

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, May 23, 2018**

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

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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 Cheylynn Hayman, Chair

10 Kathy Helgesen

11 Gina Hirst

12 Logan Johnson

13 Becki Wright

14  
15 **MEMBERS ABSENT**

16 Kai Hintze

17 Kevin Daly, Vice Chair

18  
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Cassie Younger, Assistant Planner

23 Avalon Comly, Recording Secretary

24  
25 **STAFF ABSENT**

26  
27 **VISITORS**

28 Interested citizens (see attached sign-in sheet)

29  
30 **PLEDGE OF ALLEGIANCE**

31  
32 **OPENING COMMENT/LEGISLATIVE PRAYER** Commissioner Hirst

33  
34 **PUBLIC HEARING – CONDITIONAL USE PERMIT FOR TEMPORARY USE**  
35 **AVALANCHE SNO-CONE**

36  
37 Cassie Younger, Assistant Planner, presented the application for a Conditional Use  
38 Permit for Avalanche Sno-Cone. According to the Zoning Ordinance, the selling of shaved ice  
39 from a temporary structure is considered "temporary retail sales." However, a temporary use  
40 permit for temporary sales, as a permitted use, can only run ten (10) days per event, and no  
41 more than four (4) events per year. The applicant desires to run the shaved ice stand over the  
42 summertime months, so does not conform to the permitted use development standards for a  
43 temporary use permit. The Planning Commissioners are being asked to consider granting a  
44 Conditional Use Permit to Avalanche Sno-Cone either indefinitely, or to be renewed each year.

45  
46 Commissioner Wright asked if the permit could be extended so that it lasts for 18-  
47 months. Mr. Snyder explained that the permit needs to correspond with the business license  
48 renewal. He said that an extension of the permit is a feasible idea, but is unsure about granting  
49 an indefinite permit. Commissioner Wright agreed that granting an indefinite permit for that  
50 location, where changes may take place, would not be a good idea.

1 Commissioner Hirst asked if Avalanche Sno-Cone owns the property that it stands on.  
2 Ms. Younger says they have an agreement with the property owner to park there. .  
3

4 April Andteron, Avalanche Sno-Cone owner says that she would be happy with a  
5 Conditional Use Permit that lasts for one (1) year.  
6

7 Chair Hayman opened a public hearing at 7:11 p.m., and closed the public hearing  
8 seeing that no one wished to comment.  
9

10 Commissioner Johnson expressed that he is inclined to move forward with the  
11 Conditional Use Permit for a one-year time period. Chair Hayman added that she too agrees  
12 with that approach.  
13

14 Commissioner Wright made a **motion** for the Planning Commission to approve a  
15 conditional use permit for Avalanche Sno-Cone, a temporary shaved ice stand, located at 199  
16 East Pages Lane, subject to conditions one (1) through (8) below, with reasons for the action (a)  
17 through (d). Commissioner Johnson seconded the motion which passed unanimously (5-0).  
18

19 Conditions:  
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- 21 1. The conditional use permit shall be in effect from the approval date by the Planning  
22 Commission and shall expire one (1) year from approval.
- 23 2. The placement of the shaved ice stand shall be located and operated as submitted  
24 on the site plan to the Planning Commission.
- 25 3. Any temporary signage use shall comply with temporary sign allowances of CZC  
26 12.54.090(c) "Temporary Use of Event Signs", including no off-premise commercial  
27 signage.
- 28 4. The structure and site shall be free from unnecessary decorative items such as flags,  
29 pennants, or any other temporary items that may blow away from the structure or  
30 site.
- 31 5. A garbage can shall be provided for workers and customer use and shall be emptied  
32 regularly and the area be kept clear from trash and debris.
- 33 6. The applicant shall provide additional information and be deemed acceptable to City  
34 staff, prior to issuance of any business license, which addresses the following:  
35
  - 36 • Written permission from the property owner allowing use of the on-site  
37 parking stalls.
- 38 7. The use shall be subject to and comply with the existing adopted City "Noise  
39 Ordinance," which regulates noise between the hours of 10:00 p.m. to 6:00 a.m.
- 40 8. Following the expiration date, the applicant shall have seven (7) days to remove all  
41 items from the property and restore the site to its prior condition.

