

1 Minutes of the Centerville **City Council** meeting held Tuesday, October 20, 2015 at 7:00 p.m. at
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Mayor Paul A. Cutler
7
8 Council Members Ken S. Averett
9 Tamilyn Fillmore
10 John T. Higginson
11 Stephanie Ivie
12 Lawrence Wright

13
14 **STAFF PRESENT**

Steve Thacker, City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Jacob Smith, Management Assistant
Katie Rust, Recording Secretary

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20 **STAFF ABSENT**

Blaine Lutz, Finance Director/Assistant City Manager

21
22 **VISITORS**

Interested citizens (see attached sign-in sheet)

23
24 **PLEDGE OF ALLEGIANCE**

25
26 **PRAYER OR THOUGHT**

Councilman Averett

27
28 **OPEN SESSION**

29
30 Dale McIntyre – Mr. McIntyre quoted from the Centerville General Plan Section 12-420-
31 1, regarding the desire to maintain the character of single-family residential development. He
32 referred to the planned development on the north side of Porter Lane on the Hafoka property,
33 and said the only reason he can find to have included the Hafoka home in this development
34 project would be to give the appearance of enough acreage to make it legal to put that many
35 units on the adjacent property. He expressed amazement that no one has asked why the large
36 structure (home) existing on the property is included in the development project.

37
38 Mayer Cutler responded that property owners have the right to incorporate an existing,
39 conforming building into a development project if they choose. It was not the city's idea to
40 include the building, but the city will follow the rules that are in place. Councilman Wright
41 thanked Mr. McIntyre for the General Plan reminder.

42
43 **MINUTES REVIEW AND ACCEPTANCE**

44
45 The minutes of the October 6, 2015 joint work session and Council meeting were
46 reviewed. Councilwoman Ivie requested an addition to the work session minutes to be added
47 by staff and approved at the next meeting. Council members Fillmore and Ivie requested
48 additions to the regular meeting minutes. Councilman Wright made a **motion** to table approval
49 of the work session minutes, and to approve the October 6, 2015 regular meeting minutes as
50 amended. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-
51 0).

**PUBIC HEARING – ZONE MAP AMENDMENT (REZONE) – 85 EAST CHASE LANE –
ORDINANCE NO. 2015-24**

On September 23, 2015, the Planning Commission reviewed and recommended for approval the proposed rezone of property located at 85 East Chase Lane from A-L (Agricultural-Low) to R-L (Residential-Low). Cory Snyder, Community Development Director, explained that A-L has a 30-foot setback and R-L has a 25-foot setback from the front of a property. Considering the creek that runs through the property, the property owners would like to take advantage of the 25-foot setback. The Planning Commission has considered the proposed placement of the home, and recommends the rezone. Councilman Wright asked if there is a chance that spring runoff could cause flooding. Mr. Snyder responded that the property owner is working with the County to provide needed access. Mr. Thacker pointed out that the shorter front setback allows the building to be farther from the creek, reducing the risk of flooding.

The property owner, Roy Rasband, confirmed that the County signed a variance document. Glade Jones of Calute Homes explained that because of the City's two-step development application process construction cannot begin until December. He suggested the City consider amending the ordinance to allow a shorter process. Mr. Rasband further explained that by ordinance, if a property with a structure has been vacant for more than one year, a two-step process involving an extra preliminary site plan and final site plan is required, causing a delay.

At 7:26 p.m. the Mayor opened a public hearing and closed the public hearing seeing that no one wished to comment. Councilman Wright stated he would like to see if the process could be streamlined. Staff explained that unplatted lots were included in the two-step site plan process to ensure they have all the necessary public improvements. Councilwoman Ivie asked if the wait time is necessary, and Mr. Snyder explained that several years ago the Planning Commission was uncomfortable with the pressure to combine the steps for large projects, and recommended requiring separate reviews in the two-step process.

Councilman Wright made a **motion** to adopt Ordinance No. 2015-24 amending the Centerville City Zoning Map by changing the zoning of property located at approximately 85 East Chase Lane from A-L to R-L based on the following findings. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Findings:

- a) The proposed zoning changes are consistent with the goals and objectives of the General Plan [Section 12-480-3(1)(d)(1)].
- b) The proposed zoning changes are in harmony with the surrounding neighborhood [Current Centerville City Zoning Map, Section 12-21-080-(e)(2)].
- c) The applicant has provided sufficient evidence as to why the rezone is necessary for development of property at 85 East Chase Lane [Submitted application September 4, 2015].

**PUBLIC HEARING – RAP TAX REAUTHORIZATION – PRESENTATION OF
ARGUMENTS FOR AND AGAINST**

Reauthorization of the RAP Tax will be on the City ballot in November. Under the Transparency of Ballot Propositions Act, the City is required to present arguments for and against the reauthorization in public meeting no more than 14 days but at least 4 days before the November 3rd election.

