Minutes of the Centerville **City Council** meeting held Wednesday, March 19, 2014 at 6:19 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler (arrived at 6:35 p.m.)
Council Members	Ken S. Averett, Mayor Pro Tem Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Jacob Smith, Management Assistant Katie Rust, Recording Secretary
VISITORS	Fred Hale, Legacy Trail Apartments Craig Salmon, Legacy Trail Apartments Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilwoman Tamilyn Fillmore

OPEN SESSION

Hongmin Jin – Hongmin Jin recently purchased a home in Centerville. She stated she was informed by City staff that the recycling program in the City is mandatory with no opt-out opportunity. She has learned, however, that opting-out was possible at some point. She explained that she has a low income with tight finances, and asked why she should pay for a service she does not need. She provided a letter explaining her situation to the Council (attached as part of the record).

Blaine Lutz, Finance Director, explained that the possibility to opt-out was offered for the first 30 days of the recycling program, but participation then became mandatory. The City currently has close to 90% participation in the recycling program. Hongmin Jin stated that the previous owner of her home had opted out and asked if she, as a new owner of the same home, is required to participate. Councilman Wright stated it was his understanding that the Mayor had the ability to approve individual exceptions to participation. Mr. Lutz responded that the intent was to allow the Mayor to grant exception for those who had been unaware of the initial opt-out deadline (i.e., had been out of the country when the program was initiated). Mr. Lutz stated that initially fewer than 20% of residents opted-out. Councilman Higginson suggested this issue be put on a future agenda for discussion. Councilwoman Fillmore added the Council could review the definition of the Mayor-approved opt-out, perhaps altering it to include hardship situations. Mayor Pro Tem Averett stated the issue will be scheduled for further discussion at a future meeting.

George McEwan – Mr. McEwan stated he is one of six State-licensed beekeepers in Centerville. Referring to an item scheduled for discussion later on the agenda, he stated he does not feel an ordinance is necessary because beekeeping in Centerville is already legal as it is not expressly forbidden by code. He stated that bees do not qualify as specialty animals; they qualify under existing code as an animal for recreation. Mr. McEwan stated beekeepers are licensed by the State and regulated by the Department of Agriculture. Contact information is required on every hive. He said he does not think the City needs to become involved.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the March 4, 2014 work session and regular City Council meeting were reviewed. Councilman Higginson made a **motion** to approve both sets of minutes. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

a. Agreement with Davis County for cost-sharing construction of culvert under Legacy Parkway Trail and Sheep Road at approximately 1000 North
b. Accept PUE for Sonic Restaurant
c. Resolution No. 2014-09 authorizing use of tax increment for Enhancements for Main & Parrish Project
d. Appoint Centerville Community Foundation Board of Directors

Councilwoman Ivie requested that item (d) on the Summary Action Calendar be discussed separately. Councilman Higginson made a **motion** to approve item (a) on the Summary Action Calendar as revised with Davis County comments; item (b) on the Summary Action Calendar subject to City Attorney and City Engineer recommended changes; and item (c) on the Summary Action Calendar. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

Mayor Cutler arrived at 6:35 p.m.

Councilman Averett made a **motion** to move item (d) on the Summary Action Calendar to the Mayor's Report for discussion at that time. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

AWARD BID FOR 2014 CRACK SEAL AND SLURRY SEAL PROJECTS

Councilwoman Fillmore made a **motion** to award bid to Morgan Pavement Maintenance in the estimated amount of $152,650.76 for the 2014 Crack Seal and Slurry Seal Project. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Councilman Higginson made a **motion** to delay presentation of the Financial Report to the Miscellaneous Business later on the agenda. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – ZONING TEXT AMENDMENT – PLANNED DEVELOPMENT OVERLAY ZONE AMENDMENT TO CHAPTER 12-41 - CONSIDERATION OF ORDINANCE NO. 2014-05

Cory Snyder, Community Development Director, explained that the request for Zoning Text Amendment is independent, but related to the next item on the agenda. The applicants for

Zoning Text Amendment would like to develop property in a commercial zone with mixed-use. The mixed-use option provides that development be predominantly commercial. The word "predominantly" is not defined, and there is flexibility within a PDO to establish what predominance means for a specific project. Mr. Snyder stated the applicants would like to alter the requirements within the Parrish Legacy Area to do something less than predominantly commercial. Mr. Snyder said the Planning Commission discussed the request and recommended Council approval of the amendment as presented in the staff report.

