

1 Minutes of the Centerville City Planning Commission meeting held Wednesday, May 14, 2014 at
2 7:00 p.m. in the Centerville City Community Center and City Hall Council Chambers, 250 North
3 Main Street, Centerville, Utah.
4

5 **MEMBERS PRESENT**

6 Davis Hirschi, Chair
7 Gina Hirst
8 Logan Johnson
9 Scott Kjar
10 Kevin Merrill
11 Debra Randall
12

13 **STAFF PRESENT**

14 Cory Snyder, Community Development Director
15 Brandon Toponce, Assistant Planner
16 Lisa Romney, City Attorney
17 Connie Larson, Recording Secretary
18

19 **VISITORS**

20 Sherry Cutler (Mayor's wife)
21 Scott Argyle
22 Susan Frigm
23 Daren Garner
24 Barbara Gilbert
25 Peggy Gustapm
26 Paul Mathews
27 Matt Michel
28 David Youngberg
29

30 **RESIGNATION OF PLANNING COMMISSION MEMBER**

31
32 Chair Hirschi stated that Commissioner Brian Holman has submitted his resignation from
33 the Planning Commission effective immediately.
34

35 **PLEDGE OF ALLEGIANCE**

36
37 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Kjar

38
39 **MINUTES REVIEW AND APPROVAL**
40

41 Commissioner Kjar made a **motion** to table approval of the April 23, 2014 meeting minutes
42 until the next meeting. Commissioner Johnson seconded the motion, which was passed by
43 unanimous vote (6-0).

DISCUSSION – ACCESSORY DWELLING UNITS (ADU’S) – Discuss the modified outline and Commissioners comments on the draft press release for public awareness

Cory Snyder, explained the City Council has assigned the process for considering the possibility of Access Dwelling Units (ADU’s) in the City. A work outline was presented at the last meeting and minor edits have been made. The second phase discusses examining what kind of regulations and issues are available, and then come to a common understanding of how these are treated from a zoning and planning perspective before an ordinance is considered. A press release to the Davis County Clipper will be done first, and then an Accessory Dwelling Unit brief will be posted on the City website. A draft of the press release was reviewed and approved with minor changes. Mr. Snyder said he will talk with the Davis County Clipper to discuss a publication date, hopefully for the end of May or first of June.

PUBLIC HEARING – 1872 NORTH MAIN STREET SUBDIVISION – (TABLED FROM JULY 10, 2013) – Consideration of a conceptual subdivision (flag lot subdivision) for the 1872 North Main Street Subdivision; which consists of four lots, located in the R-L Zone. Paul Cutler, Applicant

Cory Snyder, Community Development Director, reported this item was tabled from the July 10, 2013 Planning Commission meeting. This is an infill piece of property, which the Cutler family owns with several different buildings on it. The flag lot option was considered, and from their perspective, there was not enough room for a thru road. They wanted to take advantage of the Flag Lot Ordinance to divide the parcel into lots. Last July, the applicant proposed to subdivide the lot with two flag lots, and a flag stem between the two lots. There were problems with the small subdivision waiver and the Ordinance, because there is a cap limit of two lots. There was also the issue of how the Flag Lot Ordinance itself interfaces with the small subdivision process and design consideration. The Planning Commission tabled the item so the Ordinance could be addressed.

The City moved forward at a staff level with changes to the Flag Lot Ordinance and the small lot definition. Ultimately, the City Council adopted some amendments to the Small Subdivision Ordinance. Under State regulations, the City has the option with ten or less lots to decide how to subdivide the lots. The Flag Lot Ordinance has a cap of two flag-lots, so it can be included in the Small Subdivision Ordinance. The plat and construction drawings are moving forward, and the Hillside Overlay Ordinance is a tool in the zoning that lays on top of the land. This parcel is located in the Overlay Zone, and the slopes and geological hazards must be considered. The slope is at ten percent, but drainage is the largest component. Staff will have the City Engineer do further studies on the geological reports. If the lot is subdivided there is an accessory dwelling that is 35 years old that must meet the criteria. Staff recommends approval of the conceptual subdivision.

1 Commissioner Merrill asked why the road is not called a private road rather than a flag lot
2 stem. Mr. Snyder explained it is a flag lot stem, because the road will be an access point attached
3 with a singular piece of property with easements on top of the road for additional property access.
4 The fire department is not requiring a fire hydrant, but they are requiring access for the fire trucks.
5 There is a hammerhead turn lane added for this purpose, because the fire code requires a turn lane
6 when there is a road depth greater than 250 feet.

