

PLANNING COMMISSION MINUTES OF MEETING**Wednesday, April 25, 2018****7:00 p.m.**

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

MEMBERS PRESENT

Cheylynn Hayman, Chair

Kevin Daly, Vice Chair

Kathy Helgesen

Kai Hintze

Logan Johnson

Becki Wright

MEMBERS ABSENT

Gina Hirst

STAFF PRESENT

Cory Snyder, Community Development Director

Lisa Romney, City Attorney

Cassie Younger, Assistant Planner

Avalon Comly, Recording Secretary

STAFF ABSENT**VISITORS**

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE**OPENING COMMENT/LEGISLATIVE PRAYER** Commissioner Johnson**PUBLIC HEARING – ZONING MAP AMENDMENT – 640 WESTER PORTER LANE**

Cassie Younger, Assistant Planner, reviewed the history of the proposed Zoning Map Amendment. The petitioner came to the City Council in June of 2017 to rezone the property from Agricultural-Low to Residential-Medium so that the buyer could further develop the land into townhomes. This was denied by the City Council at that time. However, the City Council has since changed the maximum density allowed in Residential Medium zones with a permitted density of six units per acre. This would mean that if the property is developed the property could have as many as 12 units on the site. Ms. Younger reviewed the factors to be considered in making Zoning Map Amendments and said that because the proposed amendment is consistent with the goals, objectives and policies of the General Plan; is harmonious with the overall character of existing development in the vicinity of the subject property; does not adversely affect adjacent properties; and has adequate facilities and services intended to serve the subject property, staff recommends approval of the Zone Map Amendment. Ms. Younger mentioned that there is a slope to the property which, along with the length of the property, will make it difficult to connect to surrounding utilities. However, with private easements and

1 agreements with the surrounding neighbors, and by bringing in proper fill to the site, Ms.
2 Younger said it is certainly possible to connect to surrounding utilities.

3
4 David Bell, property owner, thanked the Planning Commission and said that he thought
5 that he should have gotten the Zoning Map Amendment approved last year. He said that he
6 was shocked that he was treated the way he was by the City Council. He stated that he has
7 plans to do something nice on his property and he addressed the issue with the drainage and
8 confirmed with Cory Snyder, Community Development Director, that there are easements for
9 the property in place. Mr. Snyder explained that there is a private easement on the Les Schwab
10 property which borders Mr. Bell's property, however it appears that the lines on that property
11 would likely need to be upgraded and some engineering questions exist as to how to connect to
12 those lines. This should not, however, impact the Zone Map Amendment.

13
14 Commissioner Johnson asked Mr. Bell if the neighbor behind the property who had
15 concerns when the Zoning Map Amendment was before the Planning Commission in 2017 was
16 aware of the proposed development. Mr. Bell said he is no longer a neighbor.

17
18 Chair Hayman opened a public hearing at 7:09 p.m., and closed the public hearing
19 seeing that no one wished to comment.

20
21 Vice Chair Daly asked if developing the property in this way, and rezoning two (2) out of
22 the three (3) properties that border each other, leaving one (1) small piece of Agricultural-Low
23 zoned property, would be tying the hands of the property owner of that small piece against
24 future development. Mr. Snyder replied that it has been the policy per Centerville's General
25 Plan to not force rezoning of agricultural land unless owner's request rezoning. Mr. Snyder also
26 stated that even if the property was rezoned, because of its size and the fact that it cannot be
27 coupled with another property, it cannot be developed in its current configuration anyway.
28 Commissioner Wright said that she doesn't feel rezoning the property at 640 Porter Lane would
29 affect the property owner of the small agricultural property at all. The property owner of that
30 small parcel could either leave it's zoning as is, in which case it cannot be developed anyway; or
31 it could be rezoned and it would have to be Residential-Medium anyway. Commissioner Wright
32 said she appreciates the City's policy, because it errs on the side of property rights and allowing
33 property owners to make their own decisions about what to do with their property.

34
35 Commissioner Johnson made a **motion** to recommend approval of the Zone Map
36 Amendment for land parcels 03-001-0178 & 03-001-0179 from Agricultural-Low to Residential-
37 Medium, with Reasons for the Actions (1)-(5), and provided however, the unapproved division of
38 the parcels shall be combined into a singular parcel, on the County's records, prior to any
39 approval of any future development plan. Commissioner Wright seconded the motion, which
40 passed by majority vote (5-1) with Commissioner Daly dissenting.