42 Reasons for the Action:  
43

- 44 a. Chapter 12.56 allows for a temporary retail sales use consisting of less than 200  
45 square feet.
- 46 b. A temporary use not meeting the permitted use development standards of CZC  
47 12.56.050 is required to receive a Conditional Use Permit [CZC 12.56.060].
- 48 c. The applicant desires to exceed the permitted use time limits, as listed in CZC  
49 12.56.050.g.
- 50 d. All applicable standards for the Conditional Use Permit have been reviewed and the  
51 use is deemed acceptable, subject to the conditions of approval [CZC  
52 12.21.100(e)(3)(A-D), Section 12.21.100(e)(5)(A-K)].

**PUBLIC HEARING – CONCEPTUAL SITE PLAN – RENATUS OFFICE BUILDING  
ADDITION – 1312 W 75 N**

Cory Snyder, Community Development Director, reviewed the proposed Conceptual Site Plan submittal. The applicant desires to construct an addition to the existing building, alter the landscaping plan, relocate the dumpster area, and eliminate eight (8) parking stalls. The eliminated parking stalls would be replaced by a reciprocal parking agreement with the neighboring Bridge Community Church. Because such changes alter the final site plan approval and contain a parking modification request, the amendment is required to return to the Planning Commission for review and decision. Staff does NOT recommend the approval of the Conceptual Site Plan, as there are insufficient parking stalls, and office/warehouse flex space fluctuates over the long haul. The applicant has indicated that they are making changes to the currently submitted amended site plan documents, which will address some of the matters raised.

Chair Hayman clarified with Cory Snyder that even with the flex parking spaces at Bridge Community Church, the applicant is 10 spaces short. Without the shared parking the applicant would be 22 spaces short.

Commissioner Wright clarified with Cory Snyder that most cities require only four (4) stalls per 1000 s.f. of office space. Cory Snyder confirmed that Centerville amended its ordinances for offices to require five (5) stalls per 1000 s.f.

Dan Holbrook, representative from the construction company the applicant has hired, passed out revised conceptual site plans. The revised drawing showed that there are now 31 parking spaces on site, not including the 12 flex spaces from the reciprocal parking agreement with Bridge Church. Mr. Holbrook showed the Commissioners where parking spaces would be added to the site. He also presented a parking study he had done on the site, in which he counted how many spaces were being used each day in May of 2018 at various points during the day. On the days with the most parking being used, 32 spaces had been used. On the average day only 14 parking spaces were used. Mr. Holbrook also listed the number of parking spaces per 1000 s.f. that other cities require, which are less than Centerville's requirements.

Chair Hayman asked the applicant how many square feet the proposed conceptual site plan would cover. The applicant pointed the Commissioners to his revised sheet C400 that was passed out at the meeting.

Lisa Romney, City Attorney, recommended that the Planning Commissioners allow staff time to review the revised site plan that had been passed out. She also commented that the applicant will need to comply with CZC 12.51.110 which deals with shared use parking, and authorizes the Planning Commission to require a shared parking study to be completed to justify a conclusion on how many parking spaces are needed. Ms. Romney said that the shared parking agreements that were signed previously with Bridge Church are not adequate, and that the agreement needs to be a recordable agreement or easement, meeting the requirements of CZC 12.51.110.

Bob Snyder, owner of the property, addressed the Planning Commission. He explained that the builder came up with the idea to ask Bridge Church for the use of 12 spaces in a reciprocal parking agreement, rather than asking for the use of all of them. Mr. Bob Snyder said the church would be more than happy to allow them to use more spaces. Mr. Bob Snyder explained that he would like to ultimately employ a total of 23 people, so he would only need a total of 23 spaces. Mr. Bob Snyder said that the requirements of 42 or 43 parking spaces are not justifiable. Mr. Bob Snyder said that he intends to keep the building for the rest of his life, so

1 he is not concerned about what future buyers may want in the way of parking. Mr. Bob Snyder  
2 also expressed concern that the church might not be motivated to work through an official  
3 recordable parking agreement, as they have already been approved with the informal parking  
4 agreement.

5  
6 Commissioner Johnson commented that he feels Mr. Bob Snyder does have leverage  
7 with the church to get them to work with him on creating formal recordable parking agreements,  
8 in that he reserved the right to revoke the shared parking spaces on his informal agreement.

