

1 PLANNING COMMISSION MINUTES OF MEETING

2 Wednesday, May 10, 2017

3 7:00 p.m.

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah, the meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 MEMBERS PRESENT

9 David Hirschi, Chair

10 Cheylynn Hayman, Vice Chair

11 Kevin Daly

12 Kathy Helgesen

13 Gina Hirst

14 Becki Wright

15
16 MEMBERS ABSENT

17 Logan Johnson

18
19 STAFF PRESENT

20 Cory Snyder, Community Development Director

21 Cassie Younger, Assistant City Planner

22 Luanne Hudson, Recording Secretary

23
24 VISITORS

25 Interested citizens (see attached sign-in sheet)

26
27 PLEDGE OF ALLEGIANCE

28
29 OPENING COMMENT/LEGISLATIVE PRAYER – Commissioner Hirst

30 Chair Hirschi noted for the record that prior to the Planning Commission meeting a
31 public forum was held in which Centerville City residents were invited to give their input on the
32 future development of the Pages Lane commercial area. He expressed gratitude for those who
33 attended and provided their comments.

34
35 MINUTES REVIEW AND APPROVAL

36 The minutes of the Planning Commission meeting held April 12, 2017 were reviewed and
37 amended. Commissioner Hirst made a **MOTION** to approve the minutes as amended.
38 Commissioner Hayman seconded the motion and the motion was approved unanimously (6-0).

39
40 The minutes of the Planning Commission meeting held April 26, 2017 were reviewed and
41 amended. Commissioner Helgesen made a **MOTION** to table the minutes in order to have a
42 second opportunity to review the significant amendments. The motion was seconded by
43 Commissioner Daly and it passed unanimously (6-0).

44
45 PUBLIC MEETING – FINAL SUBDIVISION – CHITOSE JOHNSON SUBDIVISION –
46 1150 South 240 East, Administrative Decision, Consider the proposed nine-lot, single-
47 family subdivision. Ronn Marshall, Applicant

48

1 Assistant City Planner Younger described the status of the project and indicated the
2 applicant is now seeking approval of the Final Subdivision application. The applicant plans to
3 create a nine lot single-family subdivision behind the commercial area on the south side of Pages
4 Lane. The Conceptual Subdivision Plan was approved by the Planning Commission on February
5 8, 2017. The rezone of the property from R-M to R-L was approved by the City Council on
6 February 21, 2017. The Preliminary Plat was approved by the Planning Commission on April
7 12, 2017. Assistant Planner Younger said the City Engineer will review and determine his
8 approval of the construction drawings. She said everything, from a zoning standpoint, that
9 needed to be changed on the plat has been finished. Chair Hirschi asked if the Commissioners
10 had any questions for Staff. Hearing none, Chair Hirschi asked if the applicant had any
11 comments and the applicant said no.
12

13 Chair Hirschi opened the public hearing at 7:32 p.m. Seeing no one wishing to comment,
14 Chair Hirschi closed the public hearing at 7:32 p.m.
15

16 Commissioner Helgesen made a **MOTION** for the Planning Commission to recommend
17 approval to the City Council for the Final Subdivision Plat for the Chitose Johnson Subdivision,
18 located at 1150 South 240 East, subject to conditions (1-6) and the reasons for action (a-d) as
19 listed in the Staff Report. The motion was seconded by Commissioner Hayman and it passed
20 unanimously (6-0).
21

