PLANNING COMMISSION MINUTES OF MEETING

Wednesday, February 22, 2017
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
Cheylynn Hayman, Vice Chair
Kathy Helgesen

MEMBERS ABSENT
Kevin Daly
Gina Hirst
Becki Wright

STAFF PRESENT
Emily Hatch, Recording Secretary
Lisa Romney, City Attorney
Cory Snyder, Community Development Director

VISITORS
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Commissioner Hayman

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held February 8, 2017 were reviewed and amended. Commissioner Hayman made a motion to approve the minutes as amended. The motion was seconded by Commissioner Helgesen and passed by unanimous vote (4-0).

PUBLIC HEARING – GENERAL PLAN TEXT AMENDMENT, SOUTHEAST NEIGHBORHOOD PLAN (Originally tabled at the January 25 Planning Commission) - Consider a proposed General Plan Text Amendment regarding the future residential density allowances in the Southeast Neighborhood [Neighborhood 1] – Centerville City Council, c/o Mayor Paul Cutler, Applicant.

Mr. Cory Snyder, Community Development Director, provided some background information and updates on this issue. He reminded the Commission that the area encompassed
by the Southeast Neighborhood Plan is the area south of Parrish Lane and east of Main Street, to
the southern city limits. The City Council and Planning Commission had previously set a goal to
revise the neighborhood plan, which included looking at the issue of the Pages Lane Commercial
Area (the previous location of Dick’s Market) and what can be done to redevelop this area. In
addition, there was a need to address recent trends for multi-family development. In the past,
citizens of the Southeast Neighborhood had expressed concerns at the impact of multi-family
residences on single-family neighborhoods.

Mr. Snyder said that the discussion of the Southeast Neighborhood Plan has been broken
into two segments for discussion: the first being the residential neighborhood and future changes
to this area; the second being a discussion about Pages Lane and Main Street, to take place at a
joint work session between the City Council and the Planning Commission, tentatively scheduled
for March 21. Mr. Snyder reminded the Commission that tonight’s scheduled discussion is to
review the changes made to preliminary edits that took place prior to the Planning
Commission meeting of January 25, and the updates, responses, and changes made after input
received on this date.

Mr. Snyder said that his perception of the overall sentiment of the January 25 meeting
was a desire to recognize that medium-density residential areas, both single-family and multi-
family and zoned as either R-1-8 or R-1-10 under previous Zoning Ordinances, had been, in the
past, on the low-end of the medium-density area. The Commission wanted to recognize the
existence of these areas as well as the potential for areas to be zoned as such in the future. The
language of the Plan has been updated to specifically reference medium-density, single-family
residences for future developments.

The second update discussed by Mr. Snyder was made in response to the difficulty posed
by the Old Townsite of Centerville, which is also part of the Deuel Creek Historic District;
however, the boundaries of the two areas don’t align. The name of the Old Townsite area was
reinstated, and a new section has been created to address the Deuel Creek Historic District within
the Old Townsite.

Mr. Snyder said that the third update specifies that the area known as the Residential
Boulevard District along Main Street, which includes Centerville Junior High, the Riviera
Townhouses, and the Courtyard at Pages Lane, is part of the South Main Street Corridor Plan.

The final update discussed by Mr. Snyder was an addition to the Plan regarding the East
Foothills Section. The Commission expressed a reluctance, in previous meetings, to discuss
foothill development. The Plan now details the existence of this foothills area and references the
Foothill Management Plan, which states that this area is not to be developed at this time and will
not be developed unless certain terms and conditions are met.

Chair Hirschi opened the public hearing at 7:16 pm.
Seeing no one with any questions or comments, Chair Hirschi closed the public hearing at 7:17 pm.

Chair Hirschi requested a change in the wording of Section 12-480-2, at the start of the third paragraph. He asked that the phrase “the desire of the Southeast Neighborhood” be changed to “the desire of the Southeast Neighborhood community.”

Commissioner Hayman requested a change in the wording of Section 12-480-2, at the start of the first paragraph. She asked that the phrase “is currently experiencing a decline” be changed to “has experienced a decline.”

Chair Hirschi asked that a phrase in part b, subparagraph 3, under Centerville Deuel Creek Historic District, be changed from “other elements reflecting” to “other elements which reflect.” Chair Hirschi also asked that a phrase in subparagraph 4 of the same section be changed from “is to be prohibited” to “is prohibited,” in order to be consistent with the phrasing used in other places in the Plan.

Commissioner Hayman expressed her appreciation of the addition of medium-density single-family residential housing to the plan, as that resolves her concern of limiting it to low-density, single-family housing. She then asked why part a, subparagraph 3, contains the only specific reference to non-single family residential development. Mr. Snyder responded that this is also specified in the Deuel Creek Historic District section, and that the other areas already have multi-family residences. The Plan lists non-single family residences in the Old Townsite and Deuel Creek Historic District sections since it is planned to keep these areas as single-family residences only.

