

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD A SPECIAL PUBLIC MEETING AT 5:00 P.M. ON TUESDAY, MAY 12, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL MULTI-PURPOSE ROOM (DOWNSTAIRS), 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, or may read this memo on the City's website: <http://centerville.novusagenda.com/agendapublic>.

Tentative - The times shown below are tentative and are subject to change during the meeting.
Time:

5:00 **A. ROLL CALL**

B. BUSINESS

1. Consider Temporary Zoning Regulations for South Main Street Corridor Overlay District – Consider Ordinance No. 2015-05
Consider adoption of Ordinance No. 2015-05 imposing temporary zoning regulations (moratorium) on development within the South Main Street Corridor Overlay District
2. Closed meeting, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended
3. Request to have staff prepare a text amendment for the SMSC Overlay District to start the process with the Planning Commission to cap the residential density at R-M levels for any mixed use as part of a commercial development in the SMSC Overlay District

C. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

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5:00 A. ROLL CALL

B. BUSINESS

- 5:00 1. Consider Temporary Zoning Regulations for South Main Street Corridor Overlay District – Consider Ordinance No. 2015-05**
- Consider adoption of Ordinance No. 2015-05 imposing temporary zoning regulations (moratorium) on development within the South Main Street Corridor Overlay District.
- 2. Closed meeting, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended**
- 3. Request to have staff prepare a text amendment for the SMSC Overlay District to start the process with the Planning Commission to cap the residential density at R-M levels for any mixed use as part of a commercial development in the SMSC Overlay District**

C. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
5/12/2015**

Item No. 1.

Short Title: Consider Temporary Zoning Regulations for South Main Street Corridor Overlay District – Consider Ordinance No. 2015-05

Initiated By: City Council

Scheduled Time: 5:00

SUBJECT

Consider adoption of Ordinance No. 2015-05 imposing temporary zoning regulations (moratorium) on development within the South Main Street Corridor Overlay District.

RECOMMENDATION

BACKGROUND

The City Council previously directed Staff to prepare an ordinance for imposing temporary zoning regulations (moratorium) on development within the South Main Street Corridor Overlay District and to schedule the matter for City Council discussion. In response to Council direction, Staff prepared Ordinance No. 2015-05 proposing temporary zoning regulations on development within the South Main Street Corridor Overlay District and placed the matter on the City Council agenda for April 21, 2015. The City Council discussed Ordinance No. 2015-05 at the April 21 meeting and decided not to adopt the ordinance at that time. Staff has subsequently been directed to again schedule Ordinance No. 2015-05 for discussion and possible action by the City Council. As directed, Ordinance No. 2015-05 is attached for City Council consideration. The confidential Memorandum from the City Attorney regarding the procedures, requirements and legal issues involved in imposing temporary zoning regulations is again attached as a privileged and confidential document for Council review. Also attached is a copy of *Utah Code Ann.* 10-9a-504 regarding statutory requirements for imposing temporary land use regulations. A map of the properties and area proposed to be subject to the temporary zoning regulations, consisting of all properties within the South Main Street Corridor Overlay District, is attached to Ordinance No. 2015-05 as Exhibit A. The minutes from the April 21, 2015 City Council meeting are also attached.

ATTACHMENTS:

Description

- ☐ City Attorney Memorandum-Temporary Zoning Regulations
- ☐ Ordinance No. 2015-05-SMSC TZRO
- ☐ UCA 10-9a-504
- ☐ April 21, 2015 City Council meeting minutes re South Main Street Corridor

ORDINANCE NO. 2015-05

**AN ORDINANCE OF THE CENTERVILLE CITY COUNCIL
ESTABLISHING TEMPORARY REGULATIONS PERTAINING TO
LAND USE, ZONING, SUBDIVISION AND DEVELOPMENT OF REAL
PROPERTY LOCATED WITHIN THE SOUTH MAIN STREET
CORRIDOR OVERLAY DISTRICT ZONE GENERALLY CONSISTING
OF PROPERTIES ALONG AND IN THE VICINITY OF MAIN STREET
FROM PARRISH LANE TO PORTER LANE WITHIN CENTERVILLE
CITY, UTAH, AS MORE PARTICULARLY DESCRIBED ON THE SMSC
OVERLAY DISTRICT MAP**