Councilwoman Fillmore stated she hesitates to remove the word "predominant" because she feels there would be further pressure to have less and less commercial. Mr. Snyder reminded the Council that the request before them is for a specific geographic area, and could not be considered "loose" since certain criteria must be met. Councilwoman Fillmore expressed the concern that allowing a predominantly residential development would create a loss of commercial identity and synergy in the area. Mr. Snyder stated that, if the developers want out of the "predominant" clause, they would have to meet specific criteria, with discretionary control retained by the Council.

Fred Hale and Chad Salmon, applicants for the Zoning Ordinance Text Amendments, explained they have owned four acres on the southwest corner of the Parrish and 1250 West intersection for about 20 years. The intent of their current development plan is to keep their property and adjacent parcels together as one development and take advantage of current commercial interest in the area to maximize their investment. They are planning a mixed-use development with garden apartments, a clubhouse, open space, and amenities that together will be approximately 67% of the development. Mr. Hale and Mr. Salmon presented two site plans to the Council. The first plan did not have ideal traffic flow within the development, so they put together the second plan to improve traffic flow. Ms. Romney reminded those present that the Council is first considering the Zoning Text Amendment. Mr. Hale and Mr. Salmon have been in negotiations with Maverick for one of the commercial sites for four years. Other than Maverick, they have not seen any interest in the property for commercial use. Mr. Thacker asked Mr. Hale what he considers the reason for the lack of commercial interest in the property. Mr. Hale responded they have been actively trying to commercially develop the property for six or seven years, and he feels Farmington Station has been one factor contributing to the lack of interest, and the lack of residential rooftops in the area has been another.

Councilman Wright expressed a concern regarding the lack of grocery store for the growing number of residents in the area. Mr. Hale responded he thinks Maverick is as close to a grocery facility as they can get at this point. Mr. Salmon added that they have spoken with representatives of the grocery industry who have indicated to Mr. Hale and Mr. Salmon that there is not enough room for a large grocery store, and not sufficient commercial in the area for a smaller country store. He also stated Centerville has three major grocery stores to the east that could use more customers. Mr. Hale stated he feels the access to the Legacy Trail from the development will be an important amenity for the area.

Councilwoman Ivie expressed concern that the west side of the City is going very residential. She stated she knows the apartments already on the west side are a huge draw on police resources, and feels the proposed development would be an even larger draw on the Police Department. Mr. Hale responded that the Police Chief has told him that fewer calls come to the Police Department from residential than from retail. Councilman Averett asked why they are planning apartments rather than condos. Mr. Hale responded that rental apartments are moving in the market right now and condos are not. Councilman Averett stated that a different type of resident comes with rental apartments than condos. He added that he voted against the Megaplex development directly to the east because he felt it was too residential. Councilman

Averett expressed concern about the lack of amenities for residents on the west side. Councilman Wright suggested taking a look at zoning in the whole area to better accommodate residents on the west side.

At 7:05 p.m. Mayor Cutler opened a public hearing regarding the Zoning Text Amendment. Seeing that no one wished to comment the Mayor closed the public hearing.

Councilman Wright stated he is in favor of the proposed Text Amendment, but feels the Council will be setting a precedent with the proposed development and should look at it more closely. Mayor Cutler countered that the precedent was set when the Council approved the Megaplex development project with such a large residential component.

Mr. Snyder explained that when the City originally established the West Centerville Plan, it was designated Commercial Very High (C-VH) with limits in the General Plan. The intent was for medium commercial box (maximum 125,000 square feet), not large commercial box (200,000 square feet). The Miller theaters prompted amendments which changed the nature of the area. At that time the Council had the discussion about the Legacy Gateway Area and decided to allow mixed-use in all four corners of the Parrish/1250 West intersection under the PDO standards. Residential was allowed in the entire district, but with predominant commercial. The current application is to reduce the amount of commercial and have predominant residential. Councilman Higginson stated that, considering the proximity to Farmington Station, if they wait for more commercial on this property it will be a long time coming.

Mayor Cutler recommended the Council table action on the Zoning Text Amendment until after the next presentation. Councilwoman Fillmore stated she would be more comfortable evaluating the request on its own merits. Councilman Wright said it would not hurt to have more information to put it in context. Councilman Wright made a **motion** to table action until after presentation of the next staff report. Councilwoman Ivie seconded the motion, which passed by majority vote (3-2) with Councilmen Averett and Higginson dissenting.

