PLANNING COMMISSION MINUTES OF MEETING

Wednesday, July 22, 2015
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 7:15 p.m.

MEMBERS PRESENT
Cheylynn Hayman
David Hirschi, Chair
William Ince
Logan Johnson

MEMBERS ABSENT
Gina Hirst
Scott Kjar
Kevin Merrill

STAFF PRESENT
Corvin Snyder, Community Development Director
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER
Commissioner Ince

MINUTES REVIEW AND APPROVAL

Chair Hirschi made a motion to table the review and approval of the July 8, 2015 Planning Commission minutes until more Commissioners are present and the City Council has had time to review and approve the work session portion of the minutes. The motion was seconded by Commissioner Ince and passed by unanimous vote (4-0).

PUBLIC HEARING | YOUNGBLOOD EQUIPMENT/STORAGE YARD

Consider proposed Conceptual Site Plan on property located at approximately 650 North 1250 West, for the purpose of an equipment/storage yard. Donald Youngblood, Property Owner & Applicant.

Brandon Toponce, Assistant Planner, reported the applicant’s property has been involved in an ongoing enforcement regarding the use of the property without proper approvals. The property has been used for the storage of vehicles and storage containers filled with equipment and vehicles for racing. The applicant now desires to receive approval from the Planning
Commission. The Zoning Ordinance prohibits the use of automobile wrecking yards and junk/salvage yard. The Zoning Ordinance does not specifically call out outside storage as a primary use. The applicant will need to verify a primary use (approved by Zoning Administrator) for the property then the secondary use of outside storage may be utilized. The applicant will be limited to specific uses permitted on the Table of Uses unless the applicant seeks an amendment to the Zoning Code. The proposed plans appear to meet the goals and objectives of the General Plan as the applicant will be upgrading the lot from a vacant parcel of weeds to a storage area with landscaping and screening. In the future, the applicant plans to construct a building on the vacant lot in addition to the outdoor storage. The applicant will be required to meet all applicable landscape standards and submit a finalized landscape plan with the final site plan. The applicant plans to screen the site with a powder coated chain link fence with slats. The storm drainage plan will need to be verified by the City Engineer and a bond will be required for any improvements in the public right-of-way.

Donald Youngblood, applicant, said he has owned this property for 20 years and would like to use it for his personal hobby. He said his daughter races cars at the Salt Flats and he uses this site to service and store those vehicles. He said he plans to screen the entire site with chain link as discussed and will install landscaping and gravel/pavement as required. He plans to seek approval from the Zoning Administrator regarding a primary use as listed on the Table of Uses.

Chair Hirschi opened the public hearing.

Mark Gabriel asked if the landscaping will be watered. The applicant, Mr. Youngblood, said he has no intention of letting the landscaping die. It will be watered.

Seeing no one else wishing to comment; Chair Hirschi closed the public hearing.

Commissioner Johnson made a motion for the Planning Commission to accept the conceptual site plan for the Youngblood Outdoor Storage, to be located at 650 North 1250 West, with the following conditions:

Conditions:

1. The outdoor storage shall be utilized by Mr. Youngblood for the use of storage containers and working vehicles. The lot shall not be used as a junk and salvage yard, wrecking yard or a public storage facility.

2. A permitted use review or a Zoning Code Amendment shall be pursued by the applicant to establish a primary use on site, prior to receiving final site plan approval. Specific items to be stored on site shall be submitted as part of the “use” interpretation.
3. The applicant shall submit a Final Site Plan application meeting the standards found in Section 12-21-110(e) of the Zoning Ordinance.

4. A revised landscaping plan shall be submitted showing 10% of the property in landscaping and meeting all required tree counts.

5. A bond shall be posted for all landscaping improvements located along 650 North and 1250 West.

6. The storage area shall be completely screened from view with an opaque fence or wall.

7. The driveway leading into the storage area shall be constructed with concrete and meeting all City Standards. The City Engineer has stated that this shall be assessed prior to any development taking place.