41
42 Reasons for the Action:

- 43 1. The Planning Commission has sufficiently reviewed and considered the criteria found
44 in Section CZC 12.21.080.e of the Zoning Ordinance.
- 45 2. The Planning Commission finds that the rezone is consistent with the goals of the
46 General Plan, as described in Section 12-480-1.a.
- 47 3. The Planning Commission finds that the rezone does not create any additional
48 constraints or adverse effects concerning surrounding properties and development in
49 the immediate vicinity.
- 50 4. The Planning Commission finds that the R-M request functions as an acceptable
51 medium density residential bugger to commercial that is compatible with the
52 characteristic multi-zone land use pattern for the immediate area.

- 1 5. Therefore, the Planning Commission finds that the R-M Zoning designation ought to
2 be approved.
3

4 Commissioner Wright stated that she appreciates that the City Council has looked at R-
5 M Zones city-wide, and has updated design standards that create a better overall product. She
6 recalled a previous issue in the R-M zone in which residents were concerned about the width of
7 the streets, and she notes that has been addressed, as well as adding sidewalks on both sides
8 of the street. She also appreciated the density cap of six (6) units. With those changes
9 implemented, and concerns addressed from when the petition was previously made, she felt
10 comfortable to grant the request.

11
12 **PUBLIC HEARING – ZONING TEXT AMENDMENT – CZC 12.42 – HILLSIDE**
13 **OVERLAY ZONE**
14

15 Mr. Snyder explained that the petitioner desires to amend the Overlay provisions to
16 achieve a greater balance between the differing lot sizes that could occur in the various zones
17 (predominately R-L & A-L) of the Overlay area. The reason for this is that the current overlay
18 limits “impervious coverage” for Lot 4 to 5,000 square feet even though the property is
19 approximately one (1) acre in size. In a comparative scenario, a ¼ acre lot (10,800 square feet)
20 of the R-L Zone, subject to the Overlay provisions, would only be limited to 4,320 square feet,
21 nearly the same allotment as an acre size lot. Mr. Snyder explained the proposed change of
22 language, contained in the staff report, and stated that it is the position of staff that the proposed
23 language changes remain consistent with the policies of the General Plan and the hillslope
24 development provisions in relation to impervious coverage standards between agricultural and
25 residential lots within the Hillside Overlay.
26

27 Commissioner Hintze asked if there were a lot of examples of properties who had been
28 required to detain water on site. Mr. Snyder provided examples. He said there is generally no
29 issue with this, other than getting easements and preventing future development by owner of
30 their backyard.
31

32 Fred Hale, property owner, said he was surprised that he would not be able to build a
33 bigger house on his property. His plan is now in for a permit and this Zoning Text Amendment
34 would be required in order for the plan to be approved. He stated his concerns that because of
35 the 40% requirement for impervious coverage, he would not be able to build a patio or
36 basketball court or other amenities on his site, and would prefer the 60% limit that other zones
37 are allowed.
38

39 Chair Hayman opened a public hearing at 7:33 p.m., and closed the public hearing
40 seeing that no one wished to comment.
41

42 Commissioner Johnson asked Mr. Snyder to explain why the proposed Zoning Text
43 Amendment would allow for 40% impervious coverage in A-L Zones in the Hillside Overlay, and
44 not 50% or 60% coverage. Mr. Snyder said the 40% figure has been used historically, and the
45 principle is that more impervious surfaces on a slope, means more water flowing downhill, and
46 an increase in erosion and flooding of homes downhill. Staff is not prepared to further
47 categorize properties based on slope height and then make specific requirements for
48 impervious coverage by slope height, until further analysis is done and drainage is studied.
49 Commissioner Johnson agreed that he would not be comfortable changing the 40% number
50 without understanding the ramifications completely.
51

52 Commissioner Wright asked if the amount of impervious surface allowed would be
53 different if the property was to be rezoned to R-L. Lisa Romney, City Attorney, said that on the

1 same size lot in an R-L Zone, the same amount of impervious coverage would be allowed. Mr.
2 Snyder further explained that if the property in the R-L Zone was subdivided into four (4) parts,
3 however, there would be slightly more impervious coverage allowed over the 4 lots.