9  
10 Cory Snyder suggested to the Commissioners that they could consider approving the  
11 Site Plan with fewer parking spaces than would typically be required and then future buyers  
12 would need to honor that constraint, and no formal shared/flex space parking arrangement  
13 would need to be made.

14  
15 Commissioner Johnson asked if Mr. Bob Snyder revoked the agreement with the church,  
16 would this change the churches CUP approval. Mr. Cory Snyder said this would compromise  
17 the church's CUP. He suggested again that the applicant apply for a parking modification so  
18 they would not need as many spaces and would not need to make or revoke a formal  
19 agreement with the Bridge Church.

20  
21 Chair Hayman asked if Mr. Bob Snyder would have an objection to tabling the matter to  
22 allow staff to review the revised site plans. Mr. Holbrook said that he would like to make a  
23 shared parking agreement with Bridge Church, as well as a parking modification.

24  
25 Commissioner Helgesen made the applicant aware that if there was a parking  
26 modification granted, future office space development would be limited. The owner  
27 acknowledged he was aware of this and said that he was ok with it.

28  
29 Commissioner Hirst clarified that Mr. Bob Snyder only needs the expanded parking from  
30 Bridge Church on 4 or 5 days a year when filming is taking place and expressed concern that if  
31 the applicant is already using 32 parking spots on filming days and they add 8 employees, they  
32 may need close to the 42 parking spaces that are being required.

33  
34 Chair Hayman opened a public hearing at 7:54 p.m, and closed the public hearing  
35 seeing that no one wished to comment.

36  
37 Chair Hayman made a **motion** to table the Conceptual Site Plan approval.  
38 Commissioner Hirst seconded the motion, which passed unanimously (5-0).

39  
40 **DISCUSSION – SITE PLAN REVIEW PROCESS**

41  
42 Lisa Romney discussed the requirements for conceptual and final site plan applications  
43 and possible ways to streamline administrative decisions in the future. Having re-read the site  
44 plan review process, and based on the Planning Commission discussion from April 25, 2018  
45 and further consideration of current procedures, Ms. Romney recommended the Planning  
46 Commission leave the conceptual and final site plan ordinance as currently drafted. She also  
47 suggested that the City could require applicants to make their conceptual site plan submittal  
48 more complete before it can come before the Planning Commission for their review, which  
49 would potentially speed up review time during Planning Commission meetings.

50  
51 Mr. Snyder added that when he arrived in 2004, some applicants were being allowed to  
52 combine conceptual and final site plan reviews together in one step. Over time, staff found that  
53 it was difficult to make that exception for certain projects and not all of them, and it seemed

1 disingenuous to the public to hold public hearings during final site plan review. From staff's point  
2 of view, approaching the Planning Commission for approval of conceptual site plans makes  
3 applicants do a better job putting their application together, as they consider how they will "make  
4 their case" to the Planning Commission. He did add that conceptual and final site plan review  
5 could potentially be combined for residential development, as the 2-step process for that can be  
6 arduous.

7  
8 Commissioner Wright asked what the process looks like for applicants for Residential  
9 Development. Ms. Romney said she has not reviewed what is in the packet. Mr. Snyder said  
10 there is an application, a checklist and a brief that is given to homeowners, but the process can  
11 still be very foreign and confusing to residential applicants.

12  
13 Chair Hayman expressed appreciation to staff for reviewing conceptual and final site  
14 plan approvals. She expressed that she does not want to change processes where it does not  
15 make sense to do so.

16  
17 Commissioner Wright asked if conceptual and final site plan approval could be combined  
18 for residential development. Ms. Romney expressed that she still feels there should be a 2-step  
19 process for residential developments.

20  
21 Commissioner Johnson says that he is in agreement with leaving Conceptual Site Plan  
22 approval with the Planning Commission. He does not think however that so much should be  
23 required at the Conceptual phase. From a landowner's perspective there are items required  
24 during the conceptual phase that require huge expenditures, which may end up needing to be  
25 re-done and more expenses incurred depending upon the findings of the Planning Commission.  
26 Commissioner Johnson suggested allowing applicants to write a narrative to address some of  
27 the items on the list, rather than having to provide formal conceptual plans. Mr. Snyder agreed  
28 with Commissioner Johnson that there is no "preliminary" designation in the professional  
29 engineering world and suggested that perhaps a "preliminary" or "conceptual" plan needs to be  
30 better defined in the application materials.

