

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, March 8, 2023

7:00 p.m.

A quorum being present at 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

Kevin Daly

Shawn Hoth

Mason Kjar

Matt Larsen, Vice Chair

Tyler Moss

MEMBER ABSENT

Heidi Shegrud, Chair

STAFF PRESENT

Cory Snyder, Community Development Director

Lisa Romney, City Attorney

Whitney Black, Assistant Planner

Kevin Campbell, City Engineer (arrived at 7:35 p.m.)

VISITORS

Dan Hutchings

Eric DeFries

Mike Henrie

John Stevens

Fraser Roy

PLEDGE OF ALLEGIANCE

LEGISLATIVE PRAYER OR THOUGHT Commissioner Daly

**PUBLIC HEARING – CONDITIONAL USE PERMIT FOR KENNEL USE – DOG
ING ELITE NORTHERN UTAH TRAINING CENTER**

Assistant Planner Whitney Black explained the request for Conditional Use Permit for Kennel use, and said staff believed the request met the objectives of the General Plan. She presented conditions suggested by the applicant, and an additional condition recommended by staff, and answered questions from the Council.

Commissioner Kjar commented that the proposed use seemed like it would be low impact compared to other uses in the Industrial-High (I-H) Zone, and suggested the proposed conditions were rigorous enough for Kennel use adjacent to a Residential Zone. Ms. Black responded that the conditions were proposed by the applicant, with the exception of the condition suggested by staff to screen the potty area from public view. City Attorney Lisa Romney commented that the adjacent property was the Public Works facility which is in the Public Facility Zone.

Dan Hutchings, applicant, described the work done at Dog Training Elite, and said they held themselves to very high standards.

At 7:15 p.m., Vice Chair Larsen opened a public hearing, and closed the public hearing seeing that no one wished to comment. Commissioner Daly **moved** for the Planning

Commission to approve a Conditional Use Permit for Dog Training Elite Northern Utah Training Center located at 625 North 1250 West with the following conditions and reasons for action. Commissioner Kjar seconded the motion, which passed by unanimous vote (5-0).

Conditions:

1. This Conditional Use Permit shall apply to the user space located at 625 N 1250 W, or otherwise known as Dog Training Elite Northern Utah Training Center. This permit shall not be transferred to another similar user, unless approved by the City.
2. This Conditional Use Permit approval is for a kennel, more specifically a dog training center.
3. Business operations, including training sessions shall take place during normal business hours, described as Monday through Saturday, 8:00 am to 7:00 pm.
4. Dogs shall always be under the supervision of a trainer.
5. No dogs shall be left unattended or ever left in the training center overnight.
6. Pea gravel shall be laid in the area directly north of the building to serve as a potty yard for the dogs.
7. Odor control products will be used, and the potty yard shall be cleaned daily.
8. The potty yard shall be screened from public view.
9. All training shall be conducted in the building or directly behind it.
10. No training shall affect any other buildings, businesses, local properties, or persons.
11. If the use does not adhere to the parameters of this conditional use permit, or creates additional impacts beyond the approved conditions addressed by the CUP, the permit shall be amended, and if not mitigated may be revoked per CZC 12.62.060.

Reasons for action:

- a) A complete application for a conditional use permit has been submitted per CZA 12.21.100(d)(1).
- b) The application meets the required established evidence for an approval of a conditional use permit under CZA 12.21.100(e)(3).
- c) The request for a conditional use permit meets the factors to be reviewed and considered for an approval under CZA 12.21.100(e)(5) (A-J).
- d) The proposed use, a kennel, specifically dog training center is a conditional use in the Industrial-High Zone under CZA 12.36.040.

PUBLIC HEARING – SMALL SUBDIVISION WAIVER – ERIC DEFRIES SUBDIVISION

Community Development Director Cory Snyder explained the applicant desired to subdivide/reconfigure property located at 1441 N Main Street into two single-family lots. The property was currently developed with a single-family home and a garage. Since the subdivision would be limited to two lots, the applicant was seeking a small subdivision waiver as outlined in CMC 15.02.070. On September 14, 2022, the Planning Commission reviewed and voted to table the small subdivision waiver request subject to directives. Mr. Snyder described changes to the proposal since last reviewed by the Commission, and said it was staff's view that the critical directives had been taken care of. Mr. Snyder and Ms. Romney answered questions from the Commission about the application and the proposed conditions of approval.

Eric DeFries, applicant, spoke of his application process with the City in the last few years. Mr. DeFries said he had never had drainage issues with neighbors, and expressed confidence in the drainage plans. Referring to suggested conditions of approval, Mr. DeFries expressed a preference for posting a \$25,000 demolition bond with the City over a required

1 timeframe for construction. He confirmed that a cross-access easement was confirmed by
2 UDOT.

3
4 At 7:45 p.m., Vice Chair Larsen opened a public hearing, and closed the public hearing
5 seeing that no one wished to comment. Commissioner Kjar suggested additional conditions of
6 approval regarding the driveway and the cross-access easement. The Planning Commission
7 discussed possible language with Ms. Romney. Mr. Snyder answered questions about fencing
8 requirements.

