

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, January 24, 2018**

3 **7:00 p.m.**

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville, Utah.
6 The meeting of the Centerville City Planning Commission was called to order at 6:56 p.m.

7
8 **MEMBERS PRESENT**

9 Cheylynn Hayman, Chair

10 Kevin Daly, Vice Chair

11 Kathy Helgesen

12 David Hirschi

13 Logan Johnson

14 Becki Wright

15 Gina Hirst

16
17 **STAFF PRESENT**

18 Cory Snyder, Community Development Director

19 Lisa Romney, City Attorney

20 Cassie Younger, Assistant Planner

21 Avalon Comly, Recording Secretary

22
23 **VISITORS**

24 Interested citizens (see attached sign-in sheet)

25
26 **PLEDGE OF ALLEGIANCE**

27
28 **OPENING COMMENT/LEGISLATIVE PRAYER**

29
30 **PUBLIC HEARING – ZONING TEXT AMENDMENT – CHICKEN AND RABBIT**
31 **PERMITS**

32
33 Cassie Younger, Assistant Planner, explained that at the last Planning Commission
34 meeting the Commission discussed the City Council's suggestion to abolish the renewal permit
35 that is currently required for chicken and rabbit owners in Residential-Low Zones. During that
36 meeting of the Planning Commission, the Commissioners agreed with staff that an initial permit
37 should be required for chicken and rabbit owners. The Planning Commission suggested an
38 annual "Chicken Census" be developed, in lieu of a renewal permit, to keep a record of residents
39 who currently have chickens in the community in the case of disease outbreaks related to these
40 animals. Expiration of the initial permit would follow the same rules as an abandonment of use in
41 the Zoning Code – not having chickens for more than twelve (12) months the permit would expire.

42
43 Commissioner Hayman asked if the permit and census would apply only to chickens or to
44 rabbits as well. Ms. Younger replied that the permit and annual census would also apply to rabbit
45 owners.
46

1 Commissioner Wright asked if rabbit owners need a permit for pet use and Cory Snyder,
2 Community Development Director, clarified that owners would only need a permit if the rabbits
3 were being kept for family food use.

4
5 Chair Hayman opened a public hearing at 7:01 p.m., and closed the hearing at 7:01 p.m.
6 seeing that no one wished to comment.

7
8 Vice Chair Daly commented that he feels it is strange to require permits for chickens and
9 rabbits for family food use in Residential-Low Zones but not in Agricultural Zones. He feels that
10 if permits are being required to keep a record of animals in cases of disease outbreaks, then both
11 zones should have permits required. If not, then permits should not be required in either zone as
12 it creates an undue burden for residents in Residential-Low Zones and for Staff.

13
14 Commissioner Wright asked staff how many agricultural parcels there are in Centerville
15 versus Residential-Low parcels. Mr. Snyder responded that he does not know but he reminded
16 the Commissioners that tracking owners of chickens and rabbits in Residential-Low Zones for
17 possible health concerns is not what the permit is for – the permit is for land use. In Agricultural
18 Zones it is assumed that the land is being used for raising animals, whereas that is not the
19 assumption in Residential-Low Zones. The permits were required in Residential-Low Zones
20 because there is a potential impact on the community to using land in those zones for animal
21 production. Mr. Snyder acknowledged, however, that some disconnect still exists in that apiaries
22 are allowed in Residential-Low Zones with no permit, whereas chickens and rabbits still require
23 permits.

24
25 Chair Hayman asked what other cities do in regards to permitting for chickens and rabbits.
26 Mr. Snyder replied that Centerville's permitting process is very similar to other cities.

27
28 Commissioner Wright made a **motion** to recommend to the City Council approval of the
29 amendments to Zoning Code CZC.12.55.240 as shown below, with reasons for action (1) and (2).
30 Commissioner Hirschi seconded the motion.

31
32 (a)(2) ~~An annual~~ A permit shall be obtained from the City as described in CZC 12.21.090.
33 In addition to the permit application forms, the City shall provide with all ~~initial~~ permit
34 application packets, ~~as opposed to annual renewal permit applications~~, educational
35 information as deemed necessary and appropriate by the City, including, but not limited
36 to, information regarding the raising of chicken or rabbits, poultry and rabbit health care,
37 and maintenance issues. All permits shall be non-transferrable to another person or
38 property. Permits shall expire after 12 months of continuous non-use. City Staff shall
39 send out an Annual Survey to determine status of permits. All permit applications shall
40 also include the following:

41
42 (E) ~~For initial permits, an~~ An acknowledgement and consent form requiring
43 signature from the applicant that he or she has read the supplemental educational
44 information and agrees to abide by the terms and conditions of applicable
45 ordinances. The acknowledgement shall also include language acknowledging

1 that the permit is not transferrable to another person or property and expires after
2 one year of non-use.

