

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, MAY 28, 2014, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council 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 Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's website: www.centervilleut.net

Tentative Time: (The times shown below are tentative and subject to change during the meeting)

- 7:00 A. WELCOME AND ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. PRAYER OR THOUGHT – Gina Hirst
- D. MINUTES REVIEW AND ACCEPTANCE – April 23, 2014 and May 14, 2014
- E. BUSINESS

- 7:10 1. PUBLIC HEARING | ECHELON MOTORS, 239 NORTH 1250 WEST, SUITE 3
 Consideration of a conditional use permit for Wolfpack Management Group (Echelon Motors), to conduct vehicle sales, with an indoor showroom, to be located at 239 North 1250 West, Suite 3, Tumbleweed Business Park, in the I-H Zone. Richard Borell, Business Owner, Applicant

- 7:30 2. TRAINING FOR COMMISSIONERS
 Open and public meetings training – presented by City Attorney

- 7:50 3. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT
 - a. Upcoming Meetings
 - PC Meeting June 11, 2014: *No items scheduled at this time*

- 7:55 F. ADJOURNMENT

Posted May 23, 2014 by Community Development

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, April 23, 2014

7:00 p.m.

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

MEMBERS PRESENT

David Hirschi, Chair

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

MEMBERS ABSENT

Brian Holman

Gina Hirst

STAFF PRESENT

Cory Snyder, Community Development Director

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Merrill

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held April 9, 2014 were reviewed and amended. Chair Hirschi made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Merrill and passed by unanimous vote (4-0). Commissioner Johnson abstained from voting as he was not present at this meeting.

DISCUSSION | ACCESSORY DWELLING UNITS (ADU'S) - Discuss the staff suggested process outline that contains outreach tools, educational materials, public involvement and formal procedures and meetings

Cory Snyder, Community Development Director, reported the City Council previously directed the Planning Commission to review Accessory Dwelling Units (ADU's) as a housing option within the city. He reviewed the project process outline (Memorandum dated 4/23/2014)

1 which contains outreach tools, educational materials, public involvement, and formal procedures
2 and meeting. He reviewed ways to engage and educate the public about ADU's. It is important to
3 encourage public participation. Outreach should take several weeks. Once participants are
4 involved, education is vital to help the public understand ADU's and how they can be
5 appropriately used. ADU's can be a controversial topic and education is key. Mr. Snyder
6 explained the benefits of public open houses and answering questions. It is important to give the
7 public ample time and opportunities to ask questions and raise concerns. As the process moves
8 forward roundtables/work sessions will give the Planning Commission an opportunity to address
9 concerns and issues prior to a draft ordinance. Ultimately, a draft ordinance will be created and
10 the appropriate approval process including public hearings will be conducted.

11
12 The Commission reviewed each step of the proposed process outline and agreed the
13 outline is appropriate. The outline may be adjusted as needed. The Commission agreed the public
14 should be included as much as possible.

15
16 **TRAINING | LEGISLATIVE & ADMINISTRATIVE DECISIONS - Planning**
17 **Commission training regarding types of applications that come before the Planning**
18 **Commission and the distinction between legislative and administrative decisions.**
19 **Presentation by City Attorney.**
20

21 Lisa Romney, City Attorney, used this time to educate the Commission on the distinction
22 between legislative and administrative decisions. She reviewed the different types of applications
23 the Planning Commission reviews explaining those that are approved by the Planning
24 Commission (administrative) and those that are ultimately approved by the City Council
25 (legislative). Legislative decisions include enactments or amendments to the General Plan,
26 Zoning Ordinances, Zoning Map, and/or Subdivision Ordinances. Administrative decisions
27 include conditional use permits, site plans, and subdivision plats. She also reviewed the Standard
28 of Review and the Findings necessary for both legislative and administrative decisions.

