPHONE CALL:

- Join URL will be posted on the Planning Commission agenda(s) and can be found online at the following link [HTTPS://CENTERVILLE.GOV/AGENDA.COM/AGENDAPUBLIC/](https://centerville.gov/agenda.com/agenda-public/)
- If you are watching the meeting live on YouTube, please mute the YouTube live stream when making your comments on the Zoom meeting to avoid feedback.
- You will remain in the waiting room until the public hearing portion of the meeting begins.
- You will be muted and unmuted by the meeting host.
- When you are called on to speak by the Planning Commission Chair, please state your full name and city of residence for the record.
- You will be given 3-5 minutes to give your comments in order to allow all to speak. Please respect the time limits.
- You will be removed from the Zoom meeting once your comments have been given. You can continue to watch the live stream on YouTube.

WRITTEN PUBLIC COMMENT (ACCEPTED UNTIL MAY 21ST AT 5:00 P.M.)

- Submit via email to recorder@centervilleut.com
- Place in City drop box located on the south side of the parking lot at City Hall, 250 N. Main
- Please include on the envelope and in the email: Planning Commission – Hive Development, full name and city of residence

SELF-ADDRESSED, STAMPED ENVELOPES (DELIVERED TO PARK RESIDENTS ONLY)

- Must be mailed back to and received by Centerville City by May 21st to be received in time for inclusion in the packet.
- Can also be placed in the City drop box located on the south side of the parking lot at City Hall, 250 N. Main by 5:00 p.m. on May 21st.

**SPECIAL ACCOMMODATIONS:
THOSE UNABLE TO PARTICIPATE IN THE PROVIDED
METHODS OF COMMENT. CALL THE CITY RECORDER
AT 801-677-6433**



**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER: ***CENTERVILLE MOBILE HOME ESTATES, LC
1629 EAST 1000 SOUTH
BOUNTIFUL UTAH 84010
Owner Contact: Cecilia H. Foxley***

APPLICANT: ***CW THE HIVE, LLC
LEGACY CROSSING BLVD. #6
CENTERVILLE, UTAH 84014
Project Manager: Dane Smith of CW Land, dane@cw.land***

PROPERTY: ***555 NORTH 400 WEST
Parcel 02-024-0027***

PARCEL ACREAGE: **6.63 ACRES**

ZONING: **RESIDENTIAL-HIGH (R-H)**

APPLICATION: **CONDITIONAL USE PERMIT FOR 9-12 DWELLINGS PER
ACRE**

PROPOSED USE: **MULTI-FAMILY- 18 TWIN HOMES (DUPLEXES) AND 62
TOWNHOMES (FOUR AND SIX PLEXES) – 80 TOTAL
PROPOSED DWELLING UNITS**

RECOMMENDATION: **TABLE CUP REQUEST UNTIL FINAL SITE PLAN
SUBMITTAL AND REVIEW**

BACKGROUND

The applicant has recently purchased the existing Centerville Mobile Home Estates property. Their intent is to re-develop the land and convert the use from a “*manufactured home park*” to a “*multi-family*” housing project. The project consists of a singular development site that will likely be converted to a planned development (PUD) for future ownership possibilities.

The new development would consist of constructing two (2) differing housing types. One housing type would be twin-homes or duplexes consisting of 9 buildings, totaling 18 housing units. The other housing type are townhomes consisting of 15 buildings, totaling 62 housing units. The total number of housing being proposed is 80 dwellings. Each housing unit will have a

two-car garage, with alleys providing access to the townhome garages. The development will be served by private internal 30-foot wide main roadway with two access points located at Frontage Road and the other at 400 West.

CONDITIONAL USE PERMIT REVIEW, APPROVAL STANDARDS, CZC SECTION 12.21.100

12.21.100 (e)(1) A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.

Table of Uses Allowed - Chapter 12.36 Within the Zoning Ordinance, the “Table of Uses” allows nine (9) to 12 units per gross acre, as a conditional use (*see Table 12.36.020*).

From staff’s review of the conceptual plan, the project’s overall use density would fall within the R-H conditional use allowance of a gross density of up to nine (9) to 12 units per gross acre. Such density above the permitted eight (8) units per acre requires the issuance of a Conditional Use Permit.