8. Mr. Youngblood shall address the surfacing improvements within the storage area with a material that is acceptable to the Public Works Director and the City Engineer.

9. If the applicant fails to improve the land and abide by the conditions set forth, enforcement procedures concerning the unapproved storage will commence.

10. All storm drainage shall be properly addressed to meet all City Standards and shall be approved by the City Engineer.

Reasons for the Action (Findings):

1. The conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d)(2)].

2. According to Table 12-35-1, outside storage is a permitted use as long as it meets all screening standards found in Section 12-51-110(b) of the Zoning Ordinance.

3. All required landscaping must be found on site [Section 12-51-070(d)(1)]

4. Applicable Development Standards for the I-H Zone have been reviewed [Chapter 12-35].

The motion was seconded by Commissioner Ince and passed by unanimous roll-call vote (4-0).

PUBLIC HEARING | PORTER LANE TOWNHOMES | 564 WEST PORTER LN -
Consider (1) Conditional Use Permit to allow the density of eight (8) units per acre in the R-M Zone (postponed from June 24, 2015 Planning Commission Meeting); and (2) Final Site Plan for the Porter Lane Townhomes located at 564 West Porter Lane (400 South). Project includes a 46-unit townhome community, and one existing single-family dwelling. Taylor Spendlove, Brighton Development Utah, LLC, Applicant.

Cory Snyder, Community Development Director, reported the applicant proposes to develop a multi-family townhome style community. The proposed development will include 46 townhomes (10 buildings) and one large single-family home (existing), for a total of 47
dwellings on 6.16 acres (i.e., 7.62-units per acre). All dwellings will be served by a private internal roadway with two access points on Porter Lane. Staff suggests eliminating the internal sidewalk loop in order to lengthen the driveway depths and increase the external perimeter sidewalk by linking the internal walks which in turn would provide access to the sidewalk system from all units. The applicant has received approval from the Fire Marshal (see Fire Marshal letter dated June 25, 2015) for the proposed development if the applicant is willing to mark the curbs in red and post no parking signs. The Army Corps of Engineers holds a drainage conservation easement on the north end of the property. The applicant proposes to landscape this area and incorporate it into the open green space. The applicant needs only to honor the easement, no official authorization from the Army Corps is needed for landscaping. The drainage plan for the site has been reviewed by the City Engineer and some corrections will be required to ensure proper storm water management.

Mr. Snyder explained there were a number of concerns raised during the conceptual site plan process including open space, traffic, road width, etc. He reminded the Commission to review the layout and design against current Zoning Ordinances. The applicant has submitted a plan that substantially complies. He cautioned the Commission that some changes could produce a design that is less desirable and/or less compatible with surrounding uses. For example, requiring more open space and wider roads may push a developer to build 3-story townhome buildings with carports and parking lots. He said larger buildings and centralized parking has a much different feel than the proposed linear townhome development. Mr. Snyder said both these types of developments (linear townhomes vs. townhome buildings) already exist in Centerville. He shared pictures of both Florentine Townhomes (linear) and Pineae Village (buildings) and asked the Commission which product may be most compatible for the Porter Lane area. Staff believes the proposed project is a better product for the proposed area. Mr. Snyder explained a traffic study was performed by the applicant as requested. The study concludes there is adequate capacity on Porter Lane and on 400 West to accommodate the proposed development. The intersection at Porter Lane and 400 West is currently classified as a level "C" which is a concern to the City. The City may choose to conduct an additional traffic study in the future for the purpose of installing a traffic signal at this intersection. Staff would like to reserve the right to require the applicant, Brighton Homes, to contribute their proportional share to this future improvement.