29
30 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
31

- 32 1. The next Planning Commission meeting will be Wednesday, May 14, 2014.
33 2. Upcoming Agenda Items
34 • US Trucks, Conditional Use Permit in the I-H Zone
35 • Apiaries (beehives/beekeeping), Code Text Amendment
36 • Cutler Subdivision, Flag Lot Ordinance
37
38

39 The meeting was adjourned at 8:20 p.m.

PRELIMINARY DRAFT

Planning Commission Meeting
April 23, 2014

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David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

PRELIMINARY DRAFT

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

MEMBERS PRESENT

Davis Hirschi, Chair
Gina Hirst
Logan Johnson
Scott Kjar
Kevin Merrill
Debra Randall

STAFF PRESENT

Cory Snyder, Community Development Director
Brandon Toponce, Assistant Planner
Lisa Romney, City Attorney
Connie Larson, Recording Secretary

VISITORS

Sherry Cutler (Mayor's wife)
Scott Argyle
Susan Frigm
Daren Garner
Barbara Gilbert
Peggy Gustapm
Paul Mathews
Matt Michel
David Youngberg

RESIGNATION OF PLANNING COMMISSION MEMBER

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

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Commissioner Kjar

MINUTES REVIEW AND APPROVAL

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

PRELIMINARY DRAFT

Centerville City Planning Commission
Minutes of meeting
May 14, 2014

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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 signed 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 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 division 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 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.

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

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

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

Chair Hirsch opened the public comment portion of the hearing. There was no one wishing to comment, and the public hearing was closed.

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

1. This small subdivision waiver approval consists of allowing up to four (4) lots, with no more than two (2) flag style lots.
2. The applicant shall prepare the final subdivision construction drawings, which shall be deemed acceptable by the City Engineer.
3. The applicant shall prepare a final paper version of the subdivision plat and submit it to the City Engineer and City Attorney for review and comment, prior to preparing and submitting the final mylar linen subdivision plat.
4. Lot #3 shall be corrected to comply with a minimum buildable area of 5,000 square feet.
5. The geologic and soils subjects shall be satisfied in accordance with the Hillside Overlay Standards. The applicant shall coordinate with the City Engineer to determine if surrounding previous studies adequately identify and/or address such concerns.
6. If the City Engineer deems it necessary, the applicant shall provide a partial or full 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
3 proposed subdivision, then the subdivision shall be remanded back to the Planning
4 Commission for further review and decision.
- 5 8. The plans shall address the issue of maintenance responsibilities for the flag lot
6 access stem and fire access turn-around, which shall be deemed acceptable by the
7 City Attorney.
- 8 9. For Lot 2, a remediation plan shall be prepared and submitted for the existing
9 buildings, which shall be deemed acceptable by City staff. The potential options to
10 consider are:
 - 11 a. Convert and secure the approval to establish a primary dwelling within or part
12 of the west structure (*the east structure does not meet setbacks for a primary*
13 *dwelling*).
 - 14 b. Provide to the City, a demolition bond prior to plat recording with a demolition
15 deadline set for a definitive date.
 - 16 c. Provide a plat note that restricts the buildings from being used, modified, or
17 occupied until a primary dwelling is established.
 - 18 d. Record non-compliance certificates against Lot 2 until the structures are
19 removed or a primary dwelling is established.
 - 20 e. Demolish the accessory structures prior to final subdivision plat recording.

21
22 Suggested Reasons for the Action (Findings):

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

37
38 Commissioner Kjar seconded the motion, which was passed by unanimous roll-call vote
39 (6-0).

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

1 Brandon Toponce, Assistant Planner, explained since 2005 The Home Depot has
2 requested a conditional use permit (with an expiration), for their outdoor storage area for extra
3 garden 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
5 display area, if it is temporary. The applicant is required to come to the Planning Commission
6 for approval of a conditional use permit. The request for a conditional use permit was done on a
7 yearly basis, but staff is recommending the conditional use permit for seasonal sales be allowed
8 for five years. The seasonal sales will take 18 parking stalls, but there will still be 516 parking
9 stalls. Staff is recommending signage around the outdoor storage area for traffic and pedestrian
10 safety. Staff recommends approval of the conditional use permit that will expire on September
11 30, 2019.