9
10 Commissioner Kjar made a **motion** for the Planning Commission to approve the small
11 subdivision waiver request for Parcel 02-015-0002, subject to the following directives and with
12 the following reasons for action. Commissioner Daly seconded the motion, which passed by
13 unanimous vote (5-0).

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15 Directives:

16
17 1. The applicant shall prepare a Final Subdivision Plat and associated
18 engineering/construction improvements plans, in accordance with CMC 15.04, Final
19 Plat.

20 2. The subdivision plans shall be modified to definitively depict the minimum (buildable
21 area" requirements of 2,000 square feet (see CZC 12.32.1).

22 3. The subdivision plans shall be modified to depict the required public utility
23 easements regarding the 7-foot side/rear easements [see CMC 15.2.107(3)].

24 4. For storm water management, the City Engineer needs to complete a review to
25 determine compliance with City Standards. The applicant shall make any needed
26 corrections or alterations (see CMC 15.05.050).

27 5. The applicant shall provide copies of all applicable utility provider sheets verifying
28 there are adequate services available for the lots from entities deemed appropriate
29 by ordinance and/or by City Staff (see CMC 15.05.060).

30 6. With regards to the existing "accessory building located in Lot 2, the small
31 subdivision lot split will create an illegality in that there will be accessory buildings or
32 structures on one of the proposed lots without a primary residential use of the
33 property. In order to remedy this illegality, approval of the small subdivision waiver
34 and final plat shall be conditioned upon the applicant and/or property owner
35 complying with the following:

36 a. Remove the illegal accessory structures from the property prior to recording
37 the final plat; or

38 b. Obtain a building permit for the construction of a primary residential dwelling
39 on the property within 12 months from the date of final plat recording and
40 completing the construction of such primary residential dwelling within 24
41 months from the date of final plat approval.

42 c. In the event a building permit for the construction of a primary residential
43 dwelling is not obtained within 12 months from the date of final plat recording,
44 the applicant and/or property owner shall be required to remove the
45 accessory structures within 18 months from the date of final plat recording.

46 d. In the event the primary residential dwelling is not completed within the
47 required 24 months from the date of final plat approval, the applicant and/or
48 property owner shall be required to remove the accessory structures within
49 30 months from the date of final plat recording.

50 e. In the event the accessory structures are not removed prior to recording of
51 the final plat, the applicant shall be required to place a note on the final plat in
52 a form acceptable to the City describing the illegality of the accessory
53 structures and the condition of removal or construction of a primary
54 residential dwelling on the property as provided in this condition.

- f. In the event the accessory structures are not removed prior to recording of the final plat, the applicant shall be required to post a \$25,000 demolition bond with the City and enter into an agreement with the City for use of the bond in the event of default by the applicant and/or property owner under the terms of this condition.
 - g. In the event the accessory structures are not removed prior to recording of the final plat, the City shall be authorized to record a notice of illegality or nonconformity against the property providing notice of the requirements of this condition.
7. Developer shall add a plat note identifying and describing the cross-access easement and referencing the previously recorded cross-access easement by book and page number on the plat; the plat note and/or recorded cross-access easement shall address maintenance obligations of the adjoining property owners for the cross-access easement and the improvements therein.

Reasons for action:

- a. The Planning Commission finds that the subdivision qualifies for the small subdivision waiver, in accordance with the criteria found in CMC 15.02.070 of the Subdivision Ordinance.
- b. The Planning Commission finds that two lots are consistent with the applicable Zoning Standards for the Residential Low Zone.
- c. The Planning Commission finds that with the conditions imposed, the general requirements for all subdivisions have been addressed and/or fulfilled, as also outlined in the directives listed.

**PUBLIC HEARING – ZONE TEXT AMENDMENT – HILLSIDE OVERLAY ZONE – J.
MIKE HENRIE, APPLICANT**

Commissioner Kjar disclosed that the Henrie family and the Kjar family were friends, with sons having attended the same high school and been on the same football team. Commissioner Kjar said he believed he could be objective in the situation. Commissioner Moss disclosed that the Newton family (neighbors of the Henrys) were his in-laws, and said he believed he could be objective.

Mr. Snyder explained the petitioner, Mr. Henrie, desired to amend the zoning text for the Hillside Overlay in belief “there should be a way for those residing in the Hillside Overlay to have the opportunity to increase [the] impervious material on [their] lots up to 60% to match the rest of the lots in Centerville.”

Mr. Snyder explained existing Hillside Overlay requirements (up to 40% impervious material on a lot). He said the Development Review Committee (DRC) were not comfortable with a blanket 60% allowance in the Hillside Overlay because of the many factors involved. Mr. Snyder presented a tiering system proposed by the DRC:

- i. Lots less than 10% slope may increase to 60%
- ii. Lots 10% to 14% slope may increase to 55%
- iii. Lots 15% to 19% slope may increase to 50%
- iv. Lots 20% to 24% slopes may increase to 45%
- v. Lots 25% to 29% slopes are limited to 40%

Mr. Snyder said the DRC believed the proposed tiering system would handle drainage issues across the Hillside Overlay. City Engineer Kevin Campbell answered questions from the Commission about lot slope measurement. Mr. Campbell disclosed that he lived in the subject

1 neighborhood. He explained the reasoning behind the proposed tiering system, and spoke of
2 different retention methods that could be used with the different slopes.