4
5 Vice Chair Daly made a **motion** to recommend to the City Council to approve the
6 proposed Hillside Overlay amendment, CZC 12.42.040(d), as show in blue below, with reasons
7 for findings (a)-(d). Commissioner Johnson seconded the motion, which passed by unanimous
8 vote (6-0).

9
10 CZC 12.42.040(d) Mazimum Impervious Material Coverage:

11 *Except as otherwise provided herein*, the maximum allowable coverage of a lot in the
12 Hillside Overlay Zone by impervious material shall be 40% of the total lot area, or 5,000 square
13 feet, whichever is less. *The maximum allowable impervious material coverage of a lot may be*
14 *allowed to exceed 5,000 square feet as an exception upon recommendation of the City*
15 *Engineer and approval of the applicable land use authority for the subject application (i.e.*
16 *subdivision, site plan, or building permit).*

17
18 *Any applicant seeking an exception to exceed 5,000 square feet of impervious material*
19 *coverage per lot shall be required to provide on-site detention and appropriately sized outflow*
20 *orifice plates for the additional impervious area (over 5,000 square feet) in accordance with City*
21 *Engineer recommended detention volume calculations for a 25-year storm event.*

22
23 *The applicant shall be required to provide engineered drawings and specifications for the*
24 *proposed detention and drainage to qualify for the exception. In no event shall the impervious*
25 *material coverage of any lot in the Hillside Overlay Zone exceed 40% of the total lot area.*

26
27 *For purposes of calculating the permissible lot coverage percentage, lot areas that*
28 *exceed 30% slope shall be excluded and shall not be used in calculating the permitted 40%*
29 *coverage area.*

30
31 Reasons for Findings:

- 32 a. The Planning Commission finds that the decision to amend the zoning ordinance is a
33 matter of within the legislative discretion of the City Council as described in CZC
34 12.21.060.a.1.B.
35 b. The Planning Commission finds that amendments consistent with the goals,
36 objectives and policies of the City's General Plan, as presented in the staff report.
37 c. The Planning Commission finds that this amendment would serve to treat the
38 residential and agricultural zones fairly as regulated within the Hillside Overlay Zone
39 and remain consistent within the regulations and parameters of the code.
40 d. Therefore, the Planning Commission finds that the amendments are consistent with
41 the desire to allow hillside development to be contextually developed in relation to
42 topography and slope stability.

43
44 Commissioner Wright commented that given the fact that the City Engineer and
45 Development Review Committee met to look at the Hillside Overlay amendment and address a
46 problem brought up by the property owner, which could also be a problem for others in future;
47 and considered fairness between different zones, while still maintaining the spirit of the Hillside
48 Overlay Zone, she feels this amendment addresses questions and concerns that the property
49 owner and the Planning Commission have had. She commented that perhaps a tiered system
50 could be considered later, but for now she feels comfortable with a flat determination of 40%
51 without further engineering, as this is the number that has been used historically.

PLANNING COMMISSION DECISION MATRIX – ADMINISTRATIVE PROCEDURES

Lisa Romney, City Attorney, explained that she had created three (3) charts for the Commissioners to review the current administrative procedures in the areas of legislative, zoning, and subdivision matters. These charts were created in response to the Commissioners' stated desire to review administrative processes to see if there were opportunities for simplification or changing of ordinances in order to have more time for proactive planning. In looking at the charts she explained that the Planning Commission is involved in 5 different types of legislative decisions, 12 types of administrative decisions, and 4 types of subdivision decisions. As such, Ms. Romney created a fourth chart, which she had passed out before the meeting started, which showed what kinds of decisions the Planning Commission has made over the last three (3) years so that the Commissioners could understand where their time is spent. She started by reviewing that chart, which illuminated that the Commissioners are spending the majority of time on Zoning Text Amendments and Zoning Map decisions, which are legislative decisions; and a lot of time on Conceptual Site Plan and Final Site Plan reviews.

Ms. Romney then reviewed the Zoning Decision Matrix attached to the meeting minutes. She stated that because Zoning Decisions are legislative, there can be no changes made in those areas.