3
4
5 Reasons for Action

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

10
11 Vice Chair Daly made a comment that he is inclined to vote yes on the motion because it
12 is a step towards reducing the burden on residents in Residential-Low Zones and on Staff, though
13 he doesn't believe a permit is needed at all. Commissioner Johnson agreed with Commissioner
14 Daly and hoped that the City Council would consider moving in the direction of not requiring a
15 permit for chickens and rabbits in Residential-Low Zones.

16
17 Chair Hayman said that she does not have a problem with licensing chickens and rabbits
18 as she has to license her dogs each year.

19
20 Commissioner Wright commented that she appreciates having the permit as it means that
21 residents who have chickens and rabbits in Residential-Low Zones have been given information
22 on properly caring for the animals.

23
24 The motion passed unanimously (7-0).

25
26 **PUBLIC HEARING – PRELIMINARY SUBDIVISION – BOULDER SUBDIVISION 60 N**
27 **1400 WEST**

28
29 Commissioner Hirst and Commissioner Johnson recused themselves from considering
30 this matter due to conflicts of interest.

31
32 Mr. Snyder explained that the applicant desires to subdivide an existing building and
33 create a condominium plat for four spaces within the building. The Planning Commission
34 previously reviewed and accepted the Conceptual Subdivision for the Boulder Subdivision. The
35 applicant would now like a Preliminary Subdivision review. Mr. Snyder mentioned that currently
36 the Preliminary Plans do not address compliance with any related building and fire code
37 provisions regarding the conversion of the building into condominium spaces. Also, parking
38 capacity and limitations are not spelled out on the plat or in the associated CC&R's to inform
39 buyers to minimize conflicts between potential various owners within the building. Staff
40 recommends approval of the preliminary subdivision on the condition that the applicant address
41 these matters for the final plat review.

42
43 Chair Hayman asked about whether the owner of the north side of the building has
44 concerns about his parking being impacted by this change, as there is a shared parking
45 arrangement between the owner on the north side of the building and the applicant. Mr. Snyder

1 said that the north side owner is present at the meeting and will be speaking to this matter during
2 the public hearing.

3
4 The applicant, John Stout, was invited to speak and seeing that he was not present, Chair
5 Hayman opened a public hearing at 7:17 p.m.

6
7 Jerry Cook – Mr. Cook said that he is the founder and President of a company called
8 Interform which has grown every year, and which employs 110 people. He currently owns the
9 building to both the north and the south of the building owned by Mr. Stout. He provided some
10 history on ownership of these buildings. Mr. Cook explained that he is currently experiencing
11 parking problems at his building, and is disappointed in previous Planning Commissions for not
12 considering the parking issue. Parking is a serious concern for Mr. Cook and he explained that
13 between parking at Mr. Stout's building and his building to the north, the lot is currently full. He
14 said that he would like to sublet part of one of his buildings to another company that approached
15 him, but he can't even guarantee that the sublessee would have parking available to them, so he
16 might not be able to lease his property, which he explained will cause him to lose revenue. He
17 mentioned that the current parking conditions are putting more and more strain on other buildings
18 as well. Mr. Cook said he thought there was supposed to be a shared parking agreement that
19 was to be recorded and filed with the preliminary plans for the subdivision, but he cannot find such
20 an agreement. As such, he cannot see if the agreement was just between the original owners or
21 if it was an agreement to go on in perpetuity.

22
23 Mr. Cook also pointed out that in the original site plans there is a comment in the notes
24 that both lots stand on their own equal to sustain themselves. But also, in the same minutes, it
25 said that the lots can't stand on their own without shared parking. Mr. Cook stated that this is an
26 inconsistency.

27
28 Finally, Mr. Cook said that he thinks the City tried to accommodate the original owners of
29 the buildings who were related to each other, and did not think about what would happen if the
30 businesses expanded or ownership changed hands. He stated that each of the buildings are less
31 valuable or less likely to sell due to the fact that future tenants cannot be guaranteed parking and
32 that he would disclose the parking problem to any future buyer of his building.