Commission Hayman asked Mr. Snyder why, in part c of the Plan, which details the Centerville Elementary Area, the word “immediately” was added to the description of the area, which now states “The residential area immediately around the Centerville Elementary School...” Mr. Snyder said that there are multi-family areas on Parrish Lane and down to City Hall. The addition of the word “immediately” was an attempt to be clear that the area immediately around the school is limited to single-family residences, but this does not include everything around the school. Chair Hirschi asked if the word “adjacent” would improve the clarity, but Mr. Snyder said this would not be accurate, since this extends beyond the property immediately adjacent to the school. Commissioner Hayman asked that, in addition to using the word “immediately,” the phrase “for example” be added to the sentence starting with “A number of duplexes have been built,” in order to give more information as to what is meant by the area immediately around the school. Mr. Snyder agreed, and also suggested the word “immediately” be changed to “surrounding.” Commissioner Hayman suggested the word “near” instead of “immediately around,” to which Mr. Snyder agreed. Mr. Snyder then gave some context around the zoning of this area. Almost two years ago, the previous City Council made a motion
to revisit this R-M area of the Plan. The new City Council, which took over soon after, reversed this. Mr. Snyder said he wrote this section of the Plan based on the actions of the new Council, which did not see a need to place this R-M area into a non-conforming status, and so has left this area as R-M.

Commissioner Helgesen asked that, in line 3 of part d, where it states, “The ‘Riviera Townhouses,’ one of the highest density residential development in this neighborhood and is located...,” the word “is” be removed. Commissioner Hayman said removing the word “and” before “is located” would have the same affect. Mr. Snyder agreed to the latter suggestion. Chair Hirschi asked that a comma be added after the word “neighborhood,” so it now states, “The ‘Riviera Townhouses,’ one of the highest density residential development in this neighborhood, is located...”

Commissioner Hayman said, that in the same section, where the Plan states, “The developed areas north and east of the junior high are all low density single family,” is incorrect. This should be low or medium density single family. Mr. Snyder agreed, and noted that this had been missed in his most recent edits.

Commissioner Helgesen asked that, in subparagraph 2 of part d, where it says, “New future or redevelopment, from Porter Lane to Pages Lane, is to done in accordance with the expectations...,” the word “be” should be added before “done.” Chair Hirschi asked to remove the commas around “from Porter Lane to Pages Lane.” Commissioner Helgesen also asked that the word “done” be removed.

Mr. Snyder said that he attempted to, with the new edits, remove the “shall” issues, so there is an expectation without an implementation of the ordinance.

Commissioner Helgesen made a motion for the Planning Commission to recommend the General Plan Amendments of the Southeast Neighborhood Plan, as amended by the Planning Commission, for the following reasons. Commissioner Hayman seconded the motion.

**Reasons for the Action:**

a) The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).

b) The Planning Commission finds that Centerville City has a strong desire to maintain a low density single-family environment as described in the General Plan Element, “Residential Development” – Section 12-420.

c) The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan polices of maintaining this style of housing.
d) The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) also falls within Medium Density for residential development.

e) The Planning Commission finds there are still opportunities along the collector and arterial streets to accommodate future housing needs, such as the redevelopment of the Pages Lane Commercial area and along the Main Street commercial corridor.

f) The Planning Commission finds that these areas have yet to be reviewed in the second phase of the neighborhood plan that will come after this first phase.

Commissioner Johnson said he appreciates all of the work and edits that have been done with regards to this Plan. However, the general prohibition of high-density housing throughout the language in the edits is something he said he cannot support, and wanted to be sure his concerns were voiced. He said he believes this prohibition harms the long-term fiscal sustainability of the City and hampers property rights and development options. Chair Hirschi said he shares some of these concerns, and there may be an opportunity to revisit this issue when discussing other areas in the City or when discussing the commercial areas of the City.

Chair Hirschi asked that, in reason d for the recommendation, the word “the” be removed, so the reason states, “falls within Medium Density for residential development.” Commissioner Helgesen said she accepted this change as part of her motion.

A roll-call vote was taken and the motion passed 3-1, with Commissioner Johnson voting against the motion. Chair Hirschi said that the Plan, as amended, will be recommended to the City Council. Chair Hirschi further commented that the City Council has the opportunity to modify the recommendation, start over, or anything else, as this is a legislative action.

TRAINING ON UTAH OPEN AND PUBLIC MEETINGS BY CITY ATTORNEY

LISA ROMNEY

Lisa Romney, City Attorney, provided training on the Utah Open and Public Meetings Act, as is required to be provided annually for each public body of the City. She informed the Commission that state auditors are now required to check agendas and meetings notices for compliance with the Utah Open and Public Meetings Act.