Ms. Romney then reviewed the Administrative Decision Matrix attached to the meeting minutes, starting with CUP. She pointed out that the Zoning Administrator currently has the final decision on 11 administrative applications, where the Planning Commission makes the final decision in 12 administrative applications. Ms. Romney said that she does not suggest changing the process for Conditional Use Permits, as it did not take that much of the Commissioners' time over the last three (3) years and is a one-step process that is valuable for the Commissioners to be involved in. Commissioner Wright agreed with Ms. Romney and said that reviewing CUP's allows the Commissioners to discuss how to mitigate if needed. Vice Chair Daly agreed the Planning Commission should review Conditional Use Permits, but said not as many items should be required to have Conditional Use Permits. He said he would like the Commissioners to review the Use list to see if there are some items that should be permitted, instead of Conditional Use permitted, and said he would also like to separate major and minor conditional uses and let the Zoning Administrator determine minor use CUP approvals. Chair Hayman stated that the Planning Commission should be cautious about removing too many items from the Conditional Use list, because once something has been changed to a Permitted Use, there is no ability for the Commission to mitigate. She agreed it is worth examining, but wants to be careful.

Ms. Romney then moved to reviewing Site Plan decisions on the Administrative Decision Matrix. Site Plan approvals are broken into Conceptual Site Plan approvals and Final Site Plan Approvals. She suggested that staff handle Conceptual Site Plan Approvals. She pointed out that the problem with this change would be that the only public hearing held on site plans is at the conceptual level. She says this is done because it is better for all parties to know sooner than later if there will be major issues with the site plan, before engineering is complete. Mr. Snyder commented that one of the advantages of letting staff handle approval at conceptual level is that this would allow staff more time to gather all of the documents necessary to thoroughly review a Conceptual Site Plan. However, this could mean that things could get stuck at staff level for much longer than the currently required 21 days, and the application could take longer to approve, which would make the public unhappy. Commissioner Wright asked if it would be possible to change things such that Conceptual Site Plan approval is done at staff level, unless it has not been addressed within a certain time period, and then it would be sent to the Planning Commission to review. Mr. Snyder said that could be looked at. He also commented that while public hearings are good for transparency, having the public take part in

1 public hearings at the conceptual level can sometimes be confusing for them, as they do not
2 understand that the Planning Commission is simply making an administrative decision based on
3 whether or not something meets the code or not. Vice Chair Daly asked if Conceptual Site Plan
4 approval could be handled at staff level, but public notice could be made and public comments
5 gathered that could be submitted to staff and presented to the Planning Commission during
6 Final Site Plan Approval. Ms. Romney suggested that appeals to Conceptual Site Plan
7 approval could be made to the Planning Commission. She also suggested that Conceptual Site
8 Plan applications would need to be submitted to staff in their complete state. Cassie Younger,
9 Assistant Planner, made a comment that it might be more beneficial for staff to approve Final
10 Site Plans, because she feels that it is very valuable for the Planning Commission to comment
11 on and add conditions at Conceptual Site Plan approval, so that the developer knows what
12 direction to move in before he has engineering completed. Ms. Romney suggested that
13 perhaps the Commissioners could review what is required at the Conceptual level and what is
14 required at Final to see what changes to make to the process. Commissioner Helgesen and
15 Chair Hayman expressed they are partial to not changing the administrative procedures for
16 Conceptual or Final Site Plan Approval. Vice Chair Daly suggested public comments be
17 gathered before Conceptual Site Plan reviews, rather than having public hearings. Chair
18 Hayman agreed with this suggestion and suggested that these comments be added to staff
19 reports, and reasons be given if a public comment cannot be addressed legally by the Planning
20 Commission. Commissioner Wright agreed with that suggestion, and also added that additional
21 time should be given for staff to put together a conceptual site plan review. Ms. Romney
22 reminded the Commissioners that in order for people to give legitimate comments, they should
23 be able to read the staff report first. Commissioner Helgesen said that the public wants to be
24 heard, not just from a letter, so she would prefer to continue doing public hearings.
25 Commissioner Wright asked about the Commissioner's feelings on giving Final Site Plan
26 approval to staff, as Ms. Younger had suggested. Commissioner Johnson said that he is
27 worried that issues the Planning Commission finds during Conceptual Site Plan Approval may
28 not be addressed by staff in Final Site Plan Approval the same way the Commissioner's would
29 have addressed the issues. Commissioner Johnson would keep both Conceptual and Final Site
30 Plan approvals at the Planning Commission level and he would lighten the conceptual
31 requirements and put more requirements into Final Site Plan Approval. Ms. Romney suggested
32 that at a future Planning Commission meeting the current requirements for the applicant at the
33 Conceptual level and the Final level could be reviewed. Commissioner Wright would like to see
34 the noticing matrix for each item that is noticed. She would like to know which notices are
35 required by statute and which are discretionary. It was agreed that this would be reviewed at the
36 May 23rd Planning Commission meeting as well.