WHEREAS, the City has previously adopted the South Main Street Corridor Overlay District Zone (SMSC Overlay Zone) as set forth in Chapter 12-48 of the Centerville City Zoning Ordinance and the South Main Street Corridor Plan as set forth in Section 12-480-7 of the Centerville City General Plan; and

WHEREAS, one of the major goals of the General Plan provisions for the South Main Street Corridor is to "Create a commercial district with a central core intersection that is designed to serve as the heart of the City and support and encourage local businesses" and to create a central commercial district within the Traditional and City Center Districts along Main Street that will be a counter-balance to the automobile-centric commercial developments along the interstate; and

WHEREAS, the City Council questions whether commercial uses are viable on Main Street given all of the commercial development along Parrish Lane and would like to research and study the viability of such commercial uses within the SMSC Overlay Zone; and

WHEREAS, the City Council desires to research and study whether solely residential development within certain districts of the SMSC Overlay Zone would be desirable and more compatible with existing residential uses adjacent to the SMSC Overlay Zone; and

WHEREAS, the City of Centerville anticipates further growth and development within those portions of the City located west of Interstate 15 and south of Parrish Lane; and

WHEREAS, given the significant contemplated changes to the SMSC Overlay Zone and inherently different direction of proposed uses and development within the SMSC Overlay Zone, there is a need for additional planning and analysis regarding the South Main Street Corridor Plan set forth in the General Plan and the SMSC Overlay Zone as set forth in the Zoning Ordinance and other relevant ordinances of the City to ensure appropriate land use and development, to provide for adequate and safe traffic and pedestrian circulation, and to address commercial and residential uses in the SMSC Overlay Zone; and

WHEREAS, the City Council finds that it is necessary and essential to protect the public health, safety and welfare to undertake a thorough review and update of the City's South Main Street Corridor Plan and/or the City's ordinances relating to land use regulations, traffic and development requirements within the SMSC Overlay Zone as more particularly described in

Exhibit "A," attached hereto and incorporated herein by this reference, hereinafter referred to as the "Study Area"; and

WHEREAS, the City Council and staff need time to appropriately review and study the current South Main Street Corridor Plan and the SMSC Overlay Zone and City ordinances affecting the Study Area and to recommend any appropriate amendments to the existing South Main Street Corridor Plan, the SMSC Overlay Zone, and/or other City ordinances; and

WHEREAS, the City is authorized by law to enact ordinances establishing temporary zoning regulations for any part or all of the City prohibiting, restricting or regulating subdivision or other development approvals, or the issuance of building permits pursuant to Utah Code Ann. § 10-9a-504, as amended; and

WHEREAS, the City Council finds that there are compelling, countervailing public interest reasons which make it necessary to enact temporary regulations for the Study Area as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Enactment. The following Ordinance is hereby enacted and adopted to read in its entirety as follows:

Title. This Ordinance shall take effect without codification and may be cited as the "2015 South Main Street Corridor Zoning Regulations Ordinance" of Centerville City.

Findings. The Centerville City Council hereby finds that the health, safety, welfare, convenience and compelling, countervailing interest of the public and the residents of Centerville City will be promoted and enhanced by adopting this Ordinance imposing temporary regulations governing land use, zoning, subdivision, development and construction within the Study Area. The City Council hereby finds that such restrictions are necessary and desirable to promote proper land use and development within the Study Area and to allow for adequate and necessary study to address the needs created by the recent conclusion that commercial uses may not be viable on Main Street and that mixed use or solely residential development along Main Street within the SMSC Overlay Zone may be appropriate, and to review and analyze other relevant development, planning, design, transportation and economic impacts occurring within the boundaries of the Study Area with regard to the following:

- a. Review of existing General Plan, zoning ordinances, subdivision regulations and building regulations regarding the SMSC Overlay Zone.
- b. Evaluate the effectiveness of those elements of the City Ordinances and General Plan in relation to current commercial uses, growth patterns, mixed use development, traffic and pedestrian circulation, relationship of

uses, potential opportunities for residential development, and the needs of the City within the Study Area.

c. Review and consider adopting appropriate ordinances and regulations to provide for the orderly growth and planning of the Study Area and to ensure appropriate uses and development within the Study Area.