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

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

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

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

- 32
33 1. All professional service fees be paid.
34 2. The conditional use permit shall be in effect from the approval date and shall **expire**
35 **on September 30, 2019.**
36 3. The use of the temporary display area shall be from March 1 to September 30 of each
37 year. After which the temporary storage area shall be dismantled.
38 4. The display area will be located just west of the Garden Center as indicated on the
39 site plan, dated April 28, 2014.
40 5. The area shall be open during business hours and then secured when The Home
41 Depot is closed.
42 6. The storage area shall consist of a six-foot fence as indicated in the submitted
43 example, dated April 28, 2014.

7. If the fence is damaged, it shall be repaired within 24 hours.
8. No product shall be located above the six-foot fence, or on the outside of the gate or perimeter fencing.
9. The applicant shall assure that the parking-aisle within the storage area is cut off from two-way traffic and clearly marked.

Suggested Reasons for the Action (Findings):

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

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

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

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

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

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

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

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

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

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

18 Commissioner Kjar asked under what conditions a bee ordinance would be allowed. Mr.
19 Snyder said it is currently prohibited in residential areas. This has changed based on the idea that
20 people are returning to self-sustainability, which has already occurred with chickens. This is
21 now occurring with bees. Chair Hirschi expressed concern of the current ordinance that
22 prohibits bees, and he suggested adopting an ordinance to allow beekeeping and regulating
23 beehives.

24
25 Chair Hirschi opened the public hearing for comments.
26

27 Susan Frigm, 1499 North 600 West, Centerville. Mrs. Frigm said she approves of bees
28 for holistic reasons, but she lives next door to neighbor who has apiaries on a quarter acre lot.
29 She has researched bees, and gave her findings to the Commission. Her findings are that bees
30 should only be on large plots of land that are zoned for agricultural purposes. Honeybees are able
31 to swarm and move at will. She has been chased by swarms of bees into her garage and home,
32 and has been stung by the bees. Beehives attract rodents, and she has had to call an exterminator
33 twice because of rats and voles. Honeybees will build hives inside cracks in homes, and then
34 they attract rodents in the homes. Bees secrete a yellow substance that is deposited on her car.
35 Bees live for an average of 25 days, and she is constantly removing dead bees. She feels to
36 protect public safety, bee apiaries should not be allowed in residential areas.
37

1 David Youngberg, 269 East 1200 North, Centerville. Mr. Youngberg is a beekeeper. He
2 called City Hall last fall to ask what the regulations are for beekeeping in Centerville, and he was
3 told bees are not regulated in Centerville. Mr. Youngberg is a member of the Wasatch Bee
4 Association, and the problems are not with bees but with hornets. Beehives in Utah must be
5 licensed and identified with the owner. If the hives are not licensed, they must be removed. He
6 would like to see the City Ordinance removed. He contacted all of his neighbors to inform them
7 of his bees and to see if anyone was allergic to bees. He said all of his neighbors were
8 supportive of his beekeeping, and their gardens and fruit trees have had better production.

9
10 Commissioner Kjar asked how the rodents get into the honey. Mrs. Frigm said she
11 doesn't know how they get into the honey, but they are attracted to it by the smell and sweetness.

12
13 Chair Hirschi closed the comment portion of the public hearing.

14
15 Chair Hirschi stated there is a need for an ordinance that will allow the City to regulate
16 beekeeping, and this matter requires further research. The Commission agreed some type of
17 ordinance regulating the number of apiaries must be established.

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

21
22 Lisa Romney, City Attorney, stated this is new information for the City Council, and will
23 provide them with more information to make a recommendation on regulation of beekeeping.

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

30
31 Suggested reasons for the action:

- 32
33 a. The Planning Commission finds that decisions regarding a legislative application are
34 based on the "reasonably debatable" standard.
35 b. The Planning Commission finds that there are no generalized or specific statements
36 within the General Plan concerning the keeping and use of animals, including
37 beekeeping, for private or commercial use.
38 c. The Planning Commission finds that there is a public interest in establishing
39 regulations relating to the use and keeping of animals that promotes the general
40 welfare of the community.