22 **Conditions:**

- 23 1. Final Subdivision Plat and Construction Plans shall be submitted in accordance with
24 Chapter 15-4 of the Subdivision Ordinance.
- 25 2. Unless otherwise agreed to by the City, the temporary turn-around and access easement
26 should be shown and labeled on the Final Plat, but can be vacated or released by the City
27 upon developer's completion of the public improvements for the subdivision.
- 28 3. Prior to or concurrent with Final Plat review, developer shall obtain required approvals
29 for the proposed vacation of a portion of the 35' wide perpetual right-of-way and public
30 utility easement currently recorded against the property, and shall vacate the public right-
31 of-way easement prior to recording, as deemed acceptable by the City Attorney.
- 32 4. Street, Utility, and Drainage improvements must be submitted with the construction
33 drawings and approved by the City Engineer prior to recording the Final Plat. The lowest
34 elevation of all storm drains and subdrains needs to be verified for drainage issues.
- 35 5. Flood plain classification and survey shall be noted on plat prior to recording.
- 36 6. Existing deferral agreement for public improvements associated with the previous
37 subdivision of property shall be addressed by the developer and confirmed with the City
38 Attorney prior to final plat recording, as deemed acceptable by the City Attorney.
39

40 **Reasons for the Actions (Findings):**

- 41 a) The Final subdivision appears to be consistent with the General Plan.
- 42 b) The Final subdivision complies with applicable provisions of the Centerville Municipal
43 Code, Title 15 (Subdivisions).
- 44 c) The subdivision meets all the Development Standards laid out for an R-L Zone in CZC
45 12.32.300.

- 1 d) The applicable review standards of the Subdivision ordinance pertaining to a Final
2 Subdivision, Title 15-4 have been reviewed and directives established to allow the
3 proposal to proceed to Final Subdivision Plat submittal.
4

5 **PUBLIC HEARING – ZONE MAP AMENDMENT – APPROX. 525 W LUND LANE,**
6 **Legislative Decision, Consider the proposed zoning map amendment for Parcel Number**
7 **07-070-0032 from Agricultural-Low (A-L) to Residential-Low (R-L). Brighton Homes,**
8 **Applicant**

9 Community Development Director Snyder reported on the application for a Zoning Map
10 Amendment received from Brighton Homes, representing property owner John Higley. Brighton
11 Homes is requesting a rezone of the subject property on Lund Lane from Agricultural-Low (A-L)
12 to Residential-Low (R-L). Mr. Snyder said the applicant wants to divide the parcel into five or
13 six single-family residential lots. Currently, the property contains an agricultural use (i.e.
14 intermittent boarding of horses) and an accessory building. The surrounding area consists of A-L
15 Zoning, mostly vacant with some scattered single-family home development. In the recent past,
16 the Woods Parks Subdivision (a planned development), located a short distance to the west at the
17 corner of Lund Lane and the Frontage Road, was rezoned from A-L to R-L and developed with
18 29 single-family lots.
19

20 Mr. Snyder said the areas north of Jennings Lane are a mixture of residential and
21 agricultural low zones. He said the guidance from the General Plan is to let agricultural zone
22 uses transition over time into other low density residential uses. Mr. Snyder said if the City is
23 considering rezoning this property from A-L to R-L, now is the time to also consider planning
24 for a road connection between Lund Lane and 400 West. He said issues to be considered
25 include:
26

- 27 • The City's Streets Master Plan, which depicts an alignment of 400 West along the old
28 Bamberger rail line
29 • Alignment of local street connections between Centerville and Farmington to avoid
30 conflicting left-hand turns
31 • Costs associated with these road connections and needed utility services
32 • Management of Lone Pine Creek which flows down the south side of Lund Lane
33

34 Commissioner Hayman asked Mr. Snyder to clarify her recollection that the Planning
35 Commission had earlier considered an application for a zoning change along an eastern stretch of
36 Lund Lane. Mr. Snyder said yes and ultimately the City Council turned it down. He said his
37 recollection of why the rezone was denied was because the adjacent neighbor presented a
38 compelling argument about encroachment issues and the maintenance of agricultural zoning.
39

40 In response to a request for clarification from Commissioner Daly, Mr. Snyder said
41 Agricultural Low (A-L) zoning is set at two units per acre, half-acre lot minimums, no gross
42 density, and no conditional use. He said by contrast Residential-Low (R-L) zoning is four units
43 per acre with no conditional use.
44

45 Chair Hirschi invited the applicant to make a statement. Shawn Park said Brighton
46 Homes wants to develop six residential lots on the property. He said their master plan shows the
47 road lining up with 400 West but said that requires agreement from adjacent property owners.

