Minutes of the Centerville **City Council** meeting held Tuesday, October 18, 2016 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan Robyn Mecham
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Jacob Smith, Assistant to the City Manager Cory Snyder, Community Development Director Dave Walker, Drainage Utility Supervisor Katie Rust, Recording Secretary
STAFF ABSENT	Blaine Lutz, Finance Director/Assistant City Manager
VISITORS	Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Pastor Loren Pankratz, The Bridge Community

OPEN SESSION

Dave Bell – Mr. Bell said he owns a business and residential property in Centerville. He provided the Council with Google Maps images of his commercial property, Dave's Auto Service, his nearby residential property, and surrounding properties (attached). Mr. Bell said he is hoping to purchase the residential property next to his property. He informed the Council of his desire to be open about his intentions to develop his residential property, and asked the Council to consider what they would be willing to allow. Mr. Bell said he would like to avoid the conflict that has occurred with some of the recent development in the city.

Dale McIntyre – Mr. McIntyre stated it is his understanding that neither the Planning Commission nor the City Council is to consider development plans from an applicant when considering a request for rezone, yet development plans are included in the staff report for a rezone request on the agenda. He asked why staff includes the development plans in the documentation if the Council is not to consider them in the decision. Mr. McIntyre provided the Council with a copy of his comments (attached).

Lisa Romney, City Attorney, clarified that the Council is not prohibited from looking at documentation provided by the applicant. Staff advises the Council against allowing the expectation of specific development to influence the rezone decision because the proposed development is not guaranteed (i.e., plans can change, property can be sold). Cory Snyder, Community Development Director, stated that applicants have a right to petition and provide any plans they desire. Applicants often like to show what they envision for a property when requesting a rezone. The plans are provided to the Council at the applicant's request.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the October 4, 2016 work session and regular Council meeting were reviewed. Councilwoman Mecham requested two amendments to the regular Council meeting minutes. Councilman McEwan made a **motion** to accept the October 4, 2016 work session minutes, and the October 4, 2016 Council meeting minutes as amended. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

a. Award bid for a 2017 GMC 4WD Sierra 2500 HD Double cab, with a shell and ladder racks from Young Automotive Group in the amount of $34,086.70 for the Public Works Director
b. Approve Amendment to the Youth City Council Charter to increase the maximum number of Youth City Council members from 20 to 25 members – Resolution No. 2016-25

City Manager Thacker responded to a question from Councilman McEwan about the City vehicle rotation schedule. Referring to item (b) on the Summary Action Calendar, Councilwoman Ivie said she agrees with increasing the number of members on the Youth Council, but said she knows some cities accept all applicants, but do not send all members to the annual conference. Councilwoman Ivie suggested there would be enough service opportunities for everyone desiring to serve. Mayor Cutler responded it is difficult to manage a large group when it reaches a certain point, and difficult to administer a larger group with the given budget. Mr. Thacker commented that the Youth Council currently has more than 20 members. The proposed change would bring the numbers into compliance. Councilwoman Fillmore made a **motion** to accept both items on the Summary Action Calendar, including Resolution No. 2016-25. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

RECONSIDERATION OF ZONING MAP AMENDMENT – BALLING TOWNHOMES – 323 EAST PAGES LANE

On October 4, 2016, the City Council reviewed and held a public hearing regarding the proposed rezone of property located at 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H). At that time, the Council voted by majority (3-2) to reject and deny the rezone. The applicant has requested the Council reconsider its previous action on Ordinance No. 2016-31 and consider adoption of the ordinance rezoning the subject property to Residential-Medium (R-M), rather than the previously requested R-H. Councilwoman Mecham made a **motion** to reconsider Ordinance No. 2016-31 regarding the proposed Zone Map Amendment (rezone) for property located at approximately 323 East Pages Lane. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

Scott Balling, applicant, stated he is confident his plans can be accommodated in the R-M Zone. He said he feels R-M is compatible with the area. Councilman McEwan asked staff if the development project as proposed would be possible with the R-M Zoning. Mr. Snyder responded that, as proposed, the project would not qualify. Density calculations would need to be met, and the proposed six units would require a conditional use permit. With the conditional use permit, the Planning Commission would determine if any mitigation measures are necessary.