7
8 Chair Hirschi asked what kind of access agreement has been reached. Mr. Snyder explained
9 the City Attorney will respond to the access agreement. Chair Hirschi asked for clarification on
10 the conversion and security of the primary dwelling that is on the lot. Mr. Snyder said this is for
11 the "A" frame structure that was built in the 1970s when the County was managing the permits.
12 The "A" frame home is being kept for now, because all of the buildings are connected to the
13 existing home on Main Street. The Ordinance will not allow a standalone lot with accessory
14 buildings without a home. The west building is the primary focus, and is likely a dwelling and
15 must meet the setback requirements. The pool house has been used as an apartment, and was built
16 in 1964.

17
18 Scott Argyle, Engineer, said his partner is out of town, and his partner has been doing most
19 of the work on this project.

20
21 Chair Hirschi opened the public comment portion of the hearing. There was no one wishing
22 to comment, and the public hearing was closed.

23
24 Commissioner Hirst made a **motion** to approve the request for a small subdivision
25 waiver/flag lot for properties located at 1872 North Main Street, with the following conditions to
26 be completed or submitted to City staff prior to or as part of finalizing and recording the
27 subdivision plat:

- 28
29 1. This small subdivision waiver approval consists of allowing up to four (4) lots, with no
30 more than two (2) flag style lots.
31 2. The applicant shall prepare the final subdivision construction drawings, which shall be
32 deemed acceptable by the City Engineer.
33 3. The applicant shall prepare a final paper version of the subdivision plat and submit it
34 to the City Engineer and City Attorney for review and comment, prior to preparing and
35 submitting the final mylar linen subdivision plat.
36 4. Lot #3 shall be corrected to comply with a minimum buildable area of 5,000 square
37 feet.
38 5. The geologic and soils subjects shall be satisfied in accordance with the Hillside
39 Overlay Standards. The applicant shall coordinate with the City Engineer to determine
40 if surrounding previous studies adequately identify and/or address such concerns.
41 6. If the City Engineer deems it necessary, the applicant shall provide a partial or full
42 geologic or soils study(s).

- 1 7. After reviewing the geologic or soils information, if the City Engineer or other staff
2 deems that it is necessary to significantly alter the layout or parameters of the proposed
3 subdivision, then the subdivision shall be remanded back to the Planning Commission
4 for further review and decision.
- 5 8. The plans shall address the issue of maintenance responsibilities for the flag lot access
6 stem and fire access turn-around, which shall be deemed acceptable by the City
7 Attorney.
- 8 9. For Lot 2, a remediation plan shall be prepared and submitted for the existing buildings,
9 which shall be deemed acceptable by City staff. The potential options to consider are:
10 a. Convert and secure the approval to establish a primary dwelling within or part of
11 the west structure (*the east structure does not meet setbacks for a primary*
12 *dwelling*).
- 13 b. Provide to the City, a demolition bond prior to plat recording with a demolition
14 deadline set for a definitive date.
- 15 c. Provide a plat note that restricts the buildings from being used, modified, or
16 occupied until a primary dwelling is established.
- 17 d. Record non-compliance certificates against Lot 2 until the structures are removed
18 or a primary dwelling is established.
- 19 e. Demolish the accessory structures prior to final subdivision plat recording.

20
21 Suggested Reasons for the Action (Findings):

- 22 a. The Planning Commission finds that with the conditions imposed, the proposed
23 subdivision meets the City's Subdivision Standards, as listed in Title 15.
- 24 b. The Planning Commission finds that the proposed subdivision meets the
25 qualifiers for a small subdivision waiver and allowing for flag lot development.
- 26 c. The Planning Commission finds that with the conditions imposed, the subdivision
27 meets the Hillside Overlay District regulatory provisions.
- 28 d. The Planning Commission finds that the layout and with the conditions imposed,
29 that the subdivision meets the regulatory provisions for allowing flag lots.
- 30 e. The Planning Commission finds that with the conditions imposed, the status of
31 the accessory buildings meets the regulatory provisions regarding the
32 establishment of a primary use in conjunction with or prior to the construction or
33 use of accessory buildings.

34
35
36 Commissioner Kjar seconded the motion, which was passed by unanimous roll-call vote
37 (6-0).