3
4 Commissioner Moss asked if staff had seen neighboring cities handle hillside drainage
5 with a graduated, tiered system. Mr. Snyder responded that method and calculation varied from
6 city to city, but all cities addressed storm water management. The Planning Commission and
7 staff discussed retention and detention. Responding to a question from Commissioner Kjar, Ms.
8 Romney suggested an agreement regarding maintenance of storm water facilities could be
9 required. The Planning Commission discussed possible additional language.

10
11 Mike Henrie, applicant, said 17 of his neighbors had signed a form indicating support for
12 his proposed amendment to the Hillside Overlay. He added that only one of the 17 had
13 previously heard of the Hillside Overlay. Mr. Henrie expressed the opinion that his property had
14 plenty of space to add a swimming pool and still provide adequate water retention. He said he
15 agreed with staff's proposed tiering system. Mr. Henrie read aloud the following reasoning
16 points included in his petition:

17
18 • Drainage is the main issue for existing developed lots of the area.
19 • The Overlay area covers many types of differing lot types, and such language should
20 not be unilateral.
21 • Continued advancement of drainage technology, with City Engineer oversight, would
22 adequately provide needed retention.

23
24 Responding to a question from Vice Chair Larsen, Mr. Campbell said geologic hazards
25 (fault lines) may have weighed heavier than slopes in establishing the Hillside Overlay. Mr.
26 Snyder added that the subject neighborhood was developed under the Hillside Overlay in the
27 early 1990s, and answered questions from the Commission. Commissioner Daly suggested the
28 Hillside Overlay did not cover all of the slopes/benching in the City, and suggested perhaps the
29 tiering system should be applied to the entire City.

30
31 At 8:48 p.m., Vice Chair Larsen opened a public hearing.

32
33 John Stevens, Centerville resident, said he lived adjacent to the Henrie property to the
34 north. He described drainage on his property, and said he had never seen drainage from his
35 property extend past his property. Mr. Stevens expressed support for the proposed
36 amendments.

37
38 Frasier Roy, Centerville resident, said he lived in the subject neighborhood. Mr. Roy said
39 the 40% impervious material restriction limited his ability to try to offset the amount of water
40 used on his property for grass.

41
42 Vice Chair Larsen closed the public hearing at 8:53 p.m. Mr. Campbell briefly described
43 the drainage review process in place for new development. The Planning Commission
44 discussed proposed language. Commissioner Kjar said he was comfortable with the flexibility in
45 the language drafted by staff.

46
47 Commissioner Daly made a **motion** for the Planning Commission to recommend to the
48 City Council to approve the proposed Hillside Overlay amendment as proposed by staff for CZC
49 12.42.040(d), as indicated with red italics in the Staff Report, with the following reasons for
50 action. Commissioner Moss seconded the motion, which passed by unanimous vote (5-0).

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52
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1 Reasons for action:

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3 a. The Planning Commission finds that the "decision to amend the ... zoning ordinance
4 is a matter within the legislative discretion of the City Council as described in CZA
5 12.21.060.a.1.B.

6 b. The Planning Commission finds the amendments consistent with the goals,
7 objectives and policies of the City's General Plan, as presented in the staff report.

8 c. The Planning Commission finds that this amendment would serve to treat the
9 residential and agricultural zones with improved fairness as regulated within the
10 Hillside Overlay Zone and remain consistent within the regulations and parameters
11 intended by the regulatory code.

12 d. The Planning Commission finds that the City's Development Review suggested
13 amendments have been endorsed by the City Engineer.

14 e. Therefore, the Planning Commission finds that the amendments are consistent with
15 the desire to allow hillside development to be contextually developed in relation to
16 topography and slope stability.

17

18 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

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20 The Planning Commission was scheduled to meet next on March 22, 2023. Mr. Snyder
21 thanked Commissioner Daly for his time on the Planning Commission. Commissioner Daly's
22 term on the Planning Commission would be up in May.

23

24 **MINUTES REVIEW AND APPROVAL**

25

26 Minutes of the February 22, 2023 Planning Commission meeting were reviewed. Vice
27 Chair Larsen **moved** to approve the minutes. Commissioner Hoth seconded the motion, which
28 passed by unanimous vote (5-0).

29

30 **ADJOURNMENT**

31

32 At 9:02 p.m., Vice Chair Larsen **moved** to adjourn the meeting. Commissioner Daly
33 seconded the motion, which passed by unanimous vote (5-0).

34

35
36 Jennifer Robison
37 Jennifer Robison, City Recorder
38

3-22-2023
Date Approved