33
34 Paul Hirst – Mr. Hirst stated that he represents the Cooks and the Hirsts as their engineer.
35 He asked that the Planning Commission not allow Mr. Stout to enlarge his parking. Their use is
36 such that if they keep the same mix of warehouse to office they would be required to have 43
37 stalls. Mr. Hirst says that based upon the plans submitted they only have 41 stalls if they take out
38 overhead doors and put parking stalls in front of them. Currently, with the overhead doors in place,
39 there are effectively 37 stalls. Mr. Cook is also required to have 43 stalls for his property to the
40 north, based upon his use as approved by the City. In striped stalls he has the capability of
41 providing 35 stalls. This means that both buildings are deficient in parking. Mr. Hirst said that if
42 the Stout building was converted to office use today, it would require 72 stalls, which is completely
43 impossible. Mr. Hirst said that while the owners are free to subdivide the property any way they
44 want, there need to be strict restrictions recorded with the condominium documents that limit them
45 to the stalls that the property can produce. He stated again that he is requesting the owners not

1 be allowed to enlarge or change the use of the building as it is presently constituted, as they would
2 be in violation of the ordinance.

3
4 Seeing that no one else wished to comment, the public hearing was closed at 7:33 p.m.
5 by Chair Hayman.

6
7 Chair Hayman asked Mr. Snyder to address the comment that Mr. Cook made regarding
8 inconsistencies in the original report. Mr. Snyder said that in the original report the staff had
9 acknowledged that when the project was developed there was insufficient parking for one of the
10 lots and quoted the City ordinance that owners have to maintain all of their stalls on their lot,
11 unless another mechanism is provided. The Stouts explained to the prior Planning Commission
12 that between the two lots there was sufficient parking in aggregate. As such, the Stouts asked
13 the prior Planning Commission to approve a shared use allowance for parking between both lots,
14 which was approved. Mr. Snyder explained that he has examined the original approval and found
15 that between both lots the total approved office space was 12,419 sf, which required 62 parking
16 stalls. The total warehouse use that was approved between both lots was 23,546 sf which required
17 24 parking stalls. Thus, the total site requirement was 86 stalls. The approved site plan provided
18 87 stalls, which is sufficient parking to cover the uses as built as originally approved.

19
20 Mr. Snyder agreed with Mr. Cook that the issue of convenience and territorializing of
21 parking stalls may raise some concerns. However, recorded on the plat is the Shared Access
22 and Use Agreement. At the moment, based on the current use, the two buildings are at capacity
23 in terms of parking. This is why, Staff believes, the parking capacity and limitations need to be
24 spelled out on the final plat and in the associated CC&R's to inform future buyers to minimize
25 conflicts between potential various owners within the building.

26
27 Mr. Snyder pointed out that this issue would exist whether there was a shared access
28 parking agreement between the buildings or not. He says that if the use of the building is to be
29 changed, there would be a process for amending or changing the use. The owners would then be
30 subject to either the limitations of the parking they have built or what can be installed in the future.
31 Limitations on how much an owner can expand would also in part be determined by how much
32 parking can be provided. If either party needed to go above the shared use capacity of 87,
33 business licenses and site plan amendments would be held up until additional parking could be
34 accounted for. If adequate parking could not be provided then the change to another use would
35 not be approved by the City.

36
37 Mr. Snyder said that from Staff's view, there is no reason to deny a condominium use, as
38 proposed, as it is an allowed use in the zone where the property is located, but that it is very
39 important that in the condominium conversion for the future owner parking limitations be noted on
40 the plat.

41
42 Commissioner Hirschi asked where the shared parking agreement is. Cory Snyder said
43 it was approved and noted on the plat. There are no territorial preferences noted on the plat.
44 Commissioner Hirschi said that he feels that any future buyers should be made aware of the
45 parking issues when they buy the property. Mr. Snyder said that the only way the City can ensure
46 that is to put notes on the site plan approvals and on the plats.

1
2 Lisa Romney suggested revisions to the Conditions for Approval of the preliminary plan
3 as follows:

- 4
5 5. The parking capacity and limitations are to be spelled out in the associated in the
6 associated CC&R's to inform future buyers to minimize conflicts between potential various
7 owners within the building and added as a note on the plat.
8 6. All existing easements of record must be shown on the plat.