38
39 **PUBLIC HEARING – THE HOME DEPOT, 50 NORTH MARKET PLACE DRIVE**
40 **– Consideration of a conditional use permit (with expiration) for a seasonal sales display and**
41 **outdoor storage for The Home Depot, located at 50 North Market Drive, in the C-VH Zone.**
42 **Daren Garner, The Home Depot**

1 Brandon Toponce, Assistant Planner, explained since 2005 The Home Depot has requested
2 a conditional use permit (with an expiration), for their outdoor storage area for extra garden
3 materials during the spring and summer season. These are the terms of the Development
4 Agreement. Temporary storage is allowed with a conditional use permit and a designated display
5 area, if it is temporary. The applicant is required to come to the Planning Commission for approval
6 of a conditional use permit. The request for a conditional use permit was done on a yearly basis,
7 but staff is recommending the conditional use permit for seasonal sales be allowed for five years.
8 The seasonal sales will take 18 parking stalls, but there will still be 516 parking stalls. Staff is
9 recommending signage around the outdoor storage area for traffic and pedestrian safety. Staff
10 recommends approval of the conditional use permit that will expire on September 30, 2019.

11
12 Chair Hirschi asked if the ordinance specifies the length of the expiration. Mr. Toponce
13 explained the ordinance does not specify the length of the expiration, which is the justification for
14 the five-year extension. Chair Hirschi asked if the conditional use permit is only for the area west
15 of the garden center, and if displays will be allowed in other areas of the parking area. Mr. Toponce
16 explained the applicant cannot add any other displays in the parking area. Commissioner Merrill
17 asked about the extension of the expiration date. The extension date is being recommended because
18 this conditional use has been permitted in the past, and there have been no problems with the
19 applicant. The temporary fencing has been removed, and the area has been cleaned at the end of
20 the season. There have been no complaints received from citizens or neighboring businesses.

21
22 Matt Michel, Assistant Merchandise Manager, said the outside area is where all the trees
23 and shrubs are kept.

24
25 Chair Hirschi opened the public comment portion of the hearing. There was no one wishing
26 to comment, and the public comment portion of the hearing was closed.

27
28 Commissioner Johnson made a **motion** for the Planning Commission to approve a
29 conditional use permit for The Home Depot at 50 North Market Place Drive, with the following
30 conditions:

- 31
32 1. All professional service fees be paid.
33 2. The conditional use permit shall be in effect from the approval date and shall **expire**
34 **on September 30, 2019.**
35 3. The use of the temporary display area shall be from March 1 to September 30 of each
36 year. After which the temporary storage area shall be dismantled.
37 4. The display area will be located just west of the Garden Center as indicated on the site
38 plan, dated April 28, 2014.
39 5. The area shall be open during business hours and then secured when The Home Depot
40 is closed.
41 6. The storage area shall consist of a six-foot fence as indicated in the submitted example,
42 dated April 28, 2014.
43 7. If the fence is damaged, it shall be repaired within 24 hours.
44 8. No product shall be located above the six-foot fence, or on the outside of the gate or
45 perimeter fencing.

- 1 9. The applicant shall assure that the parking-aisle within the storage area is cut off from
2 two-way traffic and clearly marked.

3
4 Suggested Reasons for the Action (Findings):

- 5
6 1. A full application was submitted for a conditional use permit (Section 12-21-
7 100(d)(1)).
8 2. An accessory use is permitted within a C-VH Zone [Chapter 12-34].
9 3. The applicant clearly states where the display area will be located, the size, the use and
10 how they will comply with the Development Agreement.
11 4. The application meets the standards of the Amended Development Agreement for the
12 Centerville Marketplace Planned Commercial Development (Second Amendment,
13 Development Agreement, December 18, 1997).

14
15 Commissioner Merrill seconded the motion, which was passed by unanimous roll-call vote
16 (6-0).

17
18 **PUBLIC HEARING – US TRUCKS, 680 NORTH 1000 WEST, UNITS 7 & 8 –**
19 **Consideration of a conditional use permit for US Trucks, to sell new service trucks, located**
20 **at 680 North 1000 West, Units 7 & 8, in the I-H Zone. Paul Mathews, US Trucks, Applicant**
21

22 Brandon Toponce, Assistant Planner, explained that Paul Mathews asked for a conditional
23 use permit in 2007 for a company called Freewheel Mobility. Over time, the business has changed,
24 and now they install utility equipment such as air compressors, small cranes, and welder drawer
25 units inside trucks. They will continue to do vehicle repair. This is basically the same type of
26 business use as Freeway Mobility, but they no longer service vehicles for people with disabilities.
27 Even though the actual uses are the same, an amendment must be made to the conditional use
28 permit. There have been no enforcement action or complaints, and the use is appropriate for the
29 permit. Any equipment and vehicle deliveries must be made during regular business hours. Staff
30 recommends approval of the conditional use permit.

31
32 Chair Hirschi asked about using parking stalls to display vehicles. Mr. Toponce said in the
33 previous conditional use, displaying vehicles was not permitted. Three additional stalls have been
34 added for the display of only three vehicles at a time.