1 As authors of the arguments published in the RAP Tax Voter Information Pamphlet,
2 Mayor Cutler presented his argument in favor, and Councilman Wright presented his argument
3 against reauthorization of the RAP Tax.

4
5 At 7:48 p.m. Mayor Cutler opened a public hearing.

6
7 Blane Roskelley – Mr. Roskelley explained some of his personal financial difficulties. He
8 stated that citizens will soon face multiple tax increases, and a nickel in his pocket is more
9 important to him than a nickel in the City's pocket. Mr. Roskelley listed the many taxes he pays,
10 and said he thinks the burden on the citizens is incredulous.

11
12 Dale McIntyre – Mr. McIntyre quoted from the Declaration of Independence, and stated
13 that the primary purpose of government is to secure the rights of the people. He stated there
14 are more important things to do with tax dollars than pickle ball courts and splash pads. We are
15 living in a time when the nation is in trouble fiscally. Mr. McIntyre asked what would happen to
16 Centerville if Federal funds were withdrawn. He expressed the opinion that the city is not in
17 good financial standing, despite the fact that bills are being paid. Taxes have to be raised to
18 pay for the growing number of bills. He concluded stating he does not want Centerville City to
19 give out Obama votes.

20
21 Steve Allen – Mr. Allen described the feeling of personal pride and ownership felt by
22 those who help complete work at City parks with donated labor. He stated the City should not
23 dilute that feeling by sharing ownership with others who would come into the community and
24 pay the tax. Mr. Allen stated the RAP Tax should not be renewed.

25
26 Becki Wright – Ms. Wright stated she is in favor of renewing the RAP Tax. She said she
27 believes it would help citizens on fixed incomes by helping maintain high housing prices and a
28 desirable place to live. She said it is a benefit that the people who come to shop in the city
29 would help pay for the parks. The parks will draw people to Centerville. She said the city needs
30 to be able to actively draw people to maintain quality of life. The RAP Tax is a minimal
31 assessment on non-food items, so hypothetically those on fixed incomes not spending a lot on
32 non-food items would pay less than those who do. The City parks are in desperate need of
33 funding to maintain safe park equipment. Ms. Wright stated the RAP Tax is the best kind of tax
34 because it is transparent, timely and answerable to the public. She said the majority of citizens
35 she has talked to near Island View Park have mentioned the need for park and recreation
36 improvement. She asked those present to imagine how much worse things would be if the City
37 quit funding parks, and how many more lawsuits would occur as a result of accidents in the
38 parks.

39
40 Councilwoman Stephanie Ivie – Councilwoman Ivie stated that every penny that comes
41 out of her account affects her. Everyone needs to purchase non-food items, and she feels it is
42 shortsighted to say that a tax on non-food items does not affect everyone equally. She said she
43 lives next to Island View Park, which needs maintenance work, and she knows of citizens who
44 would be willing to organize fundraising for the parks if there were less red tape.
45 Councilwoman Ivie added that not everyone can afford City recreation programs.

46
47 Kyle Green – Mr. Green stated that the phrase "free public service" bothers him. There
48 is no free lunch. He stated everyone should make every effort to work to meet the needs of
49 their families. He said he works both full-time and part-time to support his household and be in
50 a position to help those around him. The problem with taxes such as the RAP Tax is that they
51 encourage those who do not work hard to take advantage of free things that come out of the
52 pockets of hard working people. The RAP Tax is a little different in that it charges anyone that
53 spends money on an item, but it is still a tax that adds to the burden. Mr. Green said his City

1 utility bill has gone up, property taxes go up, and gas prices go up. He stated that parks and
2 recreation are probably not the proper role of government. He believes the role of government
3 is to provide for the safety of citizens and their rights, not to provide pickle ball. He said he
4 agrees that the arts are valuable and he will pay for things he sees as a value to the community,
5 but he does not think it is fair to tax his neighbor who has never been to a play at the Performing
6 Arts Center. He asked if the Performing Arts Center is designed to accommodate multiple uses
7 and to be self sustaining. He encouraged citizens to think about the propositions on the ballot
8 and whether it is fair to charge everyone equally to support the habits of the few who can use it.
9 Nothing is free; there is always a cost somewhere.

10
11 Gary Goff – Mr. Goff said he understands this is a controversial issue because it affects
12 everyone. He understands that it is financially challenging to support a family. He said he has
13 been a vocal advocate of renewing the RAP Tax. As a member of the Parks and Recreation
14 Committee, he said that the Committee has put a lot of time and effort into making the parks
15 and recreation programs the best the city can have. To do that, funding is needed. Mr. Goff
16 stated that fundraising would be appropriate for a memorial or a monument, but would not raise
17 the funds needed to accomplish the desired improvements. Mr. Goff said he does not feel a toll
18 road-type idea would be a feasible option for the parks. He suggested that everyone imagine
19 what would happen if the city let the parks go and waited for fundraising to accomplish
20 maintenance. When parks deteriorate, home values deteriorate. He said he wants property
21 values to increase in the long-run. Mr. Goff stated that those on fixed-incomes use the parks.
22 Sometimes it is the only place they can go with no cost. He encouraged Centerville residents to
23 vote in favor of RAP Tax renewal to keep the parks maintained. Without RAP Tax income,
24 needed improvements could not be completed until 2029. Equipment that is in good repair can
25 help avoid injuries and law suits. A small amount for everyone is better than the large legal
26 issues that could occur in the long-run.