37
38 Ms. Romney reviewed the Subdivision Decision Matrix and said that Centerville City
39 sees four (4) different subdivision applications: the Planning Commission sees Conceptual,
40 Preliminary, and Final Subdivision applications, and then the City Council sees Final
41 Subdivision applications as well. Ms. Romney suggests Conceptual Subdivision Approval be
42 given to staff and suggests that Final Subdivision Approval be made by the Planning
43 Commission without then sending it to the City Council, as having the Council make that
44 administrative decision is a liability. Commissioner Wright asked about whether it would be
45 possible to eliminate the Preliminary Subdivision Plat, and make the Conceptual Subdivision
46 Plat approval more comprehensive. Mr. Snyder explained that during the Preliminary
47 Subdivision process the City Engineer looks at the construction drawings for the first time.
48 Commissioner Wright asked if the City Engineer could look at construction drawings at the
49 Conceptual level, and Mr. Snyder explained that would be a huge expenditure for the developer
50 at the Conceptual level. Ms. Younger said she agrees Conceptual could be at the staff level.
51 Mr. Snyder asked if Final Approval needs to be done by the Planning Commission, or if the
52 Preliminary process could be enhanced and then Final Approval could be made by the City
53 Council. Vice Chair Daly wants to know why the City Council makes Final Subdivision approval,

1 and not Final Site Plan Approval. Mr. Snyder explained that the Final Subdivision Plat is a
2 document that goes to the County Recorder, and within the document the City accepts
3 easements, streets, bonds and warranties that come with public infrastructure, so that is why
4 the Final Subdivision Plat needs to be approved by the City Council. Commissioner Wright
5 suggested moving Conceptual Subdivision Plat approval to the staff level, enhancing
6 Preliminary Subdivision Plat approval, and moving Final Subdivision Plat Approval to just the
7 City Council. Chair Hayman agreed with this idea. Ms. Romney voiced concern that if the
8 Planning Commission adds conditions at the Preliminary Subdivision Plat Approval, they would
9 not then be able to ensure these conditions have been met and addressed at the Final stage if
10 the City Council is the only body that does Final Subdivision Plat Approval. Ms. Romney
11 suggested that the Planning Commission reserve the right to request to see the Final
12 Subdivision Plat before it goes to the City Council. Chair Hayman said she would prefer to keep
13 Final Subdivision Plat Approval at the Planning Commission level and not have the City Council
14 make the final decision. Chair Hayman and Commissioner Wright requested to know what would
15 be required at each step of the proposed Small Subdivision lot split approval process.

16
17 Chair Hayman thanked Lisa for her help in putting together matrices and analyzing
18 Planning Commission Decisions. She stated she is glad to see the Planning Commission being
19 proactive about making changes.

20 21 **MINUTES REVIEW AND ACCEPTANCE**

22
23 The minutes of the April 11, 2018 meeting will be reviewed at the next Planning
24 Commission meeting as they were not attached to the agenda.

25 26 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

27
28 The next Planning Commission meeting is scheduled for May 9, 2018.

29
30 Mr. Snyder discussed recent decisions made by the City Council and items that will be
31 discussed in the next Planning Commission meeting.

32
33 The City Council has requested a work session to discuss Planning Commission goals
34 on May 22, 2018. Mr. Snyder says that Main Street use changes should also be addressed in
35 this work session, as this would help to align the objectives of the Planning Commission and
36 City Council in regards to Main Street Uses. Commissioner Wright asked if Mr. Snyder could
37 bring the specific uses that the Planning Commission had suggested changing on the Main
38 Street Use List, based on the survey performed, to the work session so those could be the items
39 focused on. Chair Hayman pointed out that ultimately it will be the City Council's decision about
40 approving changes to the use list, but is happy to have a work session and to involve the public
41 further in making changes to the use list, if that is what is desired by the City Council.

42 43 **ADJOURNMENT**

44
45 At 8:52 p.m. Commissioner Hayman made a **motion** to adjourn the meeting.
46 Commissioner Wright seconded the motion which passed unanimously (6-0).

47
48
49 _____
Cheylynn Hayman, Chair

_____ Date Approved

50
51 _____
52 Avalon Comly, Recording Secretary