35
36 Paul Mathews, applicant, said Freeway Mobility was sold and they have moved to Salt
37 Lake City. The only change to the building is the indoor show room is now a shop, and some of
38 the trucks are in the parking stalls.

39
40 Chair Hirschi opened the public comment portion of the meeting. There was no one
41 wishing to comment, and the public comment portion of the hearing was closed.

42
43 Commissioner Randall made a **motion** for the Planning Commission to approve the
44 conditional use permit for US Trucks located at 680 North 1000 West, Units 7 & 8, with the
45 following conditions:

1. All fees shall be paid.
2. The use of vehicle sales shall be a permitted and limited to utility trucks containing equipment that has been installed by US Trucks.
3. Installation of the equipment within the trucks shall only be allowed inside of Unit 7 and Unit 8, occupied by US Trucks at 680 North 1000 West.
4. The applicant shall be allowed to utilize three parking stalls in front of Unit 7 and Unit 8 for display of trucks only. These stalls shall be clearly marked for the use of display only.
5. The applicant shall not occupy the designated landscaped areas, or required parking stalls with any outside storage, equipment or display vehicles.
6. Any deliveries or pick-ups shall take place between regular operating hours.

Suggested Reasons for the Action (Findings):

1. The applicant has submitted a full application for a conditional use permit [Section 12-21-100(d)(1)].
2. The use of vehicle and equipment rental or sales is a permitted use within the Industrial-High Zone with a conditional use permit [Table 12-36].
3. The use is consistent with the General Plan of Centerville City [Sections 12-430-3(2), 12-480-6(1H)].
4. Using the site to sell a limited number of utility vehicles is suitable for this property, and will not injure the surrounding tenants or the City.

Commissioner Johnson seconded the motion, which was approved by unanimous roll-call vote (6-0).

PUBLIC HEARING – CODE TEXT AMENDMENT, APIARIES/BEEKEEPING –
Consideration of amending various proposed Zoning Ordinance Text Amendment regarding
Apiaries/Beekeeping in Chapter 12-36, Table of Uses and Chapter 12-12, Definitions.
Centerville City, Applicant

Cory Snyder, Community Development Director, reported the City Council directed the Planning Commission to prepare zoning text amendments to remove the prohibition of apiaries or beekeeping. In the March 19, 2014 City Council meeting, comments were made about the regulation of beekeeping, and whether the City did or did not regulate beekeeping. The City Codes actually do currently regulate beekeeping. They are classified under the definition of animal specialties, which is the same as chicken and egg production, except for an allowance on a limited basis. The agricultural zoning does allow for limited chicken raising, but not beekeeping. The State does not fully regulate beekeeping, but the City Council felt that the State regulations were sufficient for the City. After researching, staff could not find any guidelines for beekeeping in the General Plan or Zoning Ordinances. The Zoning Ordinance allows for chickens for home production, and if allowed, this is where bee keeping could apply.

1 Staff believes the State statutes are focused chiefly on the process of keeping a healthy bee
2 population and controlling related diseases rather than on the land use planning interests. Staff
3 believes this is probably shortsighted to expect the State and County to manage a local land use
4 conflict that may occur regarding the keeping of bees within the city. There are several cities that
5 are using land use ordinances to regulate beekeeping. Staff recommends denial of the City Council
6 amendment allowing State regulations to manage local beekeeping.

7
8 Commissioner Kjar asked under what conditions a bee ordinance would be allowed. Mr.
9 Snyder said it is currently prohibited in residential areas. The movement toward self-sustainability
10 has changed the feelings of many people, such as what already happened with chickens. This is
11 now occurring with bees. Chair Hirschi expressed concern of the current ordinance that prohibits
12 bees, and he suggested adopting an ordinance to allow beekeeping and regulating beehives.

13
14 Chair Hirschi opened the public hearing for comments.

15
16 Susan Frigm, 1499 North 600 West, Centerville. Mrs. Frigm said she approves of bees for
17 holistic reasons, but she lives next door to neighbor who has apiaries on a quarter acre lot. She has
18 researched bees, and gave her findings to the Commission. Her findings are that bees should only
19 be on large plots of land that are zoned for agricultural purposes. Honeybees are able to swarm
20 and move at will. She has been chased by swarms of bees into her garage and home, and has been
21 stung by the bees. Beehives attract rodents, and she has had to call an exterminator twice because
22 of rats and voles. Honeybees will build hives inside cracks in homes, and then they attract rodents
23 in the homes. Bees secrete a yellow substance that is deposited on her car. Bees live for an average
24 of 25 days, and she is constantly removing dead bees. She feels that in order to protect public
25 safety, bee apiaries should not be allowed in residential areas.