1
2 Chair Hirschi opened the public hearing at 8:01 p.m.
3

4 Bill Wright lives on Lund Lane and owns the Bamberger property. He said he has been
5 there for thirty-two years and has never had flooding problems until the Woods Park project was
6 developed. He asked the applicant if the Brighton Homes development was going to consist of
7 single-family homes. The applicant answered yes.
8

9 Rebecca Garlick is the daughter of an adjacent property owner. She said they are having
10 drainage issues and the only reason they haven't had flooding is because her dad has worked
11 tirelessly over the past few months to fix the drainage issues caused by the Woods Park
12 development. She said he has paid out-of-pocket to fix the problems.
13

14 Allison Garlick reflected on her many happy years of living on her parents' small rural
15 property and questioned whether the transition to residential use has to come at this time. She
16 asked whether it was a question of financial gain or what was good for the community.
17

18 Property owner John Higley said he has owned the subject property for twenty years and
19 has been trying to sell the property for about eight months. He said because the development of
20 the utility infrastructure is so expensive, from \$150,000 to \$200,000, it is cost prohibitive for any
21 buyer to build only one house on the property. He said the only option that makes financial sense
22 is to put six houses on it to help cover the cost of the development of the public utility
23 infrastructure. Mr. Higley said the City's master plan shows that this area is moving towards
24 residential-low use. He said it is advantageous for the City and for the adjacent property owners
25 to have Brighton Homes make the improvements and install the public utility infrastructure. He
26 said he is not asking to change the lifestyles of the surrounding property owners, but he is
27 looking for a cost effective way to sell his property, make it economically feasible for a
28 developer and bring some nice homes into the community.
29

30 Dee Evans said he is against the rezone of Mr. Higley's property and he has no intention
31 of selling his property. He said his property is being flooded by the Woods Park homes and the
32 drainage system does not work.
33

34 Trish Evans said one third of their lot is under water because of drainage from the Woods
35 Park Subdivision. She said they can't pasture their cows, so they have to keep their barn filled
36 with hay and that costs them money. She is against the rezone because the drainage issues from
37 the previous rezone and the subsequent development have not been fixed.
38

39 Heather Garlick said her concern about this rezone is based on her bad experience with
40 the Woods Park development. She said the original plan for Woods Park was for quarter acre
41 lots, then a high-density overlay allowed twenty nine homes in the little corner behind her
42 parents' home. She said her father could see that drainage was going to be an issue so he put new
43 drains along the entire length of their property. She said they still have seven inches of water in
44 their horse pasture right now. She asks if the current rezone is approved, what guarantee do the
45 adjacent property owners have that the developers are not going to use a high-density overlay to
46 build more than six homes.
47

1 Matt Brown lives at Woods Park and said he has noted first-hand the problems created by
2 the development for his neighbors the Wrights and the Garlicks. He said he does not blame the
3 Planning Commission or the City because a plan was in place but it was not executed properly
4 by the builder or developer.
5

6 Seeing no other members of the public wishing to comment, Chair Hirschi closed the
7 public hearing at 8:24 p.m.
8

9 Mr. Snyder gave an update on the current storm water drainage issues at the Woods Park
10 development. He said Woods Park has not finalized their improvement plan with the City or
11 closed out development of the infrastructure on their project. He said the installed land drain
12 should pick up the drainage but it is not functioning properly yet. He said the City Engineer and
13 Drainage Utility Manager looked at the site and concluded the land drain installations are
14 probably correct but areas need to be regraded so the water will hit the land drains. He said there
15 was an offer to Mr. Evans to install a separate land drain or an extension of a drain line and Mr.
16 Snyder anticipates a solution can be achieved this spring. Mr. Snyder confirmed the Woods Park
17 development bonds are still in place.
18

19 Commissioner Wright asked Staff if property owners who have sustained damages can
20 recover their costs. Mr. Snyder said if the City approves the system they could register a claim
21 with the City if it seems that approval was in error, Once the system is installed and accepted by
22 the City, their available recourse would be a claim with the private entity that is now Oakwood
23 Homes. He explained this area is in a flood plain from Lone Pine Creek and said flooding has
24 been an issue for the area since before the Woods Park development was built. He said the
25 Woods Park developer committed to installing the needed pipe size that feeds under the
26 UTA/Union Pacific rail corridor. It was a \$300,000 job, and the developer and the City split the
27 cost. He said that takes care of a majority of the water that comes out of Lone Pine Creek. He
28 said the drainage issue that has not been resolved involves the surface storm water runoff that is
29 supposed to hit the land drains. He said this issue is on the City Engineer's punch list.
30

31 Mr. Snyder said with correctly installed land drains and good storm water management, it
32 will mitigate concerns with surface water runoff. He said the City owns and maintains many land
33 drains inside of developments, for example, in the middle of the Walmart development. He said
34 without land drains much of the land west of Main Street could not be developed. He said due
35 diligence is needed to make sure that developments tie into the storm drain water system.
36

37 Chair Hirschi asked the applicant if he would like to respond to public comments.
38

39 Shawn Park said Brighton Homes will work with the City to address water drainage
40 issues and learn from the problems of the previous developer so they don't have the same issues.
41 He restated the City will benefit from this development because Brighton Homes will develop
42 the public utilities and work with the surrounding property owners on roads.
43

44 Commissioner Daly asked the applicant a question he said was originally raised by Mr.
45 Evans. If the developer cannot acquire more land from property owners on the east or west, how
46 will they structure road access and still maintain lot sizes and frontages? The applicant said
47 Brighton Homes assumes there will be some odd shaped lots but says they will adhere to the

1 City's standards for lot sizes, access and frontage. He said since they are still in the preliminary
2 planning stages they felt it was better to address the rezone issue before working out the road
3 logistics.
4

5 Commissioner Daly asked Mr. Snyder about the minimum road width that would be
6 permitted and Mr. Snyder said 60 feet from back of sidewalk to back of sidewalk. Mr. Snyder
7 said the project has the density for six units but by the time you figure the roadway alignments,
8 the improvements, and the connections, it may cut back to five units. He said that is the risk the
9 developer considers in determining if the project is feasible and cost effective. He said whether
10 the property is developed with one house or six, all the infrastructure has to be installed.
11

12 Commissioner Wright said the area still has drainage issues that are not resolved and she
13 is concerned that if the Higley property is rezoned and developed, it may create additional
14 drainage issues. She said that creates an undue burden on neighbors who are already trying to
15 deal with drainage issues. Mr. Snyder said he is confident the existing drainage issues can be
16 resolved.
17

18 Commissioner Wright made a **MOTION** to recommend denial of the Zone Map
19 Amendment from A-L to R-L for the parcel number 07-070-0032 located along Lund Lane. The
20 motion was seconded by Commissioner Daly.
21

22 Chair Hirschi asked for debate among the Commissioners and started the discussion by
23 saying it is a fundamental right to use private property in the way the owner sees fit. He said he
24 would not favor an outright denial of the zoning change at this time. He would like to see further
25 investigation, additional data and further review into ways the issues can be mitigated.
26 Commissioner Hirst agreed.,She said she would like to see more detail on the proposed road
27 configurations and said was inclined to table the request.
28

29 Commissioner Wright followed up on a question she said had been asked by one of the
30 public speakers about how to safeguard density and prevent the building of more homes on the
31 property. Mr. Snyder described a check point system and twenty percent bonuses.
32