- 1 d. The Planning Commission finds that the proposed amendment regarding beekeeping
2 is not consistent with previous legislative decisions, specifically concerning how
3 animals and their associated elements are currently regulated within the City's Zoning
4 Ordinance. Such policies are summarized as follows:
5 i. Animal Unit Allocation
6 ii. Animal Specialties
7 iii. Agricultural Business
8 iv. Stable, Private
9 v. Animals and fowl for recreation and family-food production
10 vi. Household Pets
11 e. The Commission finds that the primary focus of Utah's Beekeeping Act appears to be
12 concentrated on the health and disease control of beekeeping within Utah.
13 f. The Planning Commission finds that it is probably shortsighted to expect that the
14 State and County can suitably manage a local land use conflict that may occur
15 regarding the keeping of bees within the city.
16 g. The Planning Commission finds that many of the other beekeeping techniques, for an
17 urbanized area, come from university extension service programs and/or the
18 experiences of many beekeeping clubs, and not from State statutes.
19 h. The Planning Commission finds that other cities have, or are adopting their own local
20 beekeeping regulations, which seemingly are consistent with best management
21 practices, to address the needs and practices for allowing apiaries.

22
23 Commissioner Merrill seconded the motion, which was passed by a roll-call vote of (4-
24 2). Commissioners Kjar and Hirschi were the dissenting votes.

25
26 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

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

30
31 **NEXT MEETING**

32
33 The next Planning Commission meeting will be held on Wednesday, May 28, 2014 at
34 7:00 p.m. at City Hall.

35
36 **ADJOURN**

37
38 At 8:30 p.m., Commissioner Johnson made **motion** to adjourn the meeting.
39 Commissioner Merrill seconded the motion, which was passed by unanimous roll-call vote (6-0).

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David Hirschi, Chair

Date Approved

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

**STAFF REPORT
AGENDA: ITEM 1**

OWNER: DEBBIE HAMMON, EIGER PROPERTIES LC
3314 SOUTH 200 EAST
BOUNTIFUL, UT 84010

APPLICANT: RICHARD BORELL
WOLFPACK MANAGEMENT GROUP
(DBA) ECHELON MOTORS
2345 WEST 800 NORTH
WEST POINT, UT 84015

EMAIL: rrborell@yahoo.com

PROPERTY: TUMBLEWEED BUSINESS PARK
239 NORTH 1250 WEST, SUITE 3

ZONING: INDUSTRIAL – HIGH (I-H)

APPLICATION: CONDITIONAL USE PERMIT – VEHICLE SALES

STAFF RECOMMENDATION: APPROVAL OF THE CONDITIONAL USE
PERMIT

BACKGROUND

Richard Borell, owner and director of the Wolfpack Management Group, desires to open a car dealership located at 239 North 1250 West, Suite 3, under the name of Echelon Motors. According to a written statement by the applicant, this dealership will have a limited number of vehicles and will only utilize the inside showroom area. This showroom is approximately 1,600 square feet and will house used vehicles, while the remaining 900 square feet will be utilized for office space. Although the applicant will not be conducting major repair, it was still unclear about car cleaning and washing. If the applicant desires to wash the vehicles on site, they will need to install all proper drain filters as required for a carwash. This information will need to be provided to staff prior to receiving a business license.

Chapter 12-12, Definitions

- **Vehicle Rental or Sale, Used, Limited:** An establishment engaged in the **retail sale** or rental, from the premises, of used motorcycles, **automobiles**, and/or light trucks, along with incidental service or maintenance.

Table 12-36, Table of Uses Allowed

The table of uses allowed in the Zoning Ordinance [Chapter 12-36], permits vehicle rental or sale, used, limited, with a conditional use in commercial and Industrial zones.