In order to accomplish the foregoing objectives and matters related thereto, it is essential and mandatory that adequate time be provided to complete study, evaluation, planning and review with regard to the General Plan, zoning ordinances, subdivision ordinances, building regulations and other development regulations and procedures of the City for the Study Area.

Temporary Regulations.

a. Restriction on General Plan and Zoning Amendments. No new applications for General Plan and/or Zoning Map amendments to any property or area within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

b. Restriction on Subdivision Approvals. No new applications for subdivision approval or amendments for any property or area within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

c. Restriction on Site Plan and Conditional Use Permit Approvals. No new applications for site plan or conditional use permit approval for any property within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

d. Restriction on Building Permits. No new applications for building permits for any property within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

e. Completed Applications. Any completed application for General Plan amendment, rezone, subdivision, site plan, conditional use permit, building permit or development approval for any property within the Study Area which has been submitted, received and deemed complete by the City as of the date of this Ordinance shall be excluded from the effects of this Ordinance.

f. Term. This Ordinance shall remain in effect for six (6) months from its effective date unless sooner terminated by action of the City Council.

Section 2. Conflict. In the event of any conflict between this Ordinance and any other Centerville City ordinances, resolutions or regulations, the provisions of this Ordinance shall be controlling. This Ordinance is not intended to amend or repeal any other Centerville City ordinances, resolutions or regulations.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall take effect immediately upon publication or posting.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS _____ DAY OF APRIL, 2015.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