Chair Hirschi expressed concerns with the traffic study performed. He said the study did not include impacts that may occur on the Frontage Road, the traffic sampling recorded was limited and there were numerous typographical errors. He said it does not seem the study was adequate or well produced. He said the study concludes this development will have "no impact." He said this cannot be correct; any development, no matter how large or small, will have an impact. Mr. Snyder said the City Engineer is currently reviewing the traffic study. He agreed the proposed development will have an impact, but it is minimal compared to the current traffic
issues that exist due to the commercial uses in the area. He said the "no impact" statement likely
means traffic impacts from the proposed development will not raise above the level "C" that
currently exists.

Commissioner Hayman questioned if there are other developments within the city that
use red curbs and no parking signs and if these are followed. She also questioned what "aesthetic
impacts" means and what the Commission is looking for with regard to aesthetics. Mr. Snyder
said there are a few developments that use no parking signs. He explained the Fire Marshal is
only trying to provide the ability to clear the road if necessary. He agreed enforcement is not
easy or likely but these measures will provide the ability to legally tow vehicles in the case of an
emergency. Mr. Snyder explained that "aesthetic impacts" includes colors, architecture, roof-line,
materials, etc. He said this provision provides the Commission an opportunity to ensure a
development is compatible with surrounding uses.

Craig Call, Attorney for Applicant, said the Planning Commission has already accepted a
conceptual site plan for this development. He said this means the Commission has already agreed
that this development is compatible with its surroundings and complies with current ordinances;
therefore, this development is entitled to approval. He said at this point, the Commission is just
looking at possible negative impacts to decide how these impacts may be mitigated, not
eliminated. He said traffic is one of those impacts and the traffic study has shown there is
adequate service in the area to accommodate the proposed development. In addition, the
aesthetics are appropriate according to current ordinance. He said the courts have made it clear
that if a development is not illegal, then it should be allowed. With regard to the requested future
contribution for a possible traffic signal at Porter Lane and 400 West, Mr. Call asked if there is
an ordinance that requires this or a precedent for such.

Patrick Scott, applicant, said the project has not changed much from the conceptual plan
with the exception of eliminating two (2) units and consolidating the open space into a larger
more usable area with tot lot and gazebo. He said other open spaces within the project include a
dog park and the canal area (Army Corps easement) on the north property line. He explained
they added the interior sidewalk due to safety concerns raised at the last Planning Commission
meeting; however, they do not share these concerns and would prefer to eliminate the interior
sidewalk as suggested by staff in order to increase driveway depth and increase green space. He
said this is a better look and feel for the community. He also said it is more common in existing
townhome developments in Centerville to have sidewalk on only one side. Current ordinances do
not require sidewalks on both sides of a street. He also said they would prefer not to paint the
curbs red for aesthetic reasons. They would prefer to stencil red no-parking lettering on curbs
which is less glaring. Mr. Scott said it was his understanding that the majority of the traffic
concerns were related to 400 West and not the Frontage Road. This is why they asked their
traffic engineer to focus the study on 400 West and Porter Lane. He agreed the traffic in the area
is already a problem due to the impact of commercial uses in the area. He said their proposed
development will not significantly impact the traffic. He does not feel it is their responsibility nor
burden to contribute to a traffic signal which is warranted even without their development. He is
also concerned because there is no standard for how their portion would be calculated. He said
these types of improvements should be anticipated and required as part of zoning. Mr. Scott said
they have met with the Army Corps of Engineers regarding a dredging plan for the canal. He said
canal maintenance is allowed without permit or prior authorization as long as the materials
dredged are placed upland and not back into a wetland area. He said they have sufficient land to
properly dredge and relocate materials on site. According to the Army Corp this is considered an
allowed maintenance practice.

Commissioner Johnson said the traffic study shows this development will increase traffic
by 18%. In his view, this is more substantial than anticipated. He questioned what Centerville's
traffic impact fee is and/or how a fee may be calculated. Mr. Snyder said Centerville does not
have a traffic impact fee. He said the fee would be minimal taking into account impact
percentages.