PUBLIC HEARING – REZONE AND CONCEPTUAL PLAN FOR THE LEGACY TRAIL APARTMENT DEVELOPMENT – 1250 WEST PARRISH LANE – CONSIDERATION OF ORDINANCE NO. 2014-06

Mr. Snyder reported that the Planning Commission reviewed and recommended approval of the Rezone and Conceptual Plan for the Legacy Trail Apartment Development, with the limitation that the access point on 1250 west is a right in/right out turn. The Planning Commission only had sufficient information to look at a right in/right out access. UDOT has restricted access onto Parrish Lane, and it is Mr. Snyder's understanding that Maverick would not be interested in the property without full-access onto 1250 West. The second Site Plan presented to the Council includes full-access onto 1250 West. The second Plan also includes a flex-space that would be marketed for four years as commercial, but would be converted to residential if commercial is not marketed successfully. Mr. Snyder stated staff is confident that the full-access on 1250 West can be functional. Councilwoman Fillmore expressed the concern that the second plan accentuates the issue of reduced commercial.

Councilman Wright asked if parking would be available for those who specifically come to use the Legacy Trail. Mr. Hale and Mr. Salmon stated they hope their development will be seen as a trail head. They expressed confidence that sufficient parking will be available within the development. They plan 2.3 parking stalls per residential unit, but do not plan public parking specifically for trail use. Mr. Hale explained the planned location of fencing in relation to the trail. Mayor Cutler asked who will be responsible to maintain the walkway on UDOT property.

Mr. Thacker stated that UDOT will not be accepting responsibility. Responsibility may end up being split between the developer and the City. Mr. Hale stated 2,000 feet of trail are planned with the development, which he feels is significant.

Councilwoman Fillmore commented there are drastic differences in the amount of commercial between the two designs. Mr. Salmon responded that the second plan improves traffic flow without changing residential percentage. Councilwoman Fillmore pointed out that a lot of commercial square footage is lost in the second plan. She said she is comfortable with eliminating the word "predominant", but is uncomfortable with seeing the percentage of commercial continuing to go down. Councilwoman Fillmore asked if the developers are confident the development would be successful if the Council required the flex-space to remain commercial-use. Mr. Hale responded they want it to be commercial, but do not want it to sit unused for years and years. Mr. Hale stated they had suggested a two-year wait for the flex-space and Mr. Snyder suggested a four-year wait. He stated they are hoping synergy will be created and commercial will be successful. Councilman Wright stated he feels it is important for the property owners to retain the option for residential if a commercial client is not found.

Mr. Hale confirmed that Maverick will not be interested in the development if full-access is not granted onto 1250 West. The full-access onto 1250 West is only feasible with the second site plan. The applicants explained the traffic flow for both scenarios. Councilman Wright asked about parking ratios in the development, and Mr. Salmon responded the development exceeds City parking requirements. Councilwoman Ivie asked about covered parking, and Mr. Hale responded the development includes a lot of covered parking. Mr. Hale added that the development includes a lot of open green-space as well.

Mayor Cutler stated he would like to ensure that the development be a high-quality project, with attractive apartments that will still look nice 20 years from now, and asked what the Council can put in place to ensure it looks high-quality over time. Guillaume Belgique, architect for the development, described the planned village feel of the project. A 1:1 ratio for covered parking is planned for the apartments. A lot of architectural relief will be used, along with durable materials, to ensure high-quality buildings, and the commercial buildings will be homogenous with the apartments. Mr. Belgique stated the goal will be to design something that will be good for the city as well as the client. Mr. Hale added that Mr. Snyder has already addressed the quality issue with the material requirements in the agreement.

At 7:56 p.m. Mayor Cutler opened a public hearing.

Dale McIntyre – Mr. McIntyre asked what ratio of the development would be residential if the flex-space were to become residential after four years. Mr. Hale responded the development would probably be 75% residential.

Mayor Cutler closed the public hearing at 7:58 p.m. The Mayor asked if the buildings are all the same height, and how the heights compare to the Legacy Apartments across the street. Mr. Belgique responded the buildings will be three stories with pitched roof, compared to four stories across the street, and the overall height of the buildings will be about 37 feet.

Councilman Wright made a **motion** to go back to consideration of the Zoning Text Amendment. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

Councilman Averett stated he feels the difference between the proposed project and the Megaplex project across the street, is that when the Megaplex project is completed it will be

predominantly commercial, and the proposed development would be predominantly residential. Councilwoman Fillmore stated she feels residential use would be more appropriate further south, closer to the single-family home residential area of West Bountiful. She added that this Parrish Lane intersection between Legacy Highway and I-15 is important commercially. She expressed hesitations in making the change. However, she acknowledged that feasibility studies have a lot of legitimacy, and that Station Park got there first. Councilwoman Fillmore stated she feels the Council should push-back on some of the details, and that waiting has a lot of value, but feels a pull towards approving the Text Amendment.