27
28 Nancy Smith – Ms. Smith asked if the Little League groups pay a fee to use the fields.
29 The Mayor responded that City programs do not pay for field use, but other sports groups are
30 charged a minimal fee. Ms. Smith pointed out that citizens pay a minimum of \$25 to reserve a
31 City park pavilion, and she thinks maybe there is room for some changes. She said if she wants
32 to do something, she goes to her backyard, and suggested that one solution would be to build
33 more single-family homes and less high-density. Ms. Smith said there is a disparity in the
34 placement of park space and higher density within the city. She suggested the city embrace the
35 concept of mini-parks, and require more usable open space within density developments to be
36 maintained by HOAs.

37
38 Lisa Sommer, Whitaker Museum Director – Ms. Sommer stated the Whitaker Museum
39 was recently given a photo album of the construction of the City's original baseball field. It was
40 a community effort, followed by a community picnic. She stated her family heavily uses the
41 City's parks and trails, but suggested that if the RAP Tax is renewed, the possibility of
42 community participation as depicted in the photo album would be lost. She asked if the city
43 tweeted to let the entire community know about the public hearing.

44
45 Rick Bingham – Mr. Bingham stated it was his understanding that only two cities,
46 Centerville and Bountiful, passed the previous RAP Tax. Mayor Cutler responded that
47 Centerville and Bountiful were the only two that passed it to fund the Performing Arts Center.
48 Other cities approved a RAP Tax in other years for different purposes. Mr. Bingham asked what
49 the other cities use the funds for, and was told that Farmington passed the tax for park and trail
50 improvements, and Woods Cross and West Bountiful passed the tax primarily for parks. Mr.
51 Bingham referred to the Mayor's earlier comment that the Council won't raise property taxes for
52 park improvements, and stated the RAP TAX seems like a deceptive approach to get the
53 funding. He mentioned the gas tax increase implemented long ago to fund pumps for the Great

1 Salt Lake that have long since been paid for, but the tax is still in place. Mr. Bingham
2 acknowledged that a majority voted in favor of the RAP Tax last time. He said he is a CPT
3 season ticket holder, but he wonders if the RAP Tax will eventually become permanent. He
4 stated he enjoys the parks and feels they are a worthy thing for the City to have and maintain,
5 but is concerned about the ability to maintain potential improvements. He expressed a hope
6 that the city will use the funds wisely if the Tax is renewed.

7
8 Suzette Sterner – Ms. Sterner stated that she lives in Legacy Crossing Apartments
9 during the week, and Las Vegas on the weekends. Centerville is a nice place to live. She
10 stated that Centerville does not have a lot of property to build on, but it is her understanding that
11 the Council and Planning Commission want to put in a bunch of storage units on the west side.
12 She suggested that high density housing would yield more tax income for the city than storage
13 units. High density on the west side would bring residents that pay taxes, shop, eat, and
14 purchase gas in the city. She said her property tax in Las Vegas is much higher than property
15 tax in Centerville. Ms. Sterner stated the RAP Tax sounds like a great thing for people who use
16 the parks, but she does not. She said she feels developments should be required to provide
17 outdoor space. Centerville does not have a lot of people and does not have a lot of money, and
18 she feels the City should think about tax dollars that could be gained from high density. Ms.
19 Sterner said she is not for or against the RAP Tax, but she thinks there are a lot of people who
20 can't afford it.

21
22 Mayor Cutler closed the public hearing at 8:30 p.m., and the Council took a break,
23 returning at 8:37 p.m.

24 25 **SOUTH MAIN STREET CORRIDOR (SMSC) OVERLAY ZONE**

26
27 Councilman Wright provided an aerial video of a portion of the SMSC. Mr. Snyder
28 reminded the Council that staff was not given direction regarding the SMSC Overlay Zone until
29 the middle of August. The Planning Commission began their discussions in September. The
30 Council directed staff and the Planning Commission to examine specific topics: density within
31 the City Center and Traditional districts and the gateway areas; the definition of mixed-use;
32 public space plan; building RBR (setbacks); and building heights. The Planning Commission
33 added supplementary issues: floor area ratios (not included in the recommendation to the
34 Council); graduated density (west to east for Pages Lane mixed-use district); and public space
35 plan symmetry. Mr. Snyder said the Planning Commission struggled with the density ranges,
36 and ultimately recommended removing the ranges in favor of per building and per acre caps.
37 The recommended revisions include an exception for properties too small to meet the per acre
38 requirement, stating that any lot, parcel, or tract shall be eligible for at least two dwelling units
39 regardless of size. A maximum gross density of eight conditional dwelling units is
40 recommended for the east half of the Pages Lane gateway area, and a maximum of 12
41 conditional dwelling units is recommended for the west half.