Commissioner Ince said he likes how they have consolidated the open space but would
still like to see more. He said the development still seems crowded. Mr. Scott said there is a
balancing act when it comes to open space and housing. He said ordinances require 40%
landscaping and they are at 41%. He said they have already eliminate two (2) units to make the
open space possible.

Mr. Snyder offered a scenario. He suggested the existing single-family home (Mansion)
be demolished and another 4-unit townhome be constructed in its place. This would allow the
applicant to re-add the 2 eliminated units and move 2 other units in order to create a second
usable open space area within the project. Chair Hirschi agreed the Mansion is an issue and is
not compatible with the proposed development.

Mr. Scott said they have not considered this scenario but would not likely be interested in
demolishing the Mansion. He said this scenario would not be financially responsible. He also
explained that the backyard of the Mansion will be fully fenced and screened from view. The
front yard will be part of the homeowners association (HOA) and maintained.

Chair Hirschi opened the public hearing.

Andrea Richmond read written comments from Pam White, president of Centerville's
Florentine Towns HOA. Ms. White raised concerns with eliminating sidewalks, limiting green
space, narrow roads, and visitor parking. She claims the limited sidewalks in Florentine Towns
has made it difficult for residents to get outside safely. She said green space is crucial for community events and activities. She also explained the frustrations of limited visitor parking.

Laura Dudley is a resident of Shaela Park (neighboring community). She is concerned with the lack of balance in this development. She believes there should be less density and more open space. She said the proposed development is not compatible with Shaela Park because it is too dense. Shaela park has 5.33-units per acre and only 4-unit buildings. She agrees there is not enough visitor parking. She said the lack of street parking within the development will push parking to Porter Lane. She is concerned with the accuracy of the traffic study. She said the study was done on July 2, 2015 at 3pm which is not during any peak traffic hours. She said there is significantly more traffic in the area during rush hour time frames, on a Sunday (street parking on Porter Lane is significant near local church), or during the school year. She is concerned with the wetland area and asked if the gates will remain. She expressed concern with the Mansion. She said a contingency should be added that requires the demolition of the Mansion if it is not sold within a reasonable time frame.

Dean Williams, a retired Fire Chief, said he is concerned with the private street width. He explained in a fire emergency the fire department prefers to stack several engines and/or vehicles in order to fight a fire. He said these narrow roads will not accommodate that need for fire equipment if an emergency arises. He said the curbs may be painted red and signs posted but this will not stop people from parking on the street and in an emergency there is no time to tow vehicles. He explained the clearance needs for fire safety vehicles, stating fire service within this development will be difficult. He said when he was growing up in Centerville there were no sidewalks. He said when the City chose to install sidewalks the selling point was safety. He said it is interesting that sidewalks are no longer consider a safety measure. He said no individual should ever have to cross a street to get to a sidewalk. He said anyone that promotes limited sidewalks has never witnessed a child being hit by a vehicle.

Irene Lysenko said Centerville is a great city. She said there is nowhere else that has a small town community feel with easy accessibility to services and Salt Lake City. However, it seems with recent projects that Centerville now has a mantra of pack in as many units as possible on the limited land that is left. She said it seems everyone is aware that this project has problems and yet it is still moving forward. She asked what advantage this project provides to the residents of this community? She asked what advantage this project provides for the surrounding neighbors? She asked what advantage this project provides for the city as a whole? She said it seems the only thing this project is contributing is future problems with traffic, safety, and congestion.

Rick Dudley expressed concern with the Mansion. He said this issue needs a lot more discussion. He said this is a home that will prove difficult to sale. He said this home needs more
property attached to it for marketability. He said no one will want to live in a single-family
Mansion that is close to a multi-family development. He said no one owning a single-family
home will want to drive through a multi-family development to access their property. He said
this just doesn't make sense. He also said the Mansion property should be separated from the
townhome property. This would in turn require less density because there would be less acreage
for the townhome portion of the development. He agreed a contingency plan should be
established to deal with the Mansion if left vacant for too long.