MARSHA L. MORROW, City Recorder

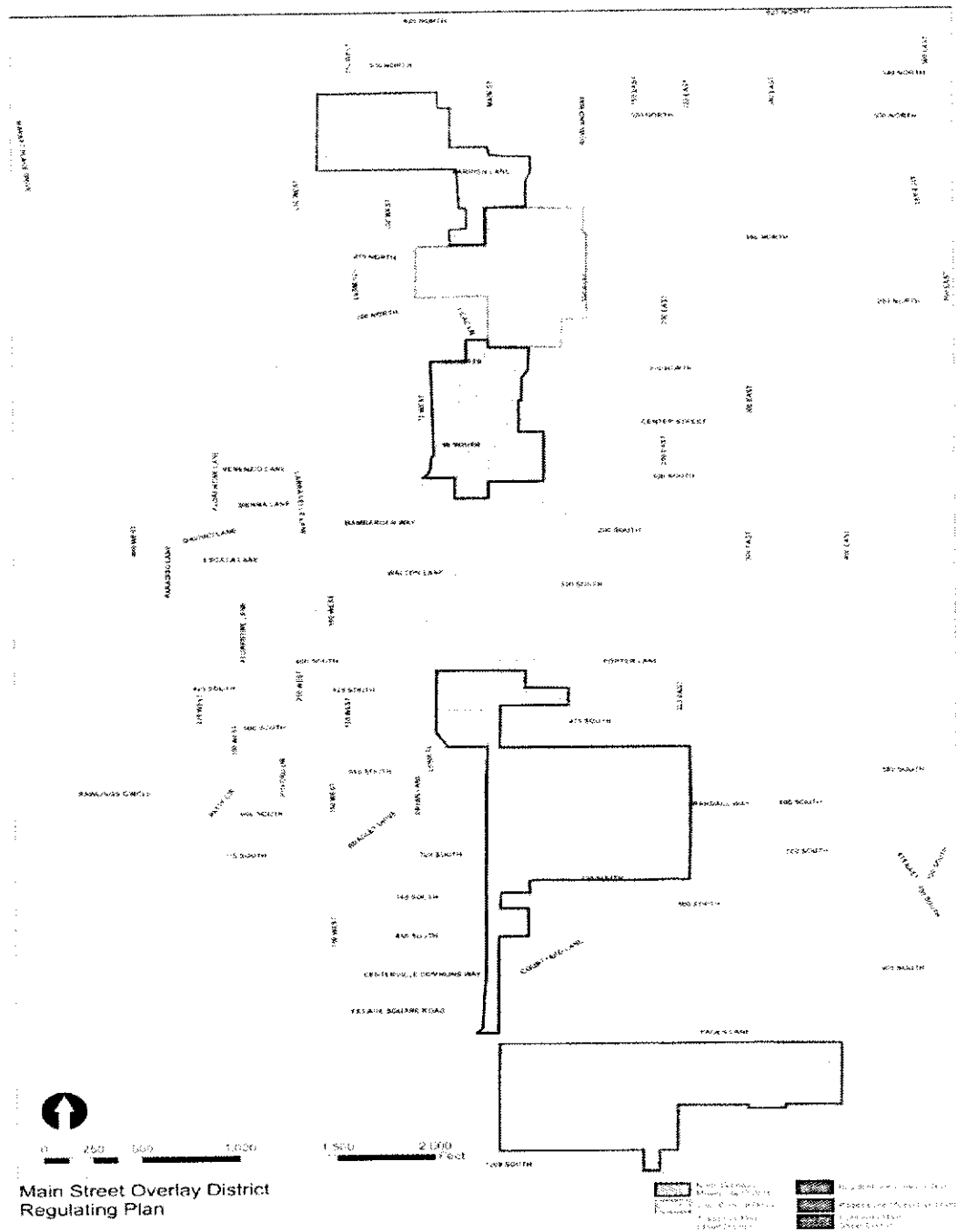
DATE: _____

RECORDED this ____ day of _____, 20 ____.

PUBLISHED OR POSTED this ____ of _____, 20____.

EXHIBIT A

BOUNDARIES OF SOUTH MAIN STREET CORRIDOR TEMPORARY ZONING REGULATIONS



West's Utah Code Annotated

Title 10. Utah Municipal Code

Chapter 9A. Municipal Land Use, Development, and Management (Refs & Annos)

Part 5. Land Use Ordinances

U.C.A. 1953 § 10-9a-504

§ 10-9a-504. Temporary land use regulations

Currentness

(1)(a) A municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

(i) the legislative body makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed six months.

(3)(a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed six months in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

§ 10-9a-504. Temporary land use regulations, UT ST § 10-9a-504

Credits

Laws 2005, c. 254, § 33, eff. May 2, 2005.

U.C.A. 1953 § 10-9a-504, UT ST § 10-9a-504

Current through 2014 General Session.

End of Document

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QUESTAR FRANCHISE RENEWAL

Ms. Romney reported that Questar has paid the application fee and signed the renewal Franchise Agreement. Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2015-06 granting to Questar Gas Company a Franchise for the construction, operation, and maintenance of a Gas Distribution System in Centerville City. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

WHITAKER MUSEUM SIGN

Spencer Packer, Whitaker Museum Board Chair, provided drawings of the proposed sign for the Whitaker Museum. The Board previously allocated \$6,000 for the sign in the Museum Budget. The Rotary Club has donated an additional \$2,000. The Whitaker Board has received preliminary bids and learned that approximately \$4,000 more will be needed to complete the project. Chair Packer said the Board is asking the Council for the full amount at this time, which could potentially be offset by City department labor or in-kind donations. Staff suggested the amount come from General Fund balance if the Council wants to provide this additional funding.

Councilman Wright made a **motion** to approve allocation of up to \$4,000 from General Fund balance for the Whitaker Museum sign. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

**TEMPORARY ZONING REGULATIONS FOR SOUTH MAIN STREET CORRIDOR
ZONE – CONSIDER ORDINANCE NO. 2015-05**

At the April 7, 2015 City Council meeting the Council directed staff to research initiating a Temporary Zoning Regulation Ordinance (TZRO) to take a closer look at the South Main Street Corridor Plan. Staff provided a sample ordinance as well as a memorandum addressing legal issues regarding the TZRO. Mr. Snyder explained that since the last Council meeting, Brighton Homes has submitted an application for conceptual site plan approval, in accordance with current zoning ordinances, that includes 50 units on the property between 300 South and Porter Lane on Main Street. A TZRO would prevent future applications for up to six months. Mr. Snyder explained that site plan applications – whether permitted or conditional use – are handled by the Planning Commission for review and approval. He said he suspects the existing application may eventually include subdivision of land, which would be presented to the Council on recommendation from the Planning Commission. Mr. Snyder stated that from his perspective a TZRO would close the door to negotiations regarding the existing application.