CONDITIONAL USE PERMIT**Evidence [Section 12-21-100(e)(3)]**

The General Plan states that in order for the City to generate revenue for local services "...Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community" [Section 12-430-1]. In addition, the General Plan gives the indication that one specific use for the west side should be professional service [Section 12-430-3(2), 12-480-6(1H)]. It appears that Echelon Motors is consistent with the goals and objectives of the General Plan.

Factors to be Reviewed [Section 12-21-100(e)(5)A-K]**Suitability of the Site and Surrounding Area (A-D, F, K)**

The proposed use appears to be suitable for the specific property of 239 North 1250 West, Suite 3, since it has adequate room for an indoor showroom and offices. The business suite is found within an industrial complex, known as Tumbleweed Business Park, that has other light manufacturing and similar uses. Echelon Motors will not be using the space outside of their assigned unit for equipment storage, minor repairs, washing or detailing cars. All business will need to be conducted inside the building, so it does not take away required parking spaces from other tenants.

Impacts of aesthetics and surrounding area (E, I)

The proposed business does not have any impact on the aesthetic appearance of the property, since the site has already been approved previously concerning the design of the building and landscaping. The applicant may not remove landscaping or block any parking stalls with vehicles to be sold. In addition, they may not use any portion of the site for outdoor storage. Employees of Mr. Borell will need to make sure the outside of the business will remain aesthetically pleasing to the surrounding tenants. In reading the applicants statement, there are no pollutants emitted from the proposed facility.

Impact on parking, transportation and utilities (G-H, J)

All deliveries of vehicles and equipment must be conducted on site during regular operating hours and not within the public right-of-way. Hours of operation will be from 10:00 a.m. to 5:00 p.m., Monday through Friday, by appointment only. According to the applicant, most sales are anticipated to be from the internet. It was unclear on the total number of employees, which will need to be specified at the time of the business license application.

CONCLUSION

After reviewing the conditional use permit application, staff finds the proposal is in harmony with what already exists in the area. Some concern has been expressed by surrounding businesses in regard to outdoor sales and parking. The space being occupied by Echelon Motors is part of a complex with shared parking. According to Table 12-52-1 - Off-Street Parking Schedule, a car dealership requires 1 space per 250 square feet of floor area; which would require the applicant to have 10 stalls. Since the applicant is utilizing the majority of this space for an indoor showroom, they will not be utilizing all 10 stalls. With over 50 stalls for shared-parking, staff is confident that adequate parking for all users is sufficient. However, the applicant should meet with the association of the development to describe his parking arrangements.

PLANNING STAFF RECOMMENDATION**Suggested Motion for a conditional use permit located at 239 North 1250 West, Suite 3, Tumbleweed Business Park**

I hereby make motion for the Planning Commission to approve the conditional use permit for Echelon Motors, located at 239 North 1250 West, Suite 3, with the following conditions:

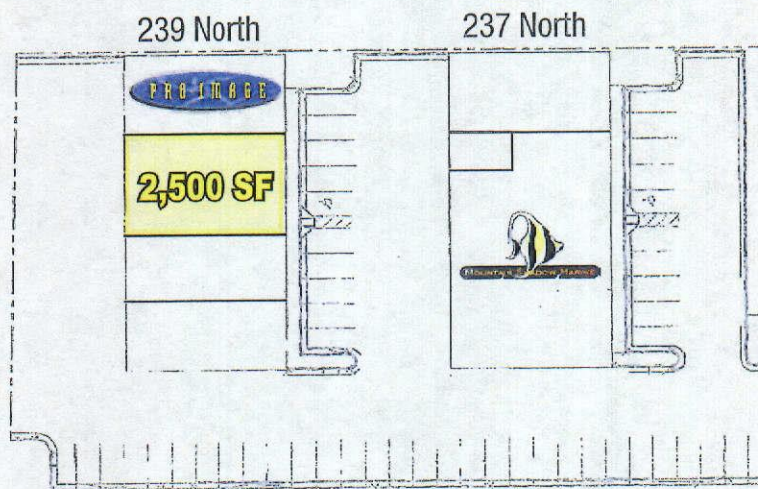
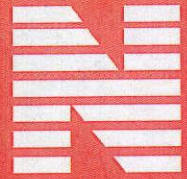
1. All fees shall be paid.
2. The use of vehicle sales shall be permitted and limited to used vehicles for Echelon Motors only.
3. Sales are limited to inside display only.
4. The applicant shall not occupy the designated landscaped areas or required parking stalls with any outside storage, equipment or display vehicles.
5. Detail concerning cleaning and maintenance procedures on the vehicles shall be submitted prior to receiving a business license. If the applicant washes the vehicles on site, they shall be required to come into compliance with the drainage standards for a carwash.
6. Any deliveries or pickups shall take place during regular operating hours from 10:00 a.m. to 5:00 p.m., Monday through Friday.
7. The applicant shall inform City staff of the total number of employees prior to receiving a business license.
8. A business license shall be obtained prior to opening for business.

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 used vehicles is suitable for this property and will not injure the surrounding tenants or the City.

TUMBLEWEED BUSINESS PARK

237 North 1250 West | Centerville | Utah



Newmark Grubb
ACRES

1755 East 1450 South Ste. 100 | Clearfield, UT 84015
Office 801.927.2000 | Fax 801.416.1020
www.ngacres.com

This document contains the information it contains to given with the understanding that all regulations relating to the purchase, leasing or leasing of the property described above shall be conducted through this office. The above information shall not be guaranteed has been secured from sources we believe to be reliable.

RECEIVED MAY - 6 2014

OPEN AND PUBLIC MEETINGS

PLANNING COMMISSION TRAINING - MAY 28, 2014

ANNUAL TRAINING REQUIRED

The presiding officer of every public body is required to ensure that the members of the public body receive annual training on the Utah Open and Public Meetings Act.

DECLARATION OF PUBLIC POLICY

The Utah Legislature has specifically declared and determined that the State and all of its entities and political subdivisions exist to aid in the conduct of the public's business.

OPEN MEETINGS

All meetings of political agencies of the State shall be open to the public unless closed by reasons allowed by law.

OPEN DELIBERATIONS

All actions and deliberations of political agencies of the State are to be conducted openly.

NOTICE

The City must provide at least 24 hours' notice of every Planning Commission meeting, including the agenda, date, time and place of the meeting.

Such public notice of meetings must be posted at City Hall, posted on the Utah Public Notice Website, and sent to at least one local newspaper or media correspondent.

AGENDAS

All matters to be discussed at the meeting must be described with reasonable specificity to notify the public as to the topics to be considered at the meeting.

MINUTES

The City is required to take and prepare written minutes of all Planning Commission meetings.

Minutes are required to include certain information, such as the substance of matters discussed, a record of the vote by each member, and a summary of public comments.

Minutes are the official record of action taken and are to be retained permanently.

RECORDINGS

The City is required to take and keep a recording of all Planning Commission meetings (except for site visits or traveling tour if no vote or action is taken).

The recording must be available to the public for listening within 3 business days after the meeting.

CLOSED MEETINGS

The Planning Commission can only go into a closed sessions for reasons specified by law.

Most reasons do not apply to Planning Commission meetings, but may include discussion of pending or reasonably imminent litigation or the purchase or sale of property.

ELECTRONIC MEETINGS

The City has adopted an electronic meetings policy which allows Planning Commissioners to call into meetings when they are out of town or unable to attend meetings in person.

Certain conditions apply.

2014 LEGISLATIVE UPDATES

Four bills adopted during the 2014 Utah Legislative Session involved amendments to the Utah Open Meetings Act.

SB 113 – Notice of Meetings on Capitol Hill

SB 169 – Inclusion of Electronic Information in Public Record

SB 179 – Procurement Issues Added to Closed Meeting List

HB 419 – Minor Edits to Charter School Board Reference (from Body to Board)

THE END