Dale McIntyre said the Mansion will likely be very expensive and if he were able to buy
a home of that value he would not want to live next to a multi-family community. He said it is
not reasonable to keep the home.

Bruce Madsen asked how much the proposed townhomes will cost. He said this
development seems similar to Foxboro in West Bountiful which has proven to have many
difficulties related to congestion, road width, limited sidewalks, and parking. He asked who is
responsible to make sure HOA's are functioning as they should. He said parking will be a
problem for this development and he agreed any overflow will negatively impact Porter Lane.
He is concerned these issues will diminish the value of the units. He said the project is too dense
and is not compatible with surrounding uses.

Kahl Gubler said the density is not being calculated correctly and that this development is
easily more than 8-units per acre.

Barbara Finn read a statement from Janice Frost, former Shaela Park HOA president,
who is concerned with parking and the narrow street. She said HOAs have a difficult time
compensating for these issues that should have been taken care of during development. She said
issues with parking, red curbing, and limited circulation cause contention with residents and
between residents. She said narrow roads also cause problems with garbage pickup. She would
not be surprised if the private garbage companies refuse to collect garbage on these narrow
roads. This will force the community to install dumpsters which are messy and unsightly. She
said narrow roads also cause problems with snow removal. She expressed concern with the
negative impact this development will have on traffic.

Heather Strasser shared pictures of narrow roads throughout Centerville communities
including Country Cottages, Bamberger Way, and Bellano Way. She pointed out the limited
circulation, parking, sidewalk, and safety concerns. She said the proposed development needs
wider roads and sidewalks on both sides of the street. She is concerned with the driveway length
stating 14-foot driveways are too short. She said there may be garages but these will likely be
used for storage of bikes, outdoor gear, etc. leaving only the driveways for vehicles. She said
residents should be able to park in their driveway without hanging over the sidewalk or into the
road. She shared a picture of Shaela Park pointing out the adequate road width, driveway depths and sidewalk on both sides of the street.

Marti Money raised several concerns. She is concerned with traffic, the Mansion, safety, design, green space, and drainage. She agreed the traffic study was lacking and was not conducted at an ideal time to accurately measure the impacts. She said the Mansion does not belong next to a multi-family development and should be eliminated. She said the density for the townhomes should be calculated with only the acreage that the townhomes sit on and not including the Mansions property. She said the General Plan requires public streets that are 24 feet wide, she agrees the proposed 20-foot roadway is too narrow. She said there should be sidewalk on both sides of the street for safety. She said the Mayor is pro sidewalk and they should not be eliminated. She suggested the developer build single-family homes and not townhomes. She agreed the driveway depth should be increased. She believes the proposed development is too dense to provide the basic amenities that make a community livable and walkable. She said the green space should be larger and more useable. She agreed the new design is better, but believes more can be done. She is concerned with the canal on the north boundary line stating she would like to know the status of the “jurisdictional delineation.” She is concerned with water table and clean water issues.

Robyn Mecham said she is concerned with the impacts this development will have on traffic. She said the Wasatch Front Regional Council did a study in 2012 which showed that a typical residence in Centerville makes 12 vehicle trips per day. She said that would calculate to 526 trips per day for this proposed development. She said this is a significant traffic impact. She shared an analogy. She said if a reservoir is already full of water it doesn’t matter how big or small an incoming stream is, it will still cause the reservoir to overflow. She said adding an additional 526 trips to an already busy Porter Lane and 400 West is too great.

Brita Johnson said she does not like the Mansion. It does not make sense with the proposed development. She agreed a contingency plan would be appropriate. She said an 18% increase in traffic is significant. She agreed the traffic study was inadequate and the several typographical errors make her doubt the integrity of the report. She does not feel the traffic concerns have been properly mitigated. She too agrees the roads are to narrow and that eliminating sidewalk is a safety issue. She also believes the project is too dense.

Seeing no one else wishing to comment; Chair Hirschi closed the public hearing.