However, if the Commission decides to eliminate the “*interpreted*” ½ street allowance precedence of existing streets fronting the property (*see conceptual site plan staff report*), then the project would need to eliminate only one (1) dwelling unit to comply with the maximum 12 units per acre allowance. Density calculation would then be 79 units divided by 6.63 acres, equating to 11.9 units per overall net parcel acreage.

STAFF COMMENTS: Staff believes that the proposal to develop the property with twin homes and townhomes complies with the R-H Zoning provisions.

12.21.100 (e)(2) Conditions

Per Zoning Code, “Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.”

It is important to note, the conditions that may be imposed are for the proposed 9-12 units per acre. The R-H zone allows eight (8) units per acre. While the permitted 53 units will increase traffic and potentially change the feel of the property, 53 units are permitted and as such cannot have any conditions imposed upon them. Therefore, the prevention and/or minimization of adverse effects shall only apply to the increased units per acre, or, the additional 27 units.

STAFF COMMENTS: Staff believes that conditions may be imposed to minimize or prevent any adverse effects.

12.21.100 (e)(3) Established Evidence

There must be evidence provided that shows that the following four (4) items are met.

(A) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity

STAFF RESPONSE: *The proposed project lies between the Frontage Road and 400 West, both roads with high traffic counts. In addition, the west end of the property is near Chick fil A, which is an intense traffic generating use. It is possible that the additional 27 units requested will add traffic to the area. The through street that would be created by the development will take off some of the pressure of the increased traffic by dispersing vehicles to both Frontage Road and 400 West Street. Proposed changes to traffic patterns (by UDOT and by the City) will be able to mitigate a portion of the increased traffic.*

Staff believes that the project will not likely be detrimental to the overall health, safety, or general welfare of persons in the vicinity. The Planning Commission may request a traffic study to determine if the increased traffic caused by the requested 27 additional units will need to be mitigated more than has been mentioned.

(B) The proposed use of the particular locations is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

STAFF RESPONSE: *Staff believes that the proposed project provides a desirable service to the neighborhood through rehabilitation and providing needed additional future housing.*

(C) The proposed use will comply with regulations and conditions specified in this Title for such use (see the Conceptual Site Plan staff report for more detail)

R-H Development Standards Table 12-32-1			
Development Standard	Required	Actual	Compliance
Building Standards			
Maximum Height	35 Feet	Two Stories & Three Stories at 30 feet or less	Yes
Distance Between Buildings	6 feet	10-feet or greater between buildings	Yes
Lot and Parcel Standards			
Minimum Area	10,000 sq. ft.	6.63 Acres (Net)	Yes
Setbacks			
Front Front Street Side	25 Feet 20 feet	Frontage Rd. 20 Feet 400 West 15 feet	Partially
Rear	20 Feet	Not Applicable	NA
Side	10/8 Feet	North: 15 Feet South: 20 Feet	Yes
Site Standards			
Landscaping, Non-Single-Family Projects	40% of Site	Not Calculated	Likely

Open Space Trees & Shrubs Requirement	1 Tree & 2 Shrubs per Dwelling Unit Up to 20% of trees can be substituted w/ 10 shrubs per tree	Not Depicted	Undetermined, but Likely Feasible
---------------------------------------	--	--------------	-----------------------------------

Table 12-52-1 Off-Street Parking Requirements			
Use	Standard	Provided	Compliance
Two-family	2 spaces per dwelling	Double Car Garage*	Yes
Multi-family	1.5 spaces per studio or 1 bed, or 2 spaces per 2 bed+	Double Car Garage*	Yes
Total		160 Parking Stalls	Yes

STAFF COMMENTS: Staff believes that parking for visitors could become a problem, while the current Conceptual Site Plan meets the off-street parking ordinance, the visitor parking is not adequately addressed at only 12 visitor parking stalls provided. On-street parking could become an issue.