9
10 Chair Hayman agreed with Ms. Romney's suggestion.

11
12 Commissioner Wright asked if the Planning Commission would be given the opportunity
13 to discuss the building use when reviewing the preliminary site plan. Mr. Snyder replied that there
14 will not be any site plans in this case, because the Stout building is built out and all construction
15 would be interior. Chair Hirschi confirmed with Mr. Snyder, however, that there is a condition for
16 approval that talks about recording all the parking regulations and any kind of easements that
17 exist and that if any use change were to occur the owners would also require an additional
18 approval that they were following the parking requirements for the new use.

19
20 Commissioner Wright stated that it is obvious to her that the situation is not ideal with
21 parking. She said that it is important moving forward to record parking easements and
22 agreements, and that if the building use is going to change, then parking will need to be
23 addressed. She stated that she believes the owner should be allowed to subdivide the building
24 into condominiums as it does not violate any ordinances, as long as regulations are followed
25 regarding how much parking is needed according to future use changes. Commissioner Daly
26 agreed and said he does not think the owner can be prevented from changing the use of his
27 building.

28
29 Commissioner Hirschi asks for a 7th Condition for Approval of the preliminary plan that the
30 Shared Access and Parking Agreement be recorded so that it will appear on the preliminary title
31 reports and is part of the closing package as the condominium owners buy properties. Lisa
32 Romney responded that she was a little concerned about requiring the Shared Access and
33 Parking Agreement to be recorded as there is only one applicant for the subdivision, where this
34 agreement effects two different properties, and legal issues may arise from encumbering
35 someone else's property who is not part of this application. Commissioner Hirschi said that he
36 disagreed with Lisa's response as the property owner had previously signed the agreement and
37 had therefore already agreed to submit his property to the agreement. Ms. Romney asked about
38 the form and legal status of the referenced Shared Access Agreement. Mr. Snyder said it is his
39 recollection that the Shared Access Agreement just needed to be in recordable form and the
40 original plat was that recordable form. Ms. Romney suggested a 7th condition be added that Staff
41 research and report back to the Planning Commission on the form and status of the Shared
42 Access Agreement.

43
44 Chair Hayman made a **motion** for the Planning Commission to approve the Preliminary
45 Plan for the Boulder Condominium Subdivision, with conditions (1)-(7) below and Reasons for
46 Action (a) and (b). Commissioner Hirschi seconded the motion which passed unanimously (5-0).

- 1
- 2 1. A Final Subdivision Application shall be submitted in accordance of CMC 15.04 of the
- 3 Subdivision Ordinance.
- 4 2. The drafted HOA and CC&R's documents are to be deemed acceptable by the City
- 5 Attorney prior to final subdivision plat review by the Planning Commission.
- 6 3. The Final Plans shall be submitted to the City Building Official and South Davis Metro
- 7 Fire District for compliance with any related building and fire code provisions regarding
- 8 the conversion of the building into condominium spaces.
- 9 4. The applicant shall obtain written confirmation regarding compliance with applicable
- 10 building and fire code provisions.
- 11 5. The parking capacity and limitations are to be spelled out in the associated CC&R's to
- 12 inform future buyers to minimize conflicts between potential various owners within the
- 13 building and added as a note on the plat.
- 14 6. All existing easements of record must be shown on the plat.
- 15 7. Staff will research and report back to the Planning Commission on the form and status
- 16 of the Shared Access Agreement.
- 17

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

19

20 The owner, Fred Hale, has previously received comments from the DRC regarding his

21 preliminary plans for a four-lot subdivision. Mr. Snyder reported that Staff recommends approval

22 of the Final Subdivision Plat and Plans, on condition that the Final Plat provide a plat note

23 indicating that a City right-of-way "encroachment permit" is required for construction of and use

24 of the alley's drive access point form the public roadway, and that Weber Basin Water provide

25 written acceptance of the secondary water infrastructure plans to establish this service to the

26 subdivision prior to the recordation of the subdivision plat with Davis County. Mr. Snyder and

27 Vice Chair Daly recapped previous issues that had arisen about installing sidewalks in front of the

28 subdivision. Mr. Snyder explained again that the ordinance currently requires sidewalks unless

29 in an area where sidewalks are not required. Currently, there are no areas expressly defined as

30 not being required to install sidewalks.