Mr. Call asked in what way the proposed application does not conform to current ordinance. He said there have been many issues raised which may be of concern for future developments and which may require some changes to the City’s ordinances, but according to current ordinance this development complies. He said this development is consistent with the
conceptual site plan already accepted and meets density allowances. He said the potential negative effects have been identified and mitigated. He said this is an optimal configuration for the market and has adequate green space, roadways, landscaping, and parking.

Mr. Snyder verified the jurisdictional wetlands have been appropriately studied and the easement covers all issues. Mr. Snyder reviewed the density calculation explaining how gross density is applied according to current zoning ordinances. He agreed the Mansion may not be marketable but said that single-family and multi-family have been mixed together in the past. He said the applicant could come back in the future for an amendment if the home doesn't sell. He explained the proposed layout is optimal for snow removal because of the open space to the north. It is possible to push the snow all the way down the street and stack at the end.

Mr. Scott addressed the Mansion concerns. He said it is in their best interest at this time to keep the home intact. He said the lot size for the Mansion is large enough to accommodate the home and provide a private backyard. He verified the roadway is 24 feet wide and not 20 as mentioned during the public comments. He said any gates located within the wetlands will likely stay. They do not intend to construct anything in that area per the easement; it will only be landscaped. He said the price point for the townhome units will likely fall in the mid $200,000 range.

Chair Hirschi said it was asked who is responsible if an HOA is not functioning correctly. He asked if a condition should be included stating the City will step in if the road is not properly maintained or the Fire Code is not properly followed. Mr. Snyder said roadway maintenance is subject to City Ordinances and enforcement. In addition, the CUP also governs many aspects of the roadway and fire safety. He said it is possible for the City to step in if needed, but generally most HOAs are successful. Mr. Snyder said he believes the loop road is actually a better design for fire safety than a car port/parking lot scenario. He explained the proposed development is over parked and over landscaped. He suggested a provision could be included in the HOA regulations stating garages are to be used for parking and not storage.

Commissioner Johnson said he too is concerned with the traffic study and the small sampling performed. He said 4-units an acre is permitted and the additional 4-units an acre is per the CUP. He asked if the mitigation for traffic impacts includes the entire 8-units per acre or if it is only applied to the 4-units per the CUP. This would calculate to a 9% increase in traffic, not the entire 18%.

Lisa Romney, City Attorney, said the City does not impose any impact fees for streets or transportation. However, if evidence within the record indicates an impact on traffic then the City can require the applicant to provide their proportionate share of that traffic impact. The difficulty with this situation is that the traffic study shows the majority of the traffic impact is
coming from other developments already in the area. If the City Engineer deems it necessary, then the applicant may be asked to contribute. The City Engineer may choose to conduct a separate traffic study in order to provide additional information. The Commission could include a condition requesting a contribution from the applicant for traffic impacts if deemed necessary by the City Engineer. If the applicant is opposed he can always appeal the decision to the Board of Adjustment. She agreed the amount would be minimal and would only be applied to the additional 4-units per acre per the CUP.

Commissioner Hayman asked for clarification on the driveway depths. She asked for clarification regarding fire truck access. She asked if there are any other developments near an intersection that were required to contribute to a traffic signal. Mr. Snyder said the driveways are 14 feet deep. If you add the 4-foot sidewalk width then you get 18 feet total. He explained this is why staff is suggesting the elimination of the sidewalk on the interior loop. Then the driveways can be extended to the 18-foot depth without any obstruction (i.e., sidewalk). Mr. Snyder explained there are Fire Code minimum requirements and practical behaviors. The fire department would prefer to stack as many engines and emergency vehicles as necessary during an emergency. The Fire Code minimum is a 20-foot wide road, red curbs, and signage. This development includes 24-foot wide roads and the applicant has stated they are willing to comply with the red curb and signage requirement. Mr. Snyder said there have been other multi-family developments located near intersections in the City but he is unsure how any traffic fees were applied if any.