(D) The proposed use will comply with applicable provisions of the General Plan, as follows:

- ✓ Section 12-420-2 (2), Medium and high-density residential development should provide: usable open spaces, landscaping, and other associated amenities which ‘will assure consistency with the residential quality desired in Centerville.’
 - *The proposed project provides open space amenities and landscaping that staff finds assure the residential quality desired.*
- ✓ Section 12-435, Buffering and Screening Guidelines. Per the General Plan, screening and buffering elements should be in place when two zones come in contact, or two different intensity levels.
 - *The proposed development will preserve the six (6) foot vinyl fence and on the south boundary adjacent to the Commercial-Very High zone. An additional six (6) foot vinyl fence will be added on the north boundary to buffer the Residential-Low zone. If this project were up for a rezone, then additional buffering could be a condition of approval, however, because it was zoned Residential-High next to a Residential-Low zone previously, the opportunity to enhance the transition buffer has passed.*
- ✓ Section 12-480-5 Northwest Neighborhood-Neighborhood 4. Preserve the viability of the Frontage Road and the viability of potential development. “No future development shall front the Frontage Road.” All roads connecting to the Frontage Road shall meet the minimum city standard for a public residential street, including park strips and sidewalks. All future development along Frontage Road shall be buffered according to City landscaping criteria.
 - *The proposed project does not have any units fronting Frontage Road; they all front the internal street. The project may not fully meet the buffering landscape expectations of the Plan.*

STAFF RESPONSE: Staff believes the project provides adequate open space to preserve the residential standard of the General Plan and provides proper buffering between zones. Staff finds that project does not have any buildings fronting the Frontage Road and preserves the viability of that street. However, the proposed project does not detail the buffering that will take place along the Frontage Road (which could double as detention). The City landscaping criteria plan was never formalized, so there are not specific requirements as to what form buffering along Frontage Road should take.

12.21.100 (e)(4) The Planning Commission may request additional information as may be deemed reasonably needed to determine whether the requirements of this Subsection can be met.

12.21.100(e)(5) The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied

- A. The suitability of the specific project for the proposed use;
- B. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
- C. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;
- D. The economic impact of the proposed facility on the surrounding area;
- E. The aesthetic impact of the proposed facility on the surrounding area;
- F. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
- G. The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
- H. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use;
- I. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
- J. The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

Conditional Use – Staff’s Anticipated Issues or Concerns

Since the proposed density use requires the approval of a conditional use permit (CUP), staff desires to provide an anticipated list of issues to be addressed with the final site plan to determine if there is sufficient evidence to support approval of the CUP. Such issues or concerns are identified as follows:

- Traffic Capacity and Needs (see Section 12.21.100(e)(5)(g)) – Recent previous specific property related applications have raised questions about the traffic capacity of the area. According to Section 12.21.100(e)(4), the Planning Commission may require a traffic analysis as part of any CUP request. The City Engineer tends to believe that the

surrounding roads have capacity to support the development of the site. However, without a specific analysis, there is not enough understanding of how much is available and when additional improvements may be warranted.

- Fire Access, Circulation, and Protection (see Section 12.21.100(e)(5)g & h) – A representative of the South Davis Metro Fire Agency and the Public Works Director have provided a preliminary review of the application to ensure that there is sufficient access, circulation and hydrants; including fire hydrant flow capacity to service the proposed development. However, a more in-depth analysis will need to be performed, especially as regards on-street parking and how that will affect fire access.
- Utility and Drainage Capability & Capacity (see Section 12.21.100(e)(5)g & h) – Such facilities are located in the area of the development. There is new State Codes pertaining retention vs. detention that will need to be addressed by the City Engineer to determine how to provide for proper site drainage and storm water management.
- Additional Parking and Circulation Needs (see Section 12.21.100(e)(5)(h)) – By creating a place of higher density with 9-12 additional units with internal circulation lanes, staff is concerned about perpetually maintaining the 20 feet of clear space (*i.e. fire code provision*) with 30-foot internal private roads. This will become difficult to do when “*street side*” parking occurs. In addition, staff does not support the simple solution of posting “*no parking*” signs along this internal roadway. It becomes an enforcement problem or concern and will compromise emergency vehicle access when residents and visitors do not comply with the orders found on the sign. Staff suggests that additional visitor or overflow parking be considered in the form of pocket-parking lots dispersed throughout the development. This would at least reduce the tendency to park along the private roadway.

PLANNING STAFF RECOMMENDATIONS

PROPOSED ACTION: I hereby make a motion for the Planning Commission to ***TABLE*** the Conditional Use Permit (CUP) Application for The Hive project, to be located on property at 555 North 400 West, with the following directives:

1. The final review and decision for the requested CUP density is to be done in conjunction with the applicable Final Site Plan Submittal and not with the Conceptual Site Plan Acceptance.
2. The conditional use application submittal shall further address the anticipated CUP issues and concerns, as outlined in the May 13, 2020 Planning Staff Report.