Councilman Wright made a **motion** to approve Ordinance No. 2014-05 amending Section 12-41-060 of the Centerville Zoning Code regarding uses allowed in the Planned Development Overlay Zone and adding specific area requirements for commercial planned developments in the West Centerville Neighborhood Parrish-Legacy Gateway Corridor District based on the findings of the Planning Commission. Councilman Higginson seconded the motion, which passed by majority vote (3-2), with Council members Averett and Ivie dissenting.

Findings:

a. The Planning Commission finds the proposed amendment consistent with the goals, objectives and policies of the City's General Plan, specifically policy Section 12-420-6, West Centerville Neighborhood Plan, Goal #2 – "Create and Develop the Parrish-Legacy Gateway Corridor District."
b. The Planning Commission finds that the general plan policy does NOT define how much of a development project ought to be commercial vs. residential.
c. The Planning Commission finds that the general plan policy does expect that both types of uses ought to be present in this gateway area by using such terms as "residential component" and "master planned area."
d. The Planning Commission finds that a text amendment must ensure that both use types are sensibly developed within the Parrish-Legacy Gateway District.
e. The Planning Commission finds that the Parrish-Legacy Gateway Area is unique among the C-VH zoning districts within the City.
f. The Planning Commission finds that not all the commercial districts need to be predominately commercial.
g. The Planning Commission finds, however, that with the increased allowance of residential in the Parrish-Legacy Gateway Area, the commercial allowances should be narrowed to needs and services of a growing multi-family neighborhood.

Councilman Higginson made a **motion** to approve Ordinance No. 2014-06 amending the Centerville City Zoning Map by changing the zoning of approximately 12.15 acres of certain real property from Commercial Very High (C-VH) to Commercial Very High/Planned Development (C-VH/PD) and accepting PDO Conceptual Plan for the Legacy Trail Apartments Planned Development subject to the conditions and based on the findings set forth in the Staff Transmittal Report, and directing staff to include the alternate version that includes full-access on 1250 West. Councilman Wright seconded the motion. Councilwoman Fillmore expressed a desire to amend the motion to require that the flex-space be marketed as commercial space for more than four years, or even require that it always remain commercial. Councilman Higginson asked when the four-year period starts. Councilwoman Fillmore stated she feels the ordinance is not quite ready. She expressed respect for the Planning Commission and the time they spend, and in considering such a drastic change from what the Commission looked at she suggested tabling action and discussing the matter further. Mr. Snyder stated the four-year period could begin upon completion of the other buildings in the development. Councilman Wright expressed concern with the role of government and mandating what a developer can do.

Councilwoman Fillmore responded that municipalities have the Constitutional right, and even responsibility, to put land-use plans in place. She feels that with granting such a large change in land-use, a small push-back to protect the land-use plan as it was is not unreasonable.

Mr. Salmon stated they have been trying to tie all of the property together in one development for almost seven years. He added if they do not move forward with this development, the property will revert to three separate parcels. Mr. Salmon explained that the single-story office buildings shown in the second plan could be altered to have two-stories to increase the commercial square footage. Councilwoman Fillmore stated she feels that would be a good compromise. Councilman Higginson stated he does not feel it would be right to require the buildings have two stories since there is no guarantee that customers would be interested in two-story buildings.

Councilwoman Fillmore recommended the Council table action to look over the alternate version of the Ordinance more closely. Mr. Hale explained their development time constraints. Councilwoman Fillmore restated her desire to amend the motion to require that the flex-space be limited to be retail. Councilman Higginson countered that the building across the street from that space is already residential, and he would not want to take away the developer's flexibility if it remains unused for years. Mayor Cutler pointed out that it could be approved as commercial and reconsidered at a future time. Mr. Hale stated they are fine with starting the four-year period when the rest of the development is completed. Councilwoman Fillmore made a **motion** to amend the original motion to require that the second 6,000 square-foot building labeled as flex-space, be labeled simply as commercial. Councilman Wright seconded the motion to amend the original motion, which passed by majority vote (3-2), with Council members Averett and Ivie dissenting. The motion as amended passed by majority vote (3-2), with Council members Averett and Ivie dissenting.