Councilman Wright stated he believes there is nothing the Council can do about the existing application. He is concerned about the rest of the corridor, and he said he thinks it would be good to have a TZRO to engage the residents and property owners regarding what needs to be in place. Councilman Wright added that the process does not need to take six months. Councilwoman Fillmore stated that although there is possibly a need and willingness to talk more about the Main Street Plan and make changes as needed, the vocalization of concern was spurred by the specific project. She said she feels a TZRO would likely hinder the ability to help the existing project happen in a better way with a better end result. The existing application is quite different from what was first proposed, which Councilwoman Fillmore said she feels is a result of a lack of negotiation. She suggested the City negotiate for the best possible outcome of the current project under the existing legal constraints, and continue discussing changes needed for the Main Street Plan, with the possibility of placing a TZRO in the future if needed.

1 Councilwoman Ivie expressed frustration that the City got this far without realizing that
2 the South Main Street Corridor Plan allows the proposed density. Councilwoman Ivie listed
3 potential problems with the options available, and stated she does not see a clear answer to the
4 problem. Mr. Snyder briefly described the existing application. Mayor Cutler stated he feels
5 there is a better chance of influencing density and design of the project by not imposing a TZRO
6 at this time. Councilman Wright asked if the City could negotiate with the current project and
7 implement a TZRO to look at the rest of Main Street simultaneously. Councilwoman Ivie agreed
8 with Councilman Wright that the TZRO would not need to be a long drawn-out process and
9 repeated his question. Ms. Romney responded that the submitted application for site plan
10 approval will be considered by the Planning Commission and will not come before the Council.
11 Negotiations could occur with a TZRO in place, but the TZRO would have to be repealed in
12 order to consider a text amendment or rezone. Councilwoman Fillmore stated she thinks doing
13 both would send mixed messages. She repeated her suggestion that the City continue
14 negotiations to hopefully improve the existing project, and save the TZRO for a later time if
15 needed. Councilman Higginson said he feels a TZRO would send a message that the City is
16 not interested in working something out that is beneficial to the developer and the citizens.
17 Council members Ivie and Averett expressed disappointment that Brighton Homes submitted
18 the current application. Councilman Averett agreed with a comment made by Councilman
19 Higginson during the work session that the time for a TZRO has passed, and said he does not
20 think there is an imminent threat of another application in the near future.

21
22 Councilman Higginson stated he hopes the developer will see the decision to not
23 implement a TZRO as an opportunity to work out something good for the community.
24 Councilman Wright stressed the need to make necessary changes to the South Main Street
25 Corridor Plan quickly. Councilwoman Fillmore pointed out that it is easy to state what is not
26 wanted, and asked the public to be thoughtful about what development would be desirable.

27
28 Councilman Averett asked Mr. Snyder if he thinks additional applications are imminent,
29 how quickly an evaluation of the Plan could take place, and if hiring additional consultants would
30 be helpful. Mr. Snyder responded there are properties with potential for redevelopment, but he
31 does not expect anything in the next six months. The existing project may generate interest if it
32 is successful. The length of time needed for an evaluation will depend on the priority assigned
33 by the Council. Hiring a consultant specializing in the economics and market conditions of
34 redevelopment would be helpful. Referring to comments made in the April 7th meeting that
35 commercial is no longer viable on Main Street, Mr. Snyder stated that removing commercial
36 would have economic impacts on the City as well as the property owners. He said he is not
37 sure that commercial is not viable. Responding to the concern regarding density, Mr. Snyder
38 said that a development of single-family homes on Main Street may not work economically.
39 Councilwoman Fillmore pointed out that single-family development is already an available use,
40 and would have already happened if it were viable. Councilman Averett said he feels it would
41 be worth the time and money to direct staff to engage an outside consultant to provide market
42 research in conjunction with looking at other aspects of the Main Street Plan, including
43 preservation of the proposed historic district.

44
45 Councilwoman Fillmore made a **motion** to direct the City Manager to schedule a work
46 session to determine the scope of work for the City and an independent consultant regarding
47 the South Main Street Corridor Plan. Councilman Wright seconded the motion, which passed
48 by unanimous vote (5-0). Mr. Snyder said he will work with the developer to improve the
49 existing project as much as possible.

50
51 At 8:43 p.m. the Council took a break, returning at 8:56 p.m.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
5/12/2015**

Item No. 2.

Short Title: Closed meeting, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
5/12/2015**

Item No. 3

Short Title: Request to have staff prepare a text amendment for the SMSC Overlay District to start the process with the Planning Commission to cap the residential density at R-M levels for any mixed use as part of a commercial development in the SMSC Overlay District

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND