PLANNING COMMISSION MINUTES OF MEETING  
Wednesday, January 24, 2018  
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 6:56 p.m.

MEMBERS PRESENT  
Cheylynn Hayman, Chair  
Kevin Daly, Vice Chair  
Kathy Helgesen  
David Hirschi  
Logan Johnson  
Becki Wright  
Gina Hirst  

STAFF PRESENT  
Cory Snyder, Community Development Director  
Lisa Romney, City Attorney  
Cassie Younger, Assistant Planner  
Avalon Comly, Recording Secretary  

VISITORS  
Interested citizens (see attached sign-in sheet)  

PLEDGE OF ALLEGIANCE  

OPENING COMMENT/LEGISLATIVE PRAYER  

PUBLIC HEARING — ZONING TEXT AMENDMENT — CHICKEN AND RABBIT PERMITS  

Cassie Younger, Assistant Planner, explained that at the last Planning Commission meeting the Commission discussed the City Council's suggestion to abolish the renewal permit that is currently required for chicken and rabbit owners in Residential-Low Zones. During that meeting of the Planning Commission, the Commissioners agreed with staff that an initial permit should be required for chicken and rabbit owners. The Planning Commission suggested an annual "Chicken Census" be developed, in lieu of a renewal permit, to keep a record of residents who currently have chickens in the community in the case of disease outbreaks related to these animals. Expiration of the initial permit would follow the same rules as an abandonment of use in the Zoning Code — not having chickens for more than twelve (12) months the permit would expire.

Commissioner Hayman asked if the permit and census would apply only to chickens or to rabbits as well. Ms. Younger replied that the permit and annual census would also apply to rabbit owners.
Commissioner Wright asked if rabbit owners need a permit for pet use and Cory Snyder, Community Development Director, clarified that owners would only need a permit if the rabbits were being kept for family food use.

Chair Hayman opened a public hearing at 7:01 p.m., and closed the hearing at 7:01 p.m. seeing that no one wished to comment.

Vice Chair Daly commented that he feels it is strange to require permits for chickens and rabbits for family food use in Residential-Low Zones but not in Agricultural Zones. He feels that if permits are being required to keep a record of animals in cases of disease outbreaks, then both zones should have permits required. If not, then permits should not be required in either zone as it creates an undue burden for residents in Residential-Low Zones and for Staff.

Commissioner Wright asked staff how many agricultural parcels there are in Centerville versus Residential-Low parcels. Mr. Snyder responded that he does not know but he reminded the Commissioners that tracking owners of chickens and rabbits in Residential-Low Zones for possible health concerns is not what the permit is for – the permit is for land use. In Agricultural Zones it is assumed that the land is being used for raising animals, whereas that is not the assumption in Residential-Low Zones. The permits were required in Residential-Low Zones because there is a potential impact on the community to using land in those zones for animal production. Mr. Snyder acknowledged, however, that some disconnect still exists in that apiaries are allowed in Residential-Low Zones with no permit, whereas chickens and rabbits still require permits.

Chair Hayman asked what other cities do in regards to permitting for chickens and rabbits. Mr. Snyder replied that Centerville’s permitting process is very similar to other cities.

Commissioner Wright made a motion to recommend to the City Council approval of the amendments to Zoning Code CZC.12.55.240 as shown below, with reasons for action (1) and (2).

Commissioner Hirschi seconded the motion.

(a)(2) An annual A permit shall be obtained from the City as described in CZC 12.21.090. In addition to the permit application forms, the City shall provide with all initial permit application packets, as opposed to annual renewal permit applications, educational information as deemed necessary and appropriate by the City, including, but not limited to, information regarding the raising of chicken or rabbits, poultry and rabbit health care, and maintenance issues. All permits shall be non-transferrable to another person or property. Permits shall expire after 12 months of continuous non-use. City Staff shall send out an Annual Survey to determine status of permits. All permit applications shall also include the following:

(E) For initial permits, an acknowledgment and consent form requiring signature from the applicant that he or she has read the supplemental educational information and agrees to abide by the terms and conditions of applicable ordinances. The acknowledgement shall also include language acknowledging...
that the permit is not transferrable to another person or property and expires after one year of non-use.

Reasons for Action
1. The proposed zoning text changes are consistent with the goals and objectives of the General Plan [12-21-080(e)(1)].
2. The onetime permit allows residents in applicable zones to raise chickens and rabbits for family food production. [CZC 12.55.140]

Vice Chair Daly made a comment that he is inclined to vote yes on the motion because it is a step towards reducing the burden on residents in Residential-Low Zones and on Staff, though he doesn’t believe a permit is needed at all. Commissioner Johnson agreed with Commissioner Daly and hoped that the City Council would consider moving in the direction of not requiring a permit for chickens and rabbits in Residential-Low Zones.

Chair Hayman said that she does not have a problem with licensing chickens and rabbits as she has to license her dogs each year.

Commissioner Wright commented that she appreciates having the permit as it means that residents who have chickens and rabbits in Residential-Low Zones have been given information on properly caring for the animals.

The motion passed unanimously (7-0).

PUBLIC HEARING — PRELIMINARY SUBDIVISION — BOULDER SUBDIVISION 60 N 1400 WEST

Commissioner Hirst and Commissioner Johnson recused themselves from considering this matter due to conflicts of interest.

Mr. Snyder explained that the applicant desires to subdivide an existing building and create a condominium plat for four spaces within the building. The Planning Commission previously reviewed and accepted the Conceptual Subdivision for the Boulder Subdivision. The applicant would now like a Preliminary Subdivision review. Mr. Snyder mentioned that currently the Preliminary Plans do not address compliance with any related building and fire code provisions regarding the conversion of the building into condominium spaces. Also, parking capacity and limitations are not spelled out on the plat or in the associated CC&R’s to inform buyers to minimize conflicts between potential various owners within the building. Staff recommends approval of the preliminary subdivision on the condition that the applicant address these matters for the final plat review.

Chair Hayman asked about whether the owner of the north side of the building has concerns about his parking being impacted by this change, as there is a shared parking arrangement between the owner on the north side of the building and the applicant. Mr. Snyder
said that the north side owner is present at the meeting and will be speaking to this matter during
the public hearing.

The applicant, John Stout, was invited to speak and seeing that he was not present, Chair
Hayman opened a public hearing at 7:17 p.m.

Jerry Cook – Mr. Cook said that he is the founder and President of a company called
Interform which has grown every year, and which employs 110 people. He currently owns the
building to both the north and the south of the building owned by Mr. Stout. He provided some
history on ownership of these buildings. Mr. Cook explained that he is currently experiencing
parking problems at his building, and is disappointed in previous Planning Commissions for not
considering the parking issue. Parking is a serious concern for Mr. Cook and he explained that
between parking at Mr. Stout’s building and his building to the north, the lot is currently full. He
said that he would like to sublet part of one of his buildings to another company that approached
him, but he can’t even guarantee that the sublessee would have parking available to them, so he
might not be able to lease his property, which he explained will cause him to lose revenue. He
mentioned that the current parking conditions are putting more and more strain on other buildings
as well. Mr. Cook said he thought there was supposed to be a shared parking agreement that
was to be recorded and filed with the preliminary plans for the subdivision, but he cannot find such
an agreement. As such, he cannot see if the agreement was just between the original owners or
if it was an agreement to go on in perpetuity.

Mr. Cook also pointed out that in the original site plans there is a comment in the notes
that both lots stand on their own equal to sustain themselves. But also, in the same minutes, it
said that the lots can’t stand on their own without shared parking. Mr. Cook stated that this is an
inconsistency.

Finally, Mr. Cook said that he thinks the City tried to accommodate the original owners of
the buildings who were related to each other, and did not think about what would happen if the
businesses expanded or ownership changed hands. He stated that each of the buildings are less
valuable or less likely to sell due to the fact that future tenants cannot be guaranteed parking and
that he would disclose the parking problem to any future buyer of his building.

Paul Hirst – Mr. Hirst stated that he represents the Cooks and the Hirsts as their engineer.
He asked that the Planning Commission not allow Mr. Stout to enlarge his parking. Their use is
such that if they keep the same mix of warehouse to office they would be required to have 43
stalls. Mr. Hirst says that based upon the plans submitted they only have 41 stalls if they take out
overhead doors and put parking stalls in front of them. Currently, with the overhead doors in place,
there are effectively 37 stalls. Mr. Cook is also required to have 43 stalls for his property to the
north, based upon his use as approved by the City. In striped stalls he has the capability of
providing 35 stalls. This means that both buildings are deficient in parking. Mr. Hirst said that if
the Stout building was converted to office use today, it would require 72 stalls, which is completely
impossible. Mr. Hirst said that while the owners are free to subdivide the property any way they
want, there need to be strict restrictions recorded with the condominium documents that limit them
to the stalls that the property can produce. He stated again that he is requesting the owners not
be allowed to enlarge or change the use of the building as it is presently constituted, as they would
be in violation of the ordinance.

Seeing that no one else wished to comment, the public hearing was closed at 7:33 p.m.
by Chair Hayman.

Chair Hayman asked Mr. Snyder to address the comment that Mr. Cook made regarding
inconsistencies in the original report. Mr. Snyder said that in the original report the staff had
acknowledged that when the project was developed there was insufficient parking for one of the
lots and quoted the City ordinance that owners have to maintain all of their stalls on their lot,
unless another mechanism is provided. The Stouts explained to the prior Planning Commission
that between the two lots there was sufficient parking in aggregate. As such, the Stouts asked
the prior Planning Commission to approve a shared use allowance for parking between both lots,
which was approved. Mr. Snyder explained that he has examined the original approval and found
that between both lots the total approved office space was 12,419 sf, which required 62 parking
stalls. The total warehouse use that was approved between both lots was 23,546 sf which required
24 parking stalls. Thus, the total site requirement was 86 stalls. The approved site plan provided
87 stalls, which is sufficient parking to cover the uses as built as originally approved.

Mr. Snyder agreed with Mr. Cook that the issue of convenience and territorializing of
parking stalls may raise some concerns. However, recorded on the plat is the Shared Access
and Use Agreement. At the moment, based on the current use, the two buildings are at capacity
in terms of parking. This is why, Staff believes, the parking capacity and limitations need to be
spelled out on the final plat and in the associated CC&R’s to inform future buyers to minimize
conflicts between potential various owners within the building.

Mr. Snyder pointed out that this issue would exist whether there was a shared access
parking agreement between the buildings or not. He says that if the use of the building is to be
changed, there would be a process for amending or changing the use. The owners would then be
subject to either the limitations of the parking they have built or what can be installed in the future.
Limitations on how much an owner can expand would also in part be determined by how much
parking can be provided. If either party needed to go above the shared use capacity of 87,
business licenses and site plan amendments would be held up until additional parking could be
accounted for. If adequate parking could not be provided then the change to another use would
not be approved by the City.

Mr. Snyder said that from Staff’s view, there is no reason to deny a condominium use, as
proposed, as it is an allowed use in the zone where the property is located, but that it is very
important that in the condominium conversion for the future owner parking limitations be noted on
the plat.

Commissioner Hirschi asked where the shared parking agreement is. Cory Snyder said
it was approved and noted on the plat. There are no territorial preferences noted on the plat.
Commissioner Hirschi said that he feels that any future buyers should be made aware of the
parking issues when they buy the property. Mr. Snyder said that the only way the City can ensure
that is to put notes on the site plan approvals and on the plats.
Lisa Romney suggested revisions to the Conditions for Approval of the preliminary plan as follows:

5. The parking capacity and limitations are to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building and added as a note on the plat.

6. All existing easements of record must be shown on the plat.

Chair Hayman agreed with Ms. Romney's suggestion.

Commissioner Wright asked if the Planning Commission would be given the opportunity to discuss the building use when reviewing the preliminary site plan. Mr. Snyder replied that there will not be any site plans in this case, because the Stout building is built out and all construction would be interior. Chair Hirschi confirmed with Mr. Snyder, however, that there is a condition for approval that talks about recording all the parking regulations and any kind of easements that exist and that if any use change were to occur the owners would also require an additional approval that they were following the parking requirements for the new use.

Commissioner Wright stated that it is obvious to her that the situation is not ideal with parking. She said that it is important moving forward to record parking easements and agreements, and that if the building use is going to change, then parking will need to be addressed. She stated that she believes the owner should be allowed to subdivide the building into condominiums as it does not violate any ordinances, as long as regulations are followed regarding how much parking is needed according to future use changes. Commissioner Daly agreed and said he does not think the owner can be prevented from changing the use of his building.

Commissioner Hirschi asks for a 7th Condition for Approval of the preliminary plan that the Shared Access and Parking Agreement be recorded so that it will appear on the preliminary title reports and is part of the closing package as the condominium owners buy properties. Lisa Romney responded that she was a little concerned about requiring the Shared Access and Parking Agreement to be recorded as there is only one applicant for the subdivision, where this agreement effects two different properties, and legal issues may arise from encumbering someone else's property who is not part of this application. Commissioner Hirschi said that he disagreed with Lisa's response as the property owner had previously signed the agreement and had therefore already agreed to submit his property to the agreement. Ms. Romney asked about the form and legal status of the referenced Shared Access Agreement. Mr. Snyder said it is his recollection that the Shared Access Agreement just needed to be in recordable form and the original plat was that recordable form. Ms. Romney suggested a 7th condition be added that Staff research and report back to the Planning Commission on the form and status of the Shared Access Agreement.

Chair Hayman made a motion for the Planning Commission to approve the Preliminary Plan for the Boulder Condominium Subdivision, with conditions (1)-(7) below and Reasons for Action (a) and (b). Commissioner Hirschi seconded the motion which passed unanimously (5-0).
1. A Final Subdivision Application shall be submitted in accordance of CMC 15.04 of the Subdivision Ordinance.

2. The drafted HOA and CC&R’s documents are to be deemed acceptable by the City Attorney prior to final subdivision plat review by the Planning Commission.

3. The Final Plans shall be submitted to the City Building Official and South Davis Metro Fire District for compliance with any related building and fire code provisions regarding the conversion of the building into condominium spaces.

4. The applicant shall obtain written confirmation regarding compliance with applicable building and fire code provisions.

5. The parking capacity and limitations are to be spelled out in the associated CC&R’s to inform future buyers to minimize conflicts between potential various owners within the building and added as a note on the plat.

6. All existing easements of record must be shown on the plat.

7. Staff will research and report back to the Planning Commission on the form and status of the Shared Access Agreement.

**FINAL SUBDIVISION – RIGBY COURT- 150 E JENNINGS LANE**

The owner, Fred Hale, has previously received comments from the DRC regarding his preliminary plans for a four-lot subdivision. Mr. Snyder reported that Staff recommends approval of the Final Subdivision Plat and Plans, on condition that the Final Plat provide a plat note indicating that a City right-of-way “encroachment permit” is required for construction of and use of the alley’s drive access point form the public roadway, and that Weber Basin Water provide written acceptance of the secondary water infrastructure plans to establish this service to the subdivision prior to the recordation of the subdivision plat with Davis County. Mr. Snyder and Vice Chair Daly recapped previous issues that had arisen about installing sidewalks in front of the subdivision. Mr. Snyder explained again that the ordinance currently requires sidewalks unless in an area where sidewalks are not required. Currently, there are no areas expressly defined as not being required to install sidewalks.

Owner Fred Hale said that since the last time he was before the Planning Commission he met with Weber Basin Water and had the route for the secondary water planned, but is waiting for Weber Basin to help them with design. He said he expects a letter in the next week or two to come from Weber Basin Water which should resolve this. He stated that he planned on putting in sidewalks from the beginning of the process. He acknowledged that he needs a permit for a private lane and needs to have it noted on the plat. Other than those items, Mr. Hale said he is ready to proceed with construction.

Commissioner Hirst asked if the engineer reviewed construction of homes versus stability of the road as was talked about previously. Mr. Snyder explained it had been determined that right-of-way widths can be reduced in the Hillside Overlay Zone below the 50 foot width normally required, but fills, when the width is reduced, still need to be able to be within the right-of-way to keep the road stable. Given these ordinance requirements, Mr. Hale is going to build a 50 foot right-of-way road and he is not asking for a reduction. In addition, as part of the front utility easement there will be an additional slope stability easement along the lot frontages to cover the
1. The Final Recordable Subdivision Plat shall reflect the lot layout and engineering dated December 27, 2017, or as amended by the City in preparation of its recording.
2. The Final Plat shall provide a plat note indicating that a City right-of-way "encroachment permit" is required for construction of and use of the alley’s drive access point from the public roadway.
3. Weber Basin Water shall provide written acceptance of the secondary water infrastructure plans to establish this service to the subdivision, prior to the recordation of the subdivision plat with Davis County.
4. The subdivision construction plans shall be deemed acceptable to the City Engineer prior to recordation of the subdivision plat with Davis County.
5. A Final Paper Plat shall be submitted to the City Recorder’s office to be reviewed by the City staff to ensure plat compliance with City’s approved format, approval final layout, survey standards, and owner dedications. Such paper plat shall be deemed acceptable by the City Attorney and City Engineer prior to preparation and submittal of the final recordable linen plat to the City.
6. A Preliminary Title Report shall be submitted to the City with the Final Paper Plat Submittal to the City Recorder.
7. The required improvement bond and associated fees shall be prepared, reviewed, and paid prior to the recordation of the subdivision plat with Davis County.
8. After the plat recording, a preconstruction meeting shall be held with the City that includes all parties that are installing the public and utility service infrastructure.

Reasons for the Action
a) The Planning Commission finds that Final Plat and Plans are consistent with the previous Conception Plan Acceptance directives and Preliminary Subdivision Plan Approval.
b) The Planning Commission finds that the final subdivision complies with the applicable regulations of the subdivision and Hillside Overlay ordinances.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the January 10, 2018 meeting were reviewed and amendments suggested. Commissioner Hirschi made a motion to accept the minutes as amended. Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

COMMUNITY DEVELOPMENT DIRECTOR’S REPORT
Cory Snyder reported on upcoming issues that will be coming before the Planning Commission.

The next Planning Commission meeting is scheduled for Tuesday February 13, 2017.

**ADJOURNMENT**

At 8:13 PM, Commissioner Wright made a motion to adjourn the meeting, Chair Hayman seconded the motion, which passed by unanimous vote (7-0).

Cheylynn Hayman, Chair

Avalon Comly, Recording Secretary

Date Approved 3-6-18