31  
32 Commissioner Wright asked if there is room for re-wording application requirements to  
33 help people understand what is required at the conceptual stage.

34  
35 Commissioner Johnson asked if there is room for applicants to come before the  
36 Planning Commission and talk over things with them before incurring expenses during the  
37 conceptual phase. Ms. Romney did not feel that was advisable from a legal standpoint because  
38 comments could be made during those meetings that are not based on a full understanding of  
39 the facts of the application. She did mention that the Development Review Committee has open  
40 meetings for developers every Monday morning to ask questions and raise concerns.

41  
42 Commissioner Hirst asked whether the process of conceptual and final site plan  
43 approval could be simplified and developers not granted vested rights after conceptual site plan  
44 approval. Ms. Romney explained that if a formal application is made, it comes before the  
45 Planning Commission and is approved, developers should be granted vested rights. Ms.  
46 Romney would not like to go to a scenario where vested rights are not given at conceptual  
47 approval. Mr. Snyder added that he feels Utah state will move to requiring vested rights if an  
48 application comes before the City complete. Commissioner Wright commented that she likes the  
49 idea of having the conceptual approvals made simpler and no vested rights granted following an  
50 approval by the Planning Commission, as she feels granting vested rights ties the  
51 Commissioners hands, and results in a lot of added expense at the Conceptual level for  
52 developers and owners.

53

1 Chair Hayman asked the Commissioners if they felt it was valuable for staff to explore  
2 with the Development Review Committee alternatives to approving residential development  
3 applications. The Commissioners did not feel that was necessary at this time.  
4

5 **DISCUSSION – CITY COUNCIL GOALS AND WORK SESSION FOLLOW UP**  
6

7 Mr. Snyder summarized the Work Session with the City Council on May 22, 2018. Main  
8 Street uses were discussed, as well as the West Centerville Neighborhood Plan. It was also  
9 discussed that the Trails Committee has joined with Bountiful, West Bountiful and Farmington to  
10 come up with an Active Transportation Plan.  
11

12 During the Work Session, Chair Hayman disclosed to the City Council that the Planning  
13 Commission has been reviewing administrative processes and the City Council seemed to give  
14 the Planning Commission a green light on that review. Chair Hayman's feeling is that moving  
15 forward with Table of Uses revisions to Main Street Uses is the next priority for the Planning  
16 Commission. Chair Hayman directed staff to propose a timeline for an open house and first  
17 public hearing on the matter and staff's suggested approach to noticing. Chair Hayman asked  
18 Mr. Snyder to consider sending out specific notices to business owners.  
19

20 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**  
21

22 The next Planning Commission meeting is scheduled for June 13, 2018.  
23

24 Mr. Snyder reviewed things that will be coming before the Planning Commission at the  
25 next meeting.  
26

27 Ms. Romney asked what input the Planning Commission would like on the revisions to  
28 the Subdivision Ordinance. She suggested bringing a few chapters at a time for the Planning  
29 Commission to review or just bringing specific issues to the Planning Commission.  
30 Commissioner Hayman said Staff could use their discretion regarding what items or issues to  
31 bring to the Planning Commission throughout the rewrite process.  
32

33 **MINUTES REVIEW AND ACCEPTANCE**  
34

35 The minutes of the May 9, 2018 Planning Commission were reviewed and accepted as  
36 amended. Commissioner Hirst made a **motion** to accept the minutes. Commissioner Helgesen  
37 seconded the motion, which passed by unanimous vote (5-0).  
38

39 **ADJOURNMENT**  
40

41 At 8:57 p.m. Chair Hayman made a **motion** to adjourn the meeting. Commissioner Hirst  
42 seconded the motion, which passed by unanimous vote (5-0).  
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45 \_\_\_\_\_  
46 Cheylynn Hayman, Chair  
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48   
49 \_\_\_\_\_  
50 Date Approved  
51

48   
49 \_\_\_\_\_  
50 Avalon Comly, Recording Secretary  
51