31

32 Owner Fred Hale said that since the last time he was before the Planning Commission he

33 met with Weber Basin Water and had the route for the secondary water planned, but is waiting

34 for Weber Basin to help them with design. He said he expects a letter in the next week or two to

35 come from Weber Basin Water which should resolve this. He stated that he planned on putting

36 in sidewalks from the beginning of the process. He acknowledged that he needs a permit for a

37 private lane and needs to have it noted on the plat. Other than those items, Mr. Hale said he is

38 ready to proceed with construction.

39

40 Commissioner Hirst asked if the engineer reviewed construction of homes versus stability

41 of the road as was talked about previously. Mr. Snyder explained it had been determined that

42 right-of-way widths can be reduced in the Hillside Overlay Zone below the 50 foot width normally

43 required, but fills, when the width is reduced, still need to be able to be within the right-of-way to

44 keep the road stable. Given these ordinance requirements, Mr. Hale is going to build a 50 foot

45 right-of-way road and he is not asking for a reduction. In addition, as part of the front utility

46 easement there will be an additional slope stability easement along the lot frontages to cover the

1 toe of the fill. That fill will not be able to be disturbed within one (1) foot of the roadway as the
2 home is excavated to protect the road from collapse. Mr. Snyder said this will be recorded on
3 the plat as a utility easement for the public road frontage and an additional slope stability
4 easement and pointed to note five (5) on Sheet 3 of the Final Plat for Rigby Court Subdivision.

5
6 Commissioner Helgesen made a **motion** for the Planning Commission to recommend to
7 the City Council approval of the Final Subdivision Plat and Plans for the Rigby Court Subdivision,
8 subject to conditions (1)-(8) below and with Reasons for Action (a) and (b). Commissioner Wright
9 seconded the motion, which passed unanimously (7-0).

- 10
11 1. The Final Recordable Subdivision Plat shall reflect the lot layout and engineering dated
12 December 27, 2017, or as amended by the City in preparation of its recording.
13 2. The Final Plat shall provide a plat note indicating that a City right-of-way
14 "encroachment permit" is required for construction of and use of the alley's drive
15 access point from the public roadway.
16 3. Weber Basin Water shall provide written acceptance of the secondary water
17 infrastructure plans to establish this service to the subdivision, prior to the recordation
18 of the subdivision plat with Davis County.
19 4. The subdivision construction plans shall be deemed acceptable to the City Engineer
20 prior to recordation of the subdivision plat with Davis County.
21 5. A Final Paper Plat shall be submitted to the City Recorder's office to be reviewed by
22 the City staff to ensure plat compliance with City's approved format, approval final
23 layout, survey standards, and owner dedications. Such paper plat shall be deemed
24 acceptable by the City Attorney and City Engineer prior to preparation and submittal
25 of the final recordable linen plat to the City.
26 6. A Preliminary Title Report shall be submitted to the City with the Final Paper Plat
27 Submittal to the City Recorder.
28 7. The required improvement bond and associated fees shall be prepared, reviewed, and
29 paid prior to the recordation of the subdivision plat with Davis County.
30 8. After the plat recording, a preconstruction meeting shall be held with the City that
31 includes all parties that are installing the public and utility service infrastructure.

32
33 Reasons for the Action

- 34 a) The Planning Commission finds that Final Plat and Plans are consistent with the
35 previous Conception Plan Acceptance directives and Preliminary Subdivision Plan
36 Approval.
37 b) The Planning Commission finds that the final subdivision complies with the applicable
38 regulations of the subdivision and Hillside Overlay ordinances.

39
40 MINUTES REVIEW AND ACCEPTANCE

41
42 The minutes of the January 10, 2018 meeting were reviewed and amendments suggested.
43 Commissioner Hirschi made a **motion** to accept the minutes as amended. Commissioner
44 Johnson seconded the motion, which passed by unanimous vote (7-0).

45
46 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT
47

1 Cory Snyder reported on upcoming issues that will be coming before the Planning
2 Commission.

3
4 The next Planning Commission meeting is scheduled for Tuesday February 13, 2017.
5

6 **ADJOURNMENT**

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

10
11

12
13 *Cheylynn Hayman*
14 Cheylynn Hayman, Chair

3-6-18
Date Approved

15
16
17
18 *Avalon Comly*
19 Avalon Comly, Recording Secretary