SUGGESTED REASONS FOR THE ACTION:

- a) A conditional use permit application to consider allowing multi-family density of up to 12 units per acre must address the standards found in Section 12.21.100(e) of the Zoning Ordinance.
- b) The anticipated list of issues to be addressed with the final site plan assists with the determining if there is sufficient evidence to support approval of the CUP.

CENTERVILLE

Staff Backup Report

5/13/2020

Item No. 3.

Short Title: Community Development Director Report & City Council Update

Initiated By:

Scheduled Time:

SUBJECT

City Council Update:

- Nothing to Report

Next Planning Commission Meeting of 5/27/2020:

- *The "Hive" Project*

2020 Commission Goals:

- South Main Street Corridor Plan Update - underway
- Transportation Plan Element Update - yet to be started
- West Centerville Neighborhood Plan Update (SCP mixed-residential reconsideration) - PC received initial information on Feb. 12, 2020

RECOMMENDATION

BACKGROUND

CENTERVILLE

**Staff Backup Report
5/13/2020**

Item No.

Short Title: April 8, 2020

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- April 8, 2020 Planning Commission Minutes

PLANNING COMMISSION MINUTES OF MEETING**Wednesday, April 8, 2020****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
Cheylynn Hayman, Chair
Thomas Hunt
Mason Kjar
Spencer Summerhays
Christina Wilcox
Becki Wright (arrived at 7:07 p.m.)

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner
Leah Romero, City Recorder

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Commissioner Kjar

PARKING MODIFICATION – PINTSIZE PICASSOS – 181 SOUTH MAIN SUITE A

Mackenzie Wood, Assistant Planner, explained the applicant request for parking modification at 181 South Main Street, Suite A for Pintsize Picassos. A parking study performed in November of 2017 by the other tenant of the two-suite building, Cup Bop/Cal-Co, required five stalls for Cup Bop/Cal-Co employees, leaving six parking spaces for the other suite. Because of the increased intensity of the new tenant's use and the City's parking calculations, the sum of the tenants' parking requirements exceeds the provided amount. Based on the actual use of these tenants and the nature of their businesses, the applicant argued in the application that this high calculation for parking is unnecessary for the true use of the property. The applicant stated in the application that there will only be two employees, who will walk from their homes to the site, and that the nature of the business is for "children, youth, and families", with a majority of users carpooling or being dropped off. Classes held by Pintsize Picassos will occur between the hours of 3:30 p.m. and 8:30 p.m., an overlap of only an hour and a half with Cup Bop's main hours of 7:00 a.m. to 5:00 p.m.

Ms. Wood said the applicant argued in the application that Centerville City's off-street parking requirements are too high in comparison with other Davis County cities, and requests matching the parking stall requirements to gross square footage of the space to match neighboring cities' calculation of five stalls per thousand square feet. Suite A is 1,098 square feet; the whole building is just over 2,000 square feet. Ms. Wood stated Staff recommend the Planning Commission require a Parking Study to determine if six stalls would be sufficient for the use.

1 Responding to a question from Commissioner Kjar, Ms. Wood said she was not aware of
2 the possibility of shared parking with neighboring properties having been explored.
3 Commissioner Kjar commented that the property to the north has parking stalls that tend to be
4 available during the proposed operating hours. Cory Snyder, Community Development Director,
5 stated the possibility could be explored if the applicant desires.

6
7 Jim Delahunty, applicant, emphasized that in his professional civil engineering
8 experience, Centerville code regarding parking requirements exceeds common land-planning
9 practices for retail buildings without specific end users, causing a hardship for the property. Mr.
10 Delahunty said he had not explored the shared parking possibility. He said it was his
11 understanding that Cup-Bop would soon be leaving the location.

12
13 Mr. Snyder commented that Cup-Bop is the current tenant of Suite B, and the situation
14 should be treated as such until Cup-Bop vacates. The two-suite building has limited parking and
15 use of the parking should be balanced between the users.

16
17 Mr. Delahunty explained that his target age group would be 3-10 years old, with parents
18 dropping off and picking up before and after classes. Responding to a question from Chair
19 Hayman, Mr. Delahunty said he believes the dual access to the parking lot from both Main
20 Street and 200 South would provide good traffic flow.

21
22 Staff explained that the parking modification application was submitted by the Suite A
23 tenant and applies only to Suite A. Commissioner Summerhays expressed concern with
24 inconsistencies in the application. Commissioner Daly agreed with the Staff recommendation to
25 table and give time for a parking study and possibly a shared parking arrangement.
26 Commissioners Kjar and Daly both suggested it may be beneficial for the City to reevaluate
27 parking requirements. Commissioner Hunt agreed with the suggestion to table and request a
28 parking study. Commissioner Kjar said he was sympathetic to the applicant's situation and
29 agreed with the need to balance the parking between users. Commissioner Wilcox said she
30 believed the proposed use is needed in Centerville, but agreed with the need for a parking study
31 and for inconsistencies to be resolved. Chair Hayman agreed with the Staff recommendation to
32 table and require a parking study.

33
34 Commissioner Daly **moved** to table action on the proposed parking modification as
35 submitted by the applicant and direct the applicant to submit items (1) - (3). Commissioner Hunt
36 seconded the motion. Commissioner Kjar suggested adding the language "if still in effect" to
37 item (3). Commissioner Daly agreed, and added the language to the motion. The motion passed
38 by unanimous vote (7-0).

39
40 1) A Parking Study [per CZC 12.52.110(e)]

41 a. The study shall provide:

- 42 i. Planning and traffic engineering data, including estimates of parking
43 demand based on recommendations from the Institute of Parking
44 Engineers;
45 ii. Data collected from uses or combinations of uses that are the same or
46 comparable to the proposed project as indicated by density, scale,
47 bulk, area, type of activity, and location;
48 iii. The source of data used to develop the study's recommendations;
49 and
50 iv. The name and qualifications of the persons who prepared the study.

51 2) A revised site plan to include

- 52 a. Dimensions of parking stalls, driveways, and aisles according to CZC
53 12.52.090 and 12.52.310

- 1 3) Parking stall count that does not violate the 2017 CUP Approval and Parking Study
2 Approval of Cup Bop/Cal-Co if still in effect.
3

4 **PUBLIC HEARING – CONCEPTUAL SITE PLAN – LEGACY CROSSING AT**
5 **PARRISH LANE LOTS 2 & 3**
6

7 Mr. Snyder explained that the applicant is seeking to alter the approved conceptual site
8 plan for Lots 2 and 3 of the Legacy Crossing at Parrish Lane. The original approved
9 development configuration consisted of a restaurant building and a medium box retail building.
10 The applicant now proposes to develop three retail buildings and one office building. Also, the
11 applicant desires to reconfigure the lot lines and alter/change the detention area to
12 accommodate the new development layout. The detention area is to handle all detention for
13 Lots 2 and 3. Mr. Snyder commented that detention easement language in the original
14 agreement would need to be examined further. Mr. Snyder showed preliminary building designs,
15 and said the applicant indicated flexibility regarding building design.
16

17 Lisa Romney, City Attorney, commented that locating a building in the detention area
18 would be problematic, and suggested that a plat amendment would likely be necessary.
19 Responding to a question from Commissioner Kjar, Mr. Snyder stated that underground
20 detention is not common in Centerville, but can be compliant with City code. Commissioner
21 Summerhays emphasized the need to take the water table into account with underground
22 detention.
23

24 Glenn Girsberger with JF Capital said the proposed conceptual site plan is meant to be
25 flexible to accommodate a wide range of retail-types. He said he could work with the architect to
26 adjust the site to provide required parking. Regarding detention space, Mr. Girsberger said they
27 would like to maximize the property as much as possible. He read aloud from the Legacy
28 Crossing development agreement that the configuration, location, and dimensions of the ponds
29 could be changed by future development as long as storage capacity is not altered and
30 performance is maintained. He explained that the intent with the building design is to reflect a
31 more modern feel, and explained pedestrian walkway possibilities.
32

33 Brock Loomis with JF Capital said they have reports regarding ground water tables,
34 which vary across the property. He said they have experience with underground detention and
35 long-term maintenance. He said they would probably put as much detention above ground as
36 possible.
37

38 Responding to a question from Chair Hayman, Mr. Girsberger pointed out that the
39 proposed office building design, although predominantly glass, does incorporate elements from
40 City design guidelines. Chair Hayman encouraged the applicant to be forward thinking as well
41 as sensitive to City design guidelines.
42

43 Chair Hayman opened a public hearing at 8:17 p.m. and closed the public hearing at
44 8:19 p.m. seeing that no phone calls were received from the public. Commissioner Wright said
45 that although there are many issues to be resolved, she likes the overall conceptual plan and
46 believes the issues can be resolved by the applicant.
47

48 Commissioner Wright **moved** to accept the Conceptual Site Plan Submittal, provided
49 that the applicant addresses the matters as described in the Staff Report of April 03, 2020, with
50 the following reason for the action. Commissioner Summerhays seconded the motion, which
51 passed by unanimous vote (7-0).
52

Reason for the Action:

- a. The Planning Commission finds that a Conceptual Site Plan review is not intended to permit actual development of property pursuant to such plan but shall be prepared and reviewed merely to represent how the property could be developed.

PUBLIC HEARING – CONCEPTUAL SITE PLAN – PARRISH CREEK BUSINESS PARK, BUILDING B

Ms. Wood explained that the applicant proposes to develop one building on Lots 3 and 4 of the Parrish Creek Business Park instead of the three buildings approved for the project, and to merge Lots 3 and 4. She explained that landscaping, easement, and pedestrian pathway expectations are not resolved with the proposal, and said Staff recommend requiring a parking study. Mr. Snyder explained that parking requirements were originally calculated based on the anticipation of predominantly flex warehouse use. The actual uses in the two existing buildings require more parking than anticipated.

Lolo Tenifa with Tom Stuart Construction, applicant, said the intention was to also apply for a conditional use permit for Building B. Nick Brady, architect, confirmed they can meet the PDO requirements.

Chair Hayman opened a public hearing at 8:41 p.m., and closed the public hearing at 8:44 p.m. seeing that no phone calls were received from the public. A majority of the Commissioners expressed a desire for additional information.

Chair Hayman **moved** to table the application with the following directives and finding. Commissioner Kjar seconded the motion, which passed by unanimous vote (7-0).

Directives:

1. Provide description of new required easements and proof of vacated easements
2. Provide approval of utility providers for new easements
3. Provide locations of fire hydrants
4. Provide building elevations for Building B to meet the enhanced appearance requirements for the view from Legacy Parkway
5. Provide additional landscaping to meet the required 17.3% of the Parrish Creek Business Park approval
6. Provide parking counts for uses that match current and under-review tenants in Buildings A & E (particularly vehicle and equipment rental and sale parking calculations)
7. Provide proposed upgrades to replace the bridge and pedestrian walkway throughout the project, first mentioned in the PDO application documents dated February 3, 2017

Finding:

There is not sufficient evidence that the application meets the Conditions of PDO Approval dated March 21, 2017.

PUBLIC HEARING – CONDITIONAL USE PERMIT – INLAND MARINE – 1040 NORTH 950 WEST

Ms. Wood explained that the applicant has applied for a Conditional Use Permit for a Vehicle and Equipment Rental or Sale use in the Parrish Creek Business Park, Building E. The

applicant is working on behalf of Inland Marine, a sales operation that sells boat time shares. Mr. Brady, on behalf of the applicant, said boats would be stored inside, with no outdoor boat storage. Loading and unloading would occur at the rear of the facility. Mr. Brady suggested that five additional parking stalls could be added at the rear of the building.

Chair Hayman opened a public hearing at 8:58 p.m. and closed the public hearing at 9:00 p.m. seeing that no phone calls were received from the public. Ms. Wood explained that the five proposed parking stalls at the rear of the building have not been reviewed by Staff, and may not meet code because of proximity to the loading area. The Council and Staff discussed overall parking for the facility. Mr. Snyder stated that, if the proposed use is approved, only four or five parking stalls would remain to allocate to the one remaining vacant suite.

Responding to a question from Commissioner Kjar, Mr. Brady said he did not anticipate that a condition prohibiting storage or display of boats in existing parking stalls would be problematic. Commissioner Kjar said he believed adverse impacts of both the parking concerns and the pedestrian interaction concerns could be mitigated. He recommended approval on condition that no storage/display could occur in the parking lot, and loading/unloading from large commercial trucks must occur off-site, with transport to the subject location occurring by smaller means.

Commissioner Daly **moved** to approve the Conditional Use Permit request for Inland Marine at 1040 North 950 West, Suite 500 subject to the following conditions and findings. Commissioner Hunt seconded the motion.

Conditions:

1. This Conditional Use Permit shall apply only to the user space located at 1040 North 950 West, Suite 500.
2. This Conditional Use Permit approval is for a Vehicle and Equipment Rental and Sale use.
3. Display vehicle parking shall not be less than three spots, as required by the State of Utah.
4. All display vehicles shall be operable and in good condition, and shall be kept parked inside the garage/building and shall NOT encumber the use of any required parking stalls and shall be located in an area that does NOT conflict with needed parking and vehicle circulation lanes (*e.g. in the auto repair use facility, an approved storage area, or other similar place*).
5. The loading and unloading of vehicles for sale from a commercial transport truck is prohibited.

Findings:

- a) The Planning Commission finds that the land use of vehicle and equipment rental or sales is a conditional use within the Industrial-High Zone [CZC 12.36 (*Table of Uses*)].
- b) The use is consistent with the expectation of the City's General Plan [Section 12-430-1 & *Future Land Use, Goal 1, 12-480-6*].
- c) The Planning Commission finds that with the implemented conditions of approval, the criteria for issuance of the CUP have been satisfied, as described in the applicable staff report.

Chair Hayman pointed out that the motion does not include a requirement that all loading and unloading must occur in the rear of the building. Commissioner Wright expressed concern

1 that approval would violate code regarding parking, and expressed concern with potential child
2 safety, considering the neighboring indoor playground use.

3
4 Commissioner Kjar **moved to amend** the motion to add Condition #6 that loading and
5 unloading may occur only in the rear of the building, and that it be clearly signed and striped as
6 appropriate, subject to staff oversight and discretion. Commissioner Daly seconded the motion
7 to amend, which passed by unanimous vote (7-0). Commissioner Summerhays commented that
8 the applicant had not supplied an inventory of uses and parking for the whole facility. Ms.
9 Romney commented that a PDO can alter parking requirements for a project. After further
10 discussion, Ms. Romney noted that if the original PDO approval did not alter parking
11 requirements then the parking requirements for the project will need to meet current code
12 requirements. The amended motion to approve failed unanimously (0-7).

13
14 Commissioner Daly **moved** to table the Conditional Use Permit request for Inland
15 Marine at approximately 1040 North 950 West, Suite 500 and direct the applicant to provide or
16 address the following:

- 17
18 1. Provide location of vehicles for sale.
19 2. Propose information on loading and unloading of vehicles.
20 3. Provide safeguards to mitigate detrimental impacts mentioned in CZC
21 12.21.100(3)(5)(G-I).
22 4. Provide and address the parking needs for all suites of the development site.
23 5. A comparison shall be provided to describe the status of the total available on-site
24 parking versus the total ordinance required parking for each tenant use.
25 6. If needed, the display vehicle area may be located elsewhere or substitute parking
26 must be provided to meet the minimum parking counts for each use.

27
28 Commissioner Summerhays seconded the motion, which passed by unanimous vote (7-
29 0).

30 31 **COMMUNITY DEVELOPMENT DIRECTOR REPORT**

- 32
33 • Mayor Wilkinson thanked the Planning Commission for all they do.
34 • Mr. Snyder informed the Planning Commission of upcoming agenda items, and
35 discussed with the Commission possible formats for future public hearings and
36 receiving public comment.

37 38 **MINUTES REVIEW AND ACCEPTANCE**

39
40 The minutes of the March 11, 2020 Planning Commission meeting were reviewed. Ms.
41 Romney suggested an amendment regarding the subdivision ordinance amendments. Chair
42 Hayman **moved** to accept the minutes as amended. Commissioner Summerhays seconded the
43 motion, which passed by unanimous vote (7-0).

44 45 **ADJOURNMENT**

46
47 At 10:01 p.m., Chair Hayman **moved** to adjourn the meeting. Commissioner Daly
48 seconded the motion, which passed by unanimous vote (7-0).

1
2
3
4
5

Katie Rust, Recording Secretary