26
27 David Youngberg, 269 East 1200 North, Centerville. Mr. Youngberg is a beekeeper. He
28 called City Hall last fall to ask what the regulations are for beekeeping in Centerville, and he was
29 told bees are not regulated in Centerville. Mr. Youngberg is a member of the Wasatch Bee
30 Association, and stated that the problems most people have are not with bees but with hornets.
31 Beehives in Utah must be licensed and identified with the owner. If the hives are not licensed,
32 they must be removed. He would like to see the City ordinance prohibiting apiaries removed. He
33 contacted all of his neighbors to inform them of his bees and to see if anyone was allergic to bees.
34 He said all of his neighbors were supportive of his beekeeping, and their gardens and fruit trees
35 have had better production.

36
37 Commissioner Kjar asked how the rodents get into the honey. Mrs. Frigm said she doesn't
38 know how they get into the honey, but they are attracted to it by the smell and sweetness.

39
40 Chair Hirschi closed the comment portion of the public hearing.

41
42 Chair Hirschi stated there is a need for an ordinance that will allow the City to regulate
43 beekeeping, and this matter requires further research. The Commission agreed some type of
44 ordinance regulating the number of apiaries must be established.

Commissioner Kjar made a **motion** to table this issue with the recommendation that more provisions be added to the ordinance. Chair Hirschi seconded the motion, which failed by a roll-call vote of (2-4.) Commissioners Merrill, Randall, Hirst, and Johnson were the dissenting votes.

Lisa Romney, City Attorney, stated this is new information for the City Council, and will provide them with more information to make a recommendation on regulation of beekeeping.

Commissioner Johnson made a **motion** to recommend denial of the proposed text amendment as requested by the City Council based on the suggested reasons (a-h). In addition to the City Council reviewing staff's information to consider not just removal of all beekeeping regulations, but consider remanding it back to the Planning Commission for further development of an ordinance for consideration. Also considered will be the information that was presented by David Youngberg and Susan Frigm.

Suggested reasons for the action:

- a. The Planning Commission finds that decisions regarding a legislative application are based on the "reasonably debatable" standard.
- b. The Planning Commission finds that there are no generalized or specific statements within the General Plan concerning the keeping and use of animals, including beekeeping, for private or commercial use.
- c. The Planning Commission finds that there is a public interest in establishing regulations relating to the use and keeping of animals that promotes the general welfare of the community.
- d. The Planning Commission finds that the proposed amendment regarding beekeeping is not consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City's Zoning Ordinance. Such policies are summarized as follows:
 - i. Animal Unit Allocation
 - ii. Animal Specialties
 - iii. Agricultural Business
 - iv. Stable, Private
 - v. Animals and fowl for recreation and family-food production
 - vi. Household Pets
- e. The Commission finds that the primary focus of Utah's Beekeeping Act appears to be concentrated on the health and disease control of beekeeping within Utah.
- f. The Planning Commission finds that it is probably shortsighted to expect that the State and County can suitably manage a local land use conflict that may occur regarding the keeping of bees within the city.
- g. The Planning Commission finds that many of the other beekeeping techniques, for an urbanized area, come from university extension service programs and/or the experiences of many beekeeping clubs, and not from State statutes.
- h. The Planning Commission finds that other cities have, or are adopting their own local beekeeping regulations, which seemingly are consistent with best management practices, to address the needs and practices for allowing apiaries.

Commissioner Merrill seconded the motion, which was passed by a roll-call vote of (4-2).
Commissioners Kjar and Hirschi were the dissenting votes.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

a. Upcoming Meetings

Planning Commission meeting on May 28, 2014: Echelon Motors conditional use permit to sell cars in Tumbleweed Condo's; Youngblood Amended Site Plan.

NEXT MEETING

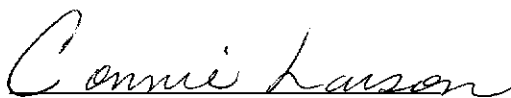
The next Planning Commission meeting will be held on Wednesday, May 28, 2014 at 7:00 p.m. at City Hall.

ADJOURN

At 8:30 p.m., Commissioner Johnson made **motion** to adjourn the meeting. Commissioner Merrill seconded the motion, which was passed by unanimous roll-call vote (6-0).


David Hirschi, Chair

5-28-14
Date Approved


Connie Larson, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, May 14, 2014
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

SUSAN FRIGM

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Barbara Gilbert

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Centerville, UT

Peggy Mustapow

Mark Michel

237 E 2300 N Ogden, UT 84404

Scott Angyle

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** 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.