Chair Hirschi made a motion for the Planning Commission to approve the Final Site Plan for the Porter Lane Townhomes Project, to be located on property at 564 West Porter Lane, with the following conditions:

**Conditions:**

1. The project shall be developed in conformance with the submitted site and elevation plans dated July 1, 2015 (as also reviewed by the Planning Commission 7/22/2015), and as amended with this approval.
2. The final site plan density depicted shall be subject to the review and approval of a Conditional Use Permit Use Density between 5-8 units per gross acre.
3. The final site plan submittal shall be amended to accomplish the following:
   a. Compliance with the South Davis Fire Marshal Letter dated June 25, 2015 and/or as deemed acceptable by the Fire Marshal in accordance with the applicable provisions of the adopted Fire Code.
   b. All above ground utilities for the buildings shall be screened from view from any public right-of-way (see Section 12-51-110.d).
   c. All use of interior development lighting shall comply with Section 12-55-140, Outdoor Lighting Standards.
d. The internal sidewalk system shall be revised, as follows:
   • Provide sidewalks along the outside roadway loop only
   • Adjust the driveway depths to accommodate an 18-foot parking depth and the
     sidewalk system without blocking the walkway with vehicles
   • Connect the interior area walks, through the common space, to the outside
     roadway loop with crosswalks
   • Outside sidewalk loop connects to the public sidewalk system on Porter Lane

4. The project shall be subject to the construction of roadway, utility, and service
   improvements and associated fees and bonding in accordance with applicable City
   Ordinances or laws and deemed acceptable by the City Engineer or other City staff.

5. The project shall secure and provide private refuse (i.e. garbage) service for each
   dwelling inside the development.

6. All signage requires separate permits and are to be approved by the Zoning
   Administrator as part of the sign permit application, and must meet the requirements
   found in Chapter 12-54 of the Zoning Ordinance.

7. The project shall be subject to obtaining a subdivision approval from the City prior to
   selling any parcel, lot, or tract within the development.

8. The policy of no parking on the streets and street maintenance as required by the Fire
   Marshal's letter and existing City Ordinances will be complied with.

9. The traffic study submitted by applicant will be reviewed by the City Engineer and if
   determined by the City engineer that further mitigation is necessary than the applicant
   shall be required to comply with that mitigation requirement.

Reasons for the Action (Findings):

a) The final site plan submittal has adequately shown how the property may be
   developed [Sections 12-21-110.d & f].

b) The development is consistent with the goals and objectives found within the
   Centerville City General Plan [Section 12-480-3].

c) The final site plan substantially reflects the conceptual plan acceptance of June 24,
   2015.

d) The proposed final site plan, with the conditions listed, meets the applicable
   Development Standards for the R-M Zone, Off-Street Parking, and the Landscaping
   and Screening Standards of the Zoning Ordinance.

The motion was seconded by Commissioner Johnson.

Commissioner Johnson made a motion to amend to strike Condition #9 from the motion.
He does not believe the level of impact is significant enough to warrant additional mitigation.
The motion to amend died for lack of a second.
Commissioner Hayman agreed she does not want the applicant's traffic study to be the final say regarding possible traffic impacts. Mr. Snyder said the City Engineer will review the traffic study and may request clarification from the traffic engineer. The City Engineer will then decide if additional information is needed and will act accordingly. The applicant does have the ability to appeal any decision to the Board of Adjustment. Chair Hirschi agreed turning the matter over to the City Engineer is the best course of action.

Commissioner Johnson said the proposed project complies with current City ordinances and he does not believe the Commission has the grounds to deny this application. He agreed there may be some weaknesses in the ordinances with regard to road widths, sidewalks, and parking, but those are issues that will need to be addressed separately from this application.

Commissioner Ince said he does not believe the proposed development makes sense and he is frustrated that he feels obligated to approve it. Commissioner Hayman agreed. She also empathizes with the citizens who have raised concerns.

Chair Hirschi called for a vote on the motion. The motion passed by roll-call vote (4-0).

Commissioner Johnson made a motion for the Planning Commission to approve the Conditional Use Permit (CUP) application for the Porter Lane Townhomes Project, to be located on property at 564 West Porter Lane, with the following conditions:

**Conditions:**

1. This conditional use is limited and subject to the development of the property, as submitted and approved with the related final site plan of July 1, 2015, as amended.
2. The density use of the property shall not exceed 47 units and 7.62 units per gross acre.
3. The development shall comply with the Fire Marshal's Letter dated June 25, 2015 and/or applicable fire codes, which at a minimum are:
   a. Marking the private roadway curbs in red, and
   b. Posting the signs relating to the "no parking" restrictions
4. If it is further deemed necessary by the City Engineer, this project be subject to mitigate their direct portion of the traffic generated at the intersection of 400 West and Porter Lane.

**Reasons for the Action (Findings):**

a) According to Table 12-32-1 for the R-M Zone, a use density of 5-8 dwellings may be established through an approved conditional use permit (CUP).
b) A conditional use permit application to consider allowing multi-family density of up to 8 units per acre must address the standards found in Section 12-21-100(e) of the Zoning Ordinance.

c) The property is generally flat and suitable for further development, while the multi-family use and development layout is consistent with the area’s neighborhood plan.

d) The City Engineer, with corrections and changes, has determined that proper drainage for the site is feasible.

e) The traffic study concludes that adequate traffic capacity exists for allowing the proposed development (Level of Service “C”).

f) Compliance with the Fire Marshal’s directives and the parking ratio of over 4 stalls per dwelling, there is sufficient capacity to mitigate the initial concerns regarding access, circulation, and parking.

g) The use of garbage trucks, deliveries, lighting, and other normal residential-type activities are subject to various City Regulations and Noise Ordinances to prevent such activities from becoming a nuisance.

h) With the conditions listed and the development subject to the design and layout of the associated final site plan, the density use approved is deemed appropriate for the property.

The motion was seconded by Chair Hirschi.

Commissioner Hayman made a motion to amend condition #3a to allow the applicant the ability to consult with the Fire Marshal and use red letter stenciling along the curb instead of completely painting the curbs red. She agreed red curbs can be an eye sore and this may be a better option. The motion to amend was seconded by Chair Hirschi and passed by unanimous roll-call vote (4-0).

Commissioner Ince said there are too many issues associated with this development, i.e., sidewalks, parking, road width, driveway depth, etc. He said approving these issues is inviting future problems and he would prefer to table or deny this application. He does not feel the impacts have been properly mitigated. He is in favor of the permitted 4-units per acre only.

Ms. Romney reminded the Commission that any tabling or denial requires reasons from the record that state how the impacts are not appropriately mitigated. Mr. Snyder agreed stating the Commission must explain who is being injured and how.

Commissioner Hirschi said, other than traffic, he does not see any evidence that there is a violation of the ordinances. In his opinion, the traffic has been sufficiently mitigated by requiring further review and approval by the City Engineer. He said he too would deny this application if
there was any substantial evidence showing an impact that has not been mitigated or an issue that
did not meet current standards.

Chair Hirschi called for a vote on the motion as amended. The motion as amended
passed by roll-call vote (3-1). Commissioner Ince opposed.

COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. The next Planning Commission meeting will be Wednesday, August 12, 2015.

The meeting was adjourned at 11:05 p.m.

[Signature]
David Hirschi, Chair

[Signature]
Kathleen Streadbeck, Recording Secretary

8-26-2015
Date Approved
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**Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.**
Diane jarvis
Ed Harrison
Karen Cravens
Bruce massen
Steve Allen
Robyn Meckert
Shanna Chumak
Tim Harris
Ann Tadé
Bret Milburn
Bill Davis
Dale Englebren