Findings:

a. The Planning Commission finds that the proposed development does not conflict with any applicable policy of the Centerville City General Plan.
b. The Planning Commission finds that he proposed development meets the spirit and intent of the Zoning Ordinance as set forth in Section 12-41-010.
c. The Planning Commission finds that the proposed development will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
d. The Planning Commission finds that the proposed development meets the use and development limitations and other requirements of the zone with which the PDO zone is combined, except as otherwise allowed by the Zoning Ordinance.
e. The Planning Commission finds that the proposed development meets the density limitations of the General Plan.
f. The Planning Commission finds that the petitioners have or will have sufficient control over the property to be developed to ensure development will occur as approved.
g. The Planning Commission finds that the petitioners appear likely to have the financial capability to carry out the planned development project.
h. The Planning Commission finds that the petitioners will likely have the capability to start construction within one (1) year of a final plan approval.

CONTINUE PRESENTATION AND DISCUSSION OF DRAINAGE IMPACT FEE ANALYSIS AND RATE STUDY

Councilman Wright made a **motion** to table discussion of the Drainage Impact Fee Analysis and Rate Study, the Mayor's Report, and the Financial Report to the next meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

CITY MANAGER'S REPORT

- Mr. Snyder disagreed with Mr. McEwan's comments in the Open Session regarding beekeeping, stating that City Zoning Code prohibits apiaries (beekeeping). Mr. Snyder suggested the word "apiaries" could be removed from the Code, or the Council could adopt its own ordinance. Councilman Wright stated he feels the City should remove the word and let the State continue management and regulation. Councilman Wright made a **motion** to direct the Planning Commission to remove the word "apiaries" from the animal specialties definition of the Code, with the intent that it will not be regulated by the City. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Mr. Thacker updated the Council regarding the Main and Parrish Intersection Project. Construction will hopefully begin around the first of May. The Council and staff discussed bus stop locations and the possibility of including covered bus stops.

MISCELLANEOUS BUSINESS

The Council discussed the need to appoint members to the Centerville Community Foundation, and whether or not the Community Foundation needs to continue. Mr. Lutz pointed out that the Community Foundation was formed to allow the possibility to accept donations from entities that cannot donate to a government entity. Mayor Cutler recommended the Community Foundation continue, nominated David Gutke for re-appointment to the Foundation, and stated he would be willing to consider members of other City committees for appointment to the Foundation. Councilwoman Fillmore made a **motion** to appoint David Gutke to the Centerville Community Foundation. The motion was seconded by Councilman Higginson and passed by unanimous vote (5-0).

ADJOURNMENT

At 8:53 p.m. Councilwoman Ivie made a **motion** to adjourn the meeting. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

4-1-2014
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY UTAH
CORPORATE SEAL

Name : Hongmin Jin
Tel : 801 721 6782
email : hongminjin on @gmail.com

Dear Centerville Mayer and City Councils:

Following are my question about recycling fees:

- If the recycling program had option-out period that means not all residences pay for this "mandatory" program.
- Do residences came living in Centerville earlier have more right than residences just moved in?
- "Recycling program attached to the house" is that mean if new home owner purchased house option-out before, so they are not able to join this program even they need this service?
- If this is "mandatory" program why did option-out in the beginning instead of just enforcement the law?
- My personal situation:

1. I am only one live in the home, even living daily bases my garbage bin only need service once a month but I am willing to pay for it cause it is mandatory fee that all residences required the same, and storm drain fees and other utilities bills are the same even sometimes when I will be gone to home country for the reason of taking care my aged parents.
2. Another key issue is my income is pretty low, the house is whole family help me making down payment for the purpose of being safe live here, but nobody can help me pay for the mortgage loan and all the bills. Most of stuffs in the home I bought in Desert Industry Store and I am trying save every single dollar in the daily life! That does not make sense to pay something I do not need service. Junk mails is the only thing I have for recycling that may take three months to have a stack to take over to recycling bin in the work.

I am still keep very positive attitude for looking for better pay job either in my home country or here, if I am able to find a better pay job I would rather not fight with this 5 bucks/ month bill. I pay all kind of taxes and bills assigned to me. I am definitely doing my obligation here. I am actually the person always trying to contribute to society and help others but now my situation is: I really need help out!

Hongmin Jin

Name : Hongmin Jin
Tel : 801 721 6782
email : hongminjin on @gmail.com

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Hongmin Jin

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CENTERVILLE CITY COUNCIL MEETING

~~Tuesday~~, March 19, 2014
Wednesday, ~~7:00~~ 6:15 p.m.

NAME (PLEASE PRINT)	ADDRESS**
Dale McIntyre	258 E. 200 S. Centerville
Hongmin Jin	282 W 680 N "
Kristen Sierra	798 E. 650 S. Cent.
Logan Johnson	250 W 1700 N "
[illegible]	CBS-lly
[illegible]	SEC
Brandon Irie	595 S. 700 E. Cent.

** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the City Council meeting.