42
43 Mr. Snyder stated that the Planning Commission leaned toward the symmetrical public
44 space plan. He said he feels it has some merit, but he disagrees with it given some of the edits.
45 The Planning Commission has recommended moving street lamps from the pedestrian plaza
46 sector (10-foot setback behind sidewalk) to the street furnishings sector (curb to sidewalk). Mr.
47 Snyder stated he believes there is a difference between the west and east sides of the SMSC,
48 but he agreed that uniformity could be created from a design standpoint. Staff feels the
49 pedestrian plaza sector is a better place for trees and lamps - away from utility lines. Mr.
50 Snyder explained that staff disagrees with the symmetrical format from a land-use standpoint.
51 With a 10-foot setback, users would be through-users such as bicyclists and students going to
52 and from school. That type of environment does not influence a change to the speed limit. Mr.
53 Snyder stated he has not received a straight answer from UDOT regarding required clear-space

1 on a 40-mile per hour road. If benches are desired, a wider furnishing sector would be
2 necessary. Mr. Snyder presented options to accomplish the recommended changes, including
3 RDA, special improvement district, and exaction. He suggested an offset format would be more
4 practical and fundable, requiring less urban form, and including the desired amenities as part of
5 the already-required front yard.

6
7 Planning Commission Chair, David Hirschi, and Vice Chair, Kevin Merrill, expressed
8 gratitude for the amount of work done by staff. Chair Hirschi stated that, as citizen planners, it is
9 the Planning Commission's job to consider what the city looks like now versus what it should
10 look like in ten or twenty years, and plan for the future. He said that, while the Commission
11 appreciated and considered public input, they also took into account procedures and aspects
12 they believed were important and would benefit the city in the long run. He said the city is in a
13 good position to see major change in the SMSC because of the open area ready for
14 development, and the Planning Commission feels that substantial changes could occur over the
15 next 10-15 years. Zoning should be in place so the changes are made in a realistic and wise
16 way. Chair Hirschi said he believes commercial is still important on Main Street, primarily office
17 space rather than retail, and said he agrees with the recommended change to the definition of
18 commercial. The recommendation from the Planning Commission passed by majority vote (4-
19 3), and Chair Hirschi expressed hope that the Council will seriously consider the proposal,
20 understanding that the Planning Commission was not unanimous. He stated the Commission
21 felt strongly about graduated density in the Pages Lane gateway area, but he admitted that
22 amendments may still be necessary. Chair Hirschi stated that he and a vast majority of the
23 members of the Planning Commission disagreed with staff's recommendation relating to the
24 public space plan. The Commission vote to make the space plan symmetrical was 6-1 in favor.
25 He further stated that it was the consensus of a majority of the Planning Commissioners that
26 both the street furnishings sector and the plaza sector were critical in framing the street,
27 providing an inviting pedestrian friendly atmosphere along Main Street, and supporting and
28 encouraging the mixed-use concepts contained in the ordinance. He envisions benches and
29 bike racks in the plaza sector. Chair Hirschi stated that Centerville does not necessarily have a
30 traditional Main Street, but he thinks it can become more accessible and beautiful – a place
31 where people will want to go. He agreed that as it is structured now, not a lot of people walk
32 Main Street, but with the inclusion of commercial and residential mixed-use, the community on
33 Main Street would use the sidewalks and public spaces.

34
35 Councilman Wright expressed concern that the public hearing was not well publicized,
36 considering the low public attendance. Councilwoman Fillmore pointed out that public comment
37 has been welcomed throughout the process, including an entire month of listening that was
38 extremely well publicized. She expressed the opinion that the Council has listened thoroughly
39 and is ready to dig in and respond to what has been heard. Mayor Cutler opened a public
40 hearing at 9:25 p.m., stating that suggestions of specific changes would be most useful.

41
42 Kyle Green – Mr. Green asked if the specific focus areas were published prior to the
43 meeting. He referred to Mr. McIntyre's reading of a portion of the General Plan during the open
44 session, and asked if a similar level of outreach was done with this SMSC effort. He asked if a
45 poll was taken to find out what citizens actually want to do with Main Street – if an effort was
46 made to hear the opinion of more than the few who attend the meetings. He suggested there
47 are a lot of media options available to contact the residents. He urged the city to do a better job
48 of publicizing and getting a bigger response. Mr. Green said he is a huge fan of making good
49 decisions that will benefit Main Street. He said he is not opposed to mixed-use and beautifying
50 the street, but the exact cost should be calculated. If the city does not have money for the
51 parks, the city needs to take a good look at city finances and decide what is seriously important,
52 and what could be adjusted.

1 Robyn Mecham – Ms. Mecham attributed low public attendance to the fact that she was
2 unable to send her usual reminder email. She acknowledged the time spent by the Planning
3 Commission on this issue, and stated that, in her opinion, density is not what anyone wants.
4 She cautioned against the logic that higher density would bring the people to use the main
5 street sidewalk area. She said the Planning Commission has looked at it from a planning
6 standpoint, and the Council now needs to consider what the people want. She stated that the
7 density cap does not take businesses into account. Somehow the density cap needs to
8 consider the commercial component. She also expressed concern regarding the exception for
9 small parcels, and suggested it would be an opportunity for someone to divide a large property
10 into many small properties to get more density. She added that a lot of buildings in the
11 community do not have sufficient parking, and that parking needs to be considered. Ms.
12 Mecham stated the maximum building heights were set for a reason and the Council should
13 consider leaving them the same. She commented that lowering the speed limit would increase
14 traffic on Main Street.
15

16 Suzette Sterner – Ms. Sterner stated that, with high density, more parking is needed at
17 every time of day. With mass transit not available, the city should assume two cars per unit and
18 plan the parking accordingly.
19

20 Steve Allen – Mr. Allen asked what the vision for Main Street really is. He expressed the
21 opinion that Centerville Main Street will never be a small-town main street. Mixed-use on Main
22 Street would be a lot of empty buildings. He pointed out that Bountiful has on-street parking as
23 well as rear parking on their Main Street; Centerville does not. He stated that lowering the
24 speed limit is a dream without city control of the street. Mr. Allen said he feels the idea of
25 creating a 1950s small-town main street makes no sense with the popularity of online shopping.
26 He said he feels a low-density bedroom community is attractive.
27

28 Kami Layton – Ms. Layton stated that Centerville is not a bedroom community. She said
29 she does not care if citizens can walk down Main Street because there isn't much on Main
30 Street. She stated that mixed-use is not in character with Centerville Main Street. She feels
31 that high-density would not be responsible zoning. She said she feels the elected officials have
32 not listened to the citizens. Ms. Layton stated that Centerville does not need mixed-density.
33 She referred to the new Matt's Place as an example of what she feels is a perfect building for
34 Main Street. She stated that she wants storage units on the west side because density creates
35 problems and costs the public money. Ms. Layton stated she hopes the Council is listening,
36 and said she believes this election is about density. She said mixed-use is not appropriate for
37 the tiny area of Main Street, and repeated that she does not think people need to be on the
38 sidewalks.
39

40 Nancy Smith – Ms. Smith thanked the Council and Planning Commission for the work
41 they have done, and stated that it is not possible to address all issues. As a business owner,
42 she said she does not know if she would like having to provide accessibility from both the front
43 and the back because of parking and security issues. She thinks mixed-use creates a multitude
44 of conflicting values. The goal has been to revitalize Main Street, but the proposal before the
45 Council today is a hybrid, not a true mixed-use concept, that has not been tried by anyone else.
46 With each new development proposal, developers will ask for changes because density is
47 required for mixed-use to work. The city is looking at placing a density cap and pretending that
48 mixed-use will work. She asked if mixed-use is what citizens want on Main Street. She said as
49 she understands the recommendation, an uncontrolled number of six-plexes or eight-plexes
50 could be built along Main Street, which she thinks would be atrocious. Ms. Smith encouraged
51 the Council to add a bullet to Section 12-48-050 stating that in no case shall a PDO be used in
52 conjunction with this district. Allowing the introduction of a PDO brings a myriad of problems.

1 She suggested that too many options are on the table, and suggested doing away with mixed-
2 use. Ms. Smith stated that a majority of the public spoke against mixed-use.
3

4 Keith Allred – Mr. Allred cited a location in Woods Cross as an example of an attempt at
5 mixed-use development 15 years ago. He said Woods Cross still struggles to fill the spaces,
6 and he said he suspects the same thing would happen here. He stated it would be better to
7 keep business and residential separate.
8

9 Becki Wright – Ms. Wright said she appreciates the citizens that have let their voices be
10 heard, she appreciates the Planning Commission and their deliberation, and she appreciates
11 the Council's consideration of the issue. She appreciates that the goal of everyone is to create
12 a better Centerville. She expressed hope that the collaboration will culminate in an agreement
13 that respects the historical nature of the area and revitalizes the dilapidated area.
14

15 William Ince, Centerville Planning Commission – Commissioner Ince said he was one of
16 the dissenting votes on the recommendation from the Planning Commission. He said he hopes
17 the Council realizes there are a lot of people who feel they are not being heard. Government in
18 general has a reputation for feeling they know better than the population. He said he disagrees
19 with that, and he encouraged the Council to be aware of it as they make their decision.
20

21 Steve Allen - Mr. Allen added to his previous comments stating that, unlike Centerville
22 Main Street, Bountiful Main Street is under city control.
23

24 LuAnne Baller – Ms. Baller expressed admiration for the way Farmington has maintained
25 the historical part of the city. Centerville has never been a business district, and she said she
26 would hate to see the historical part of the city ruined by high-density housing. Regarding the
27 suggestion to reduce the speed limit on Main Street, she said she gets frustrated when she is
28 stuck behind a car going 20 mph on Main Street. Ms. Baller said she would hate to see the city
29 ruined by benches where people can campout overnight, and she would like to see the city kept
30 the way it should be.
31

32 Kyle Green – Mr. Green added to his previous comments by giving examples of
33 businesses on Main Street that are struggling. He expressed concern about what would
34 happen with mixed-use on Main Street, and expressed appreciation for the efforts of the Mayor
35 and Council.
36

37 Mayor Cutler closed the public hearing at 10:06 p.m., and commented that he liked that
38 the Planning Commission began with a motion to approve the recommendations, and then
39 discussed each section piece by piece with motions to amend. Councilwoman Fillmore
40 responded that the Planning Commission first held two meetings dedicated to the topic, and she
41 does not feel the Council is yet ready for a motion. She emphasized her desire for the Council
42 to discuss each individual portion of the recommendation. Councilman Wright stated that the
43 recommendation from the Planning Commission makes assumptions that he thinks should not
44 have been made. He said he would like to have seen some commercial and residential options
45 without mixed-use included. Mayor Cutler agreed the Council has the option to eliminate the
46 mixed-use option. The Council is only discussing the overlay, not the underlying base zoning of
47 C-M (Commercial-Medium). Councilman Averett commented that the zoning map includes
48 some R-M (Residential-Medium) parcels along the east portion of Parrish Lane that should be
49 R-L (Residential-Low). Mr. Snyder explained the history behind the patches of R-M in an area
50 south of Parrish Lane. Councilwoman Fillmore stated she believes it is a legitimate question
51 because the citizens have been concerned about R-M on busy highway corridors. She
52 suggested the question should be considered after a decision is made regarding the SMSC.

1 The Council discussed the recommended definition of mixed-use. Councilwoman
2 Fillmore said that taking "office" out of the definition of mixed-use and adding it to the
3 commercial element seems to put the City more at risk for softening the commercial
4 requirement. She expressed a desire to strengthen the commercial requirement so that
5 pseudo-commercial is not a risk. Councilwoman Fillmore said the preference in multi-family
6 housing seems to be home-ownership rather than rental. She suggested the ordinance require
7 all mixed-use residential that is not vertical have entry doors on ground level – making town
8 homes more likely than stacked apartments. Councilman Averett agreed that it is a legitimate
9 concern. Mr. Snyder responded that second floor residential would be eliminated, forcing
10 residential to horizontal or detached. Councilman Wright stated the Council needs to come to a
11 decision regarding whether mixed-use will even be included. He said he would like to see
12 mixed-use taken out of the ordinance. Councilman Wright referred to Ms. Mecham's comment
13 during the public hearing regarding the density cap exception for small parcels, agreeing that it
14 would make it possible for a developer to subdivide and build more structures than desired. Mr.
15 Snyder explained the subdivision requirements and safeguards that are already in place. He
16 said the Planning Commission considered using a floor area ratio, but felt uncomfortable forcing
17 too much commercial and reducing the possibilities for residential. Although it would be
18 effective in reducing density, a floor area ratio would show a lack of confidence in the per acre
19 and per building caps.

20
21 Mr. Snyder stated that the goal to redevelop Main Street – tearing down buildings and
22 relocating parking – requires incentive. The mixed-use concept and the associated density is
23 the incentive for redevelopment. Council members Higginson and Ivie agreed there is no
24 reason to talk about mixed-use if no one wants mixed-use. Councilman Higginson said he is
25 not opposed to residential and commercial next to each other on Main Street, but is not
26 comfortable with mixed-use. Councilwoman Fillmore expressed surprise at the direction of the
27 conversation, and said she counted more public response emails in favor of the principles of the
28 existing plan and in favor of positive redevelopment on Main Street, with concerns about
29 density. She said she is surprised that there is still a feeling of conflict, because she feels the
30 city already has a good plan in place with good goals. In placing the TZRO, the Council had
31 agreed to address the density concern. Council members Averett, Higginson, Ivie, and Wright
32 expressed a desire to see what the ordinance would look like without the mixed-use component.
33 Councilwoman Fillmore again expressed surprise given the timeframe of the TZRO. Mr. Snyder
34 stated that removing mixed-use would require the overlay to be completely reformatted.

35
36 Councilman Wright said he agrees that a public space plan needs to be in place, but
37 expressed concern with the need to condemn property to accomplish it. Councilwoman Fillmore
38 stated the city should work toward improved public space regardless of what is decided for the
39 Corridor. She pointed out that the city first needs definite answers regarding existing right-of-
40 way, with the next step being to hire a consultant to coordinate with UDOT and help the city with
41 a detailed examination. Councilwoman Fillmore said she feels it is important to have the public
42 space plan in place with teeth and detailed specifications considering the huge block that is
43 ready for development as soon as the TZRO is lifted. Mr. Snyder said the existing plan includes
44 design guidelines, but is missing the definition of clear-zone and public improvements for the
45 furnishings sector included in the proposed amendments. Mr. Snyder added that eliminating
46 mixed-use changes the public space plan dramatically.

47
48 Mayor Cutler asked if a majority of the Council agrees with engaging a working group
49 that would include staff members, a professional consultant, and elected officials to come up
50 with answers to the questions in the next few weeks. Councilwoman Ivie said it does not make
51 sense to her to put money into the public space area if it is only used part of the day.
52 Councilman Wright said he would like to see how the public space plan looks without mixed-use
53 before deciding if a consultant is needed.

1 Councilwoman Fillmore presented a list of cities that have implemented public space
2 plans on State roads, and stated she believes the difficulties with UDOT can be worked through.
3 She said UDOT communicated to her that it is best to put a plan in place and then have a
4 conversation with UDOT regarding whether it can work. Councilman Wright repeated that he
5 first needs to see how it will look without mixed-use. Councilwoman Fillmore presented
6 photographs of some of the State roads included in her list, and repeated the suggestion to
7 create a working group to begin immediately to meet with UDOT and discuss the possibilities.
8 She said she has been surprised that a consultant was not hired earlier considering the public
9 space plan was identified as a Council priority at the beginning of the year. Councilman Wright
10 responded he might be comfortable moving forward with a working group if the Council passed
11 a motion to eliminate mixed-use from the ordinance.

12
13 Mr. Snyder explained that if mixed-use and redevelopment incentives are removed, the
14 base C-M Zone remains, with 20-foot setbacks. The relevancy of street furniture would greatly
15 diminish. Councilman Averett suggested a consultant work with Mr. Snyder, and anyone else
16 who would like to be involved, to look at the possibilities both with and without mixed-use. Mr.
17 Snyder responded the consultant and staff would need to work out the actual right-of-way, and
18 then look at existing infrastructure and take design schematics to UDOT to determine limitations
19 and possibilities. If mixed-use is eliminated, an entirely different layout and pattern would
20 emerge. Councilwoman Fillmore emphasized the possibility for the public space plan to be
21 jump-started with development of the O'Brian property, and that a clear, specific ordinance
22 needs to be in place to direct development. Mr. Snyder disagreed, stating that if mixed-use is
23 removed, the whole nature of the future project changes. He added that the requirements in the
24 existing plan will contribute greatly to improving the feel of the street, but would not include
25 benches or planting boxes as proposed in the Planning Commission recommendation.
26 Councilwoman Fillmore pointed out that the public space plan recommendation was supported
27 by all but one Planning Commissioner (6-1). The framing that separates the sidewalk from the
28 road was desired by a strong majority of the Planning Commission. Mr. Snyder responded that
29 framing is already included in the existing plan. The recommendation from the Planning
30 Commission moves street lights from the plaza zone to the furniture strip, and is more specific
31 regarding planting boxes and benches. Councilwoman Fillmore commented that planting boxes
32 are not the issue.

33
34 Mr. Snyder agreed that the conversations with UDOT could occur within the two-week
35 time frame. Councilman Higginson said the idea that mixed-use development drives up density
36 is new to him. He said he wants the density kept lower, even if mixed-use is allowed.
37 Councilman Higginson agreed that he wants a beautiful street, and he wants redevelopment,
38 but asked what will keep the density lower. Mr. Snyder responded that per acre and per
39 building caps will keep density down. Councilman Wright added that eliminating mixed-use
40 would also keep density down.

41
42 Councilwoman Ivie made a **motion** to eliminate mixed-use from the proposed ordinance.
43 Councilman Wright seconded the motion. Councilman Higginson stated he is not yet ready to
44 vote that way. He would like to include the mixed-use option if density goals can be achieved.
45 Mayor Cutler reminded the Council that property owners asked for flexibility. Councilman
46 Wright agreed that density is the issue. Mr. Snyder said he does not think a complicated
47 density formula is necessary – desired density can be accomplished with the caps. Councilman
48 Higginson said he has not heard residents request that residential be eliminated. Mr. Snyder
49 pointed out that the residential option was never there. Councilwoman Fillmore commented that
50 putting the existing plan in place involved a lengthy public process, and said she feels the
51 process should be respected. She stated that drastically yanking away in one night what was
52 carefully evaluated and has been in place since 2007 and 2008 would be irresponsible.
53 Councilwoman Ivie disagreed, stating that the plan put in place in 2007 and 2008 was not quite

1 what it needed to have been, and as the needs of the community have transitioned over time,
2 the plan has moved further away from what the citizens want. Councilwoman Ivie said she
3 believes it is the Council's responsibility to respect the citizens here now, with little or no regard
4 for those who come later. The citizens have asked for no mixed-use and no high density.

5
6 Mayor Cutler agreed that the public is concerned about density. He said he does not
7 see mixed-use and density as the same thing. Density in mixed-use can easily be capped and
8 still allow property owners flexibility. Mayor Cutler said he believes it would not serve the city
9 well to completely eliminate mixed-use at this point without further evaluation. Councilman
10 Wright stated he believes there is a definite connection between density and mixed-use.
11 Councilman Higginson commented that some residents said they do not want commercial in the
12 SMSC. Councilman Wright responded that controls are in place regarding size of commercial.
13 Councilman Averett said he thinks the motion is premature, and he is not comfortable voting in
14 favor without further discussion and information.

15
16 The motion to eliminate mixed-use as an option in the Main Street plan failed (3-2), with
17 Council members Ivie and Wright in favor and Council members Averett, Fillmore, and
18 Higginson against. The Council discussed when to engage the proposed working group and
19 consultant, and when to hold a Council work session. Mayor Cutler stated he would expect the
20 consultant to put together potential design options that the working group could take to UDOT to
21 discuss possibilities and facilitate decisions. Mr. Snyder responded that right-of-way constraints
22 and existing infrastructure could be determined fairly quickly. He suggested using the existing
23 Complete Streets Committee to work with a consultant to come up with a best-estimate average
24 of right-of-way. He stated that a week is not enough time, but two weeks may be possible.

25
26 Councilwoman Fillmore made a **motion** directing the Complete Streets Committee to
27 define right-of-way, work on dimensional restrictions, engage with a consultant to form ideas
28 around a public space plan with and without mixed-use, and to discuss the options with UDOT.
29 Councilman Averett seconded the motion. Mr. Snyder stated that baseline elements could be
30 drafted in two weeks time, but he cannot prepare a second alternative in unknown format. He
31 can come up with preliminary concepts of what the consequence of removing mixed-use might
32 be, but he would not be able to prepare a detailed, apples-to-apples comparison. He stated that
33 staff will have to make a lot of assumptions with no input from the public or Planning
34 Commission, which he does not feel is proper. Councilwoman Fillmore stated that she does not
35 believe the public space plan will look drastically different. Mr. Snyder repeated that removing
36 mixed-use essentially gets rid of the overlay and returns the area to commercial zoning. He
37 insisted that he does not have the tools or the public hearing process to create that kind of
38 change in two weeks. The motion passed by majority vote (4-1), with Councilwoman Ivie
39 dissenting. Mr. Snyder said it is his understanding that the Council will meet in a work session
40 to go over other details, the Complete Streets Committee will discuss dimensions and
41 constraints with existing right-of-way, and engage a landscape architect on an hourly basis (to
42 be funded by the Planning Department Budget) to meet with the Committee and conceptually
43 prepare options appropriate from a design perspective, and then meet with UDOT (possibly
44 involving additional city representatives at this point) to go over those options. He stated he
45 also understands that baseline elements of potential consequences associated with eliminating
46 mixed-use and the potential effect on the public space plan is requested. He added that the
47 working group will begin immediately.

48
49 The Council decided to meet in work sessions on October 29th and November 4th, and a
50 special meeting on November 10th to take formal action if still needed after the November 4th
51 regular Council meeting.

FINANCIAL REPORT

The Council chose to table the financial report.

MAYOR'S REPORT

- Mayor Cutler reported that the South Davis Metro Fire Board reviewed the proposed Bylaws and potential Interlocal Agreement for a new fire district. The intent is to provide the City Council with revised versions of the documents in November.
- The Legislature is requiring water districts to set aside more money for repair and replacement of existing facilities over the next 40 years. This means the wholesale cost to the city for Weber Basin culinary water will increase 15-20% in 2017. Weber Basin has suggested that all homes should be required to have a secondary water meter. The Mayor has requested to meet with Deuel Creek Irrigation Board regarding needed secondary water improvements.
- The Mayor will make a recommendation by December regarding the appointment of the City's representative on the Sewer District Board.

CITY COUNCIL LIAISON REPORT

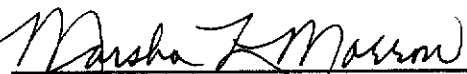
The Council chose to table the liaison report.

CITY MANAGER'S REPORT

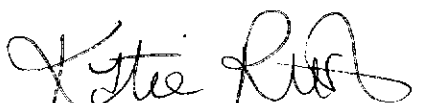
Mr. Thacker reported that the Cooperative Agreement with UDOT approved by the Council on October 6th has been signed by UDOT. UDOT did not approve additional funding for lane closures, but is working hard to approve the use of the custom fencing already produced that does not meet AASHTO standards on Parrish Lane west of the bridge. Staff anticipates bringing fencing bids to the Council on November 17th. Ms. Romney confirmed that UDOT signed the Cooperative Agreement without requiring an additional indemnification clause pertaining to the fencing.

ADJOURNMENT

At 11:47 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).


Marsha L. Morrow, City Recorder

11-4-2015
Date Approved


Katie Rust, Recording Secretary



7:00 p.m.

ADDRESS**

780 E Center

** 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.