Ms. Romney presented to the Commission nine slides discussing nine rules for the Planning Commission to follow regarding open meetings and compliance with statutory provisions.

Ms. Romney said that Rule #1 is the most important, and one that the Planning Commission should keep in mind. The purpose of the City is to conduct the people’s business. Ms. Romney noted that political subdivisions exist solely to aid in the conduct of the people’s business and therefore all actions and deliberations of the Planning Commission should be open
to the public. This allows the public to see how the Planning Commission is making decisions and why.

Rule #2 states: All meetings are open unless lawfully closed. Ms. Romney further explained that all meetings of the Planning Commission should be open, unless closed for reasons allowed by law. The Planning Commission does not go into closed sessions often, but Ms. Romney said she can provide more information and advice if and when the Planning Commission needs to go into a closed session. Some examples of when this may occur are if the Commission were to discuss the sale or purchase of property, pending or reasonably imminent litigation, or to discuss security or safety matters.

Rule #3 states: A quorum must be present to conduct business. A quorum of the Planning Commission is four members. Thus, there must be four members present to hold a Planning Commission meeting, though it is preferable to have as many members of the Planning Commission present as possible for diversity of opinions.

Rule #4 states: Agenda items must be listed with reasonable specificity. All agenda items must be described with reasonable specificity for the benefit of the public to know what topics will be discussed. Ms. Romney said the City does a good job of providing detailed agenda items on Novus Agenda. She also noted she likes the addition of the “decision type” that has been recently added to the Planning Commission agendas, indicating whether agenda items involve legislative or administrative decisions.

Rule #5 states: No action can be taken if an item is not listed on the agenda. Ms. Romney noted that topics raised by the public may be discussed if they are not on the agenda, but no final action may be taken on such items. The reason for this is to let the public know what is going to be discussed, so relevant parties may be present, including the applicant and the developer. This also serves to let Staff plan ahead and be prepared for items to be discussed.

Chair Hirschi asked if it is as acceptable to discuss the historical context of something not specifically listed on the agenda so long as no action is taken. Ms. Romney said it is fine to ask for information in order to stay informed, as long as no action is taken. However, this becomes problematic if the discussion is about a specific applicant or a pending application. In these cases, the applicant should be notified of the discussion and provided an opportunity to be present. Ms. Romney assured the Commission that she will speak up if a discussion ever crosses the line of what is allowed.

Chair Hirschi also asked if it is acceptable to inquire as to the status of an issue. Ms. Romney said it is fine to ask questions to stay informed, but it is best not to discuss details or anything of substance.
Rule #6 states: Written minutes and a recording of all open meetings is required. Written minutes and a recording shall be kept for all open meetings. The minutes are the official record of the meeting and need to accurately reflect the discussion, conditions, and amendments made by the Planning Commission. Recordings must be available within three days of the meeting, though the City tries to make them available the next day, if requested. Written minutes must be available three days after approval and retained permanently. Preliminary minutes must also be made available and must be marked as a draft.

Rule #7 states: The Commission can only go into closed meeting for reasons allowed by law. Ms. Romney noted that this item had already been discussed as part of Rule #2 and moved on.

Rule #8 states: All closed meetings must be recorded, unless the meeting is to discuss items such as the professional competence of an individual, the health of an individual, or security matters. In these cases, the Chair of the Planning Commission must sign an affidavit to swear that nothing else was discussed.

Rule #9 states: Members should not send each other electronic messages during a meeting, as all communication and deliberation needs to be on record. Ms. Romney also asked the Commissioners to be mindful of public perception when Commission members are focusing on their electronic devices during meetings.

Chair Hirschi thanked Ms. Romney for her presentation, and encouraged everyone to look at the handouts provided regarding open and closed Meetings.

COMMUNITY DEVELOPMENT DIRECTOR’S REPORT
1. Items scheduled for March 8, 2017:
   - Parrish Creek Business PDO (Park Planned Development) Overlay Re-Zone and Conceptual Site Plan
   - Legacy Trails Amended PDO and Conceptual Site Plan
   - Pizza Hut Conceptual Plan
   - Conditional Use Permit, Auto Sales
   - Legacy Commons PDO and Master Plan Project

CITY COUNCIL ACTIONS REPORT

Mr. Snyder reported to the Commissioners recent actions taken by the City Council.
   - **February 21, 2017**: Rezone for Johnson subdivision
     - **Motion**: Approved

Chair Hirschi made a motion to adjourn. Commissioner Johnson seconded the motion, which passed by unanimous vote (4-0).
The meeting was adjourned at 7:59 p.m.

David Hirsch, Chair

Emily Hatch, Recording Secretary

4-8-2017
Date Approved