33 Commissioner Helgesen expressed a concern that the property owner would not likely be
34 able to develop the property without the change because it would be cost prohibitive.
35 Commissioner Daly said he agrees that property owners have the right to develop their property
36 in the way they see fit and this property owner has the right to develop this property with its
37 current zoning of A-L. Mr. Daly does not support the zoning change because he says it is the
38 kind of hodge-podge, piecemeal type of rezone and development that causes problems five, ten
39 or fifteen years down the road. He said he favors a more encompassing, holistic approach.
40

41 Commissioner Wright agreed with Commissioner Daly and talked about the dangers of
42 creating a zoning island with an R-L Zone surrounded by A-L Zones. She said her second
43 concern is allowing further development in the area where the Woods Park Subdivision drainage
44 issues have not yet been resolved. She wondered if tabling would be the right action. Mr. Snyder
45 advised against tabling and suggested the Commissioners move forward with a denial or
46 approval.
47

1 Commissioner Hayman said she sympathizes with Mr. Higley, who is being told he has
2 to pay large utility infrastructure costs whether he builds one house or five houses on his lot. She
3 said she is torn because rejection of the amendment limits the options of the property owner.
4 While she was sympathetic to the concerns neighbors expressed regarding drainage issues,
5 Commissioner Hayman indicated that she would not be inclined to deny the requested rezone on
6 that basis in light of evidence presented that the City Engineer and Woods Park would be able to
7 effectively resolve those drainage issues. Nevertheless, Commissioner Hayman stated that she
8 was inclined to deny the request on the basis that the requested rezone would create an island
9 parcel, which could negatively impact the Evans' property to the west.

10
11 Chair Hirschi reminded the Commissioners that says there was a **MOTION** to deny
12 before the Commission and since this was a legislative decision, the Commissioners needed to
13 articulate the reasons for action (a-e) as suggested and amended by the Commissioners. The
14 motion passed (4-2) with Commissioners Hirschi and Helgesen voting against.

15
16 **Reasons for the Action:**

- 17 a. Creation of an island of Residential-Low (R-L) Zone surrounded by Agricultural-
18 Low (A-L) Zone
19 b. Piecemeal approach to planning creates adverse effects in the long term and is not
20 consistent with planning practices laid out in the General Plan
21 c. The development is not harmonious with the overall character of the existing
22 development in the vicinity of the subject property
23 d. The proposed amendment may adversely affect adjacent properties
24 e. Unresolved drainage issues from the Woods Park Subdivision

25 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

26 Items to be covered in the next Planning Commission Meeting:

- 27
28 • Bridge Community Church in I-H Zone
29 • Review the Planning Commission's list of goals
30

31 Chair Hirschi asked that another item be added to the agenda for the next meeting of the
32 Planning Commission. He asked Staff to provide a general report on the surveys and other
33 information gathered at the May 10 public forum on ideas for development in the Pages Lane
34 commercial area. He asked all Commissioners to help by compiling their notes plus any emails
35 or comments they received from the public and emailing them to Mr. Snyder and also to the
36 other Commissioners. Mr. Snyder said Staff will categorize and filter the data to look for
37 emerging themes. Several Commissioners mentioned that they heard favorable comments
38 expressing thanks for holding the public forum.

39
40 Commissioner Wright asked Staff if there were any other proactive planning items, like
41 the Planning Commission's list of annual goals that could be added to the agenda for the next
42 meeting. Mr. Snyder said he would bring the minutes and to-do list from the Planning
43 Commission's meeting with the City Council for the Commissioners to review.
44

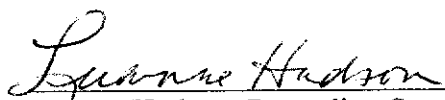
45 **ADJOURNMENT**

1 Commissioner Helgesen made a **MOTION** to adjourn. Commissioner Hayman seconded
2 the motion, which passed unanimously (6-0). The meeting adjourned at 9:24 p.m.
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4

5
6 
7 _____
8 Chair David Hirschi
9

5-24-2017

Date Approved

10
11 
12 _____
13 LuAnne Hudson, Recording Secretary