The Mayor opened a courtesy public hearing at 7:36 p.m., and closed the public hearing seeing that no one wished to comment. Councilman McEwan made a **motion** to adopt Ordinance No. 2016-31A, changing all references to Residential-High (R-H) to Residential-

Medium (R-M). Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – MUNICIPAL CODE AND ZONING CODE AMENDMENTS – PROHIBITING FLAG-LOT DEVELOPMENT

On September 4, 2016, the Council directed staff and the Planning Commission to consider code amendments to repeal provisions of City ordinances regarding flag lots and to prohibit the use of flag lots within the city. On September 29, 2016, the Planning Commission reviewed and held a public hearing on the proposed amendments to prohibit flag lot development. After due consideration and discussion, the Planning Commission voted to reject the proposed amendments. Mr. Snyder stated that flag lots create uncomfortableness in every city. He said he believes that, if the Council chooses to repeal the flag-lot option at this time, the issue will be brought before the Council again in the future. The option has been repealed in the past, and brought back to the Council by citizens looking to use the flag-lot tool. He said he feels the flag-lot option is a good last-resort tool with a disciplined ordinance. Mr. Snyder said the Planning Commission would have preferred the Council to express specific concerns and let the Commission try to fix the areas of concern.

Mayor Cutler opened a public hearing at 7:47 p.m.

Kendall Skinner – Mr. Skinner said he recently acquired property in Centerville for agricultural use to teach his children how to work. The property was advertised as approved for flag-lot development. Mr. Skinner said he would like to keep the flexibility for the future. He asked why the Council would want to do away with the ordinance completely. Councilwoman Mecham responded that citizens have expressed concern about the rights of neighboring property owners who do not want something built in their backyards that would shadow the neighboring properties.

Scott Balling – Mr. Balling stated that as a city is built-out there are remnant parcels that are hard to deal with. The flag-lot tool provides options. He said he feels the ordinance should be stiff so flag lots are only a last-resort option, but the option should be there.

Kim Samuelson – Mr. Samuelson said he has a vested interest in the issue because he has a larger lot that could possibly be considered flag lot worthy. He said he would hate to see the Council close the door on that option. He asked that the Council let people do what they think is best, with some guidance. Mr. Samuelson said the "last resort" idea bothers him because property owners may want to do something different than the ordinance would allow. He said it is sad for those who purchased property expecting that nothing would change, but he feels property owners should be allowed to do what they can with their own property.

Kathy Streadbeck – Ms. Streadbeck said she is representing her father, who lives in Centerville and has a vested interest in the flag-lot option. She provided a copy of her father's comments (attached). Ms. Streadbeck said her father feels removing flag lots as an option would be shutting the door on his right to develop. He feels the time to listen to and mitigate concerns of neighbors was when the ordinance was put in place. Now that the option is in place, the weight should be on the side of property owner rights. She stated the flag-lot ordinance is in line with the community desire for single-family development. Ms. Streadbeck pointed out that taking away the flag-lot option would open the door to PDOs and higher-density development. She said she hopes the Council members will all read the minutes of the Planning Commission meeting and take the Planning Commission recommendation into consideration.

John Streadbeck – Mr. Streadbeck echoed his wife's comments, and pointed out that, for the most part, flag lots are few. He agreed that flag lots are uncomfortable for everyone around, but it should be the most uncomfortable for those who do not own the property. He said he feels it should always be difficult to take away property rights. Property owners should have the right to do what was allowed at the time the property was purchased. He asked the Council to err on the side of property owners keeping the rights in place when they purchased, not the rights of those with a view of the property.

Mayor Cutler closed the public hearing at 8:00 p.m. The Mayor said he feels the Council should consider keeping the flag-lot ordinance to provide options for property owners. Flag lots are a useful tool long-term. Mayor Cutler said he would like to hear concrete examples of flag lots that are problematic in Centerville. Councilwoman Fillmore responded there are many examples of flag lots that are problematic and poorly done. She stated she is very open to infill options, and she was in support of an ADU ordinance and the level of control it could provide. Councilwoman Fillmore said that, as a member of the Planning Commission when flag lots were last considered, she spoke against flag lots in general because of her many concerns. She said one of her concerns involves the road/driveway used by the back property owner impacting the front property owner. She said the Planning Commission was sensitive to the concerns expressed when they drafted the ordinance. However, an altered version was adopted by the Council. Councilwoman Fillmore said she is open to having a very nuanced, intricate ordinance for flag lots. She said she feels Centerville has a fantastic Planning Commission, and she is comfortable sending a list of concerns to the Planning Commission for them to address.

Councilwoman Mecham stated she is very concerned about the height of structures on flag lots, especially in the older part of Centerville with primarily small homes. She said she would want the height addressed, perhaps as an average of neighboring structure heights. Councilwoman Mecham suggested the flag-lot option could be available with involvement of the Board of Adjustments. Councilman Ince read aloud findings (e) and (f) from the Planning Commission's motion:

e. The Planning Commission finds that the allowance of flag lots, with the regulations that are in place, can create compatible building orientation and placement on properties that can temper and mitigate any visual and sometimes physical impacts that are not the expected norm to the typical residential development patterns of today (or if deemed necessary be adjusted).
f. The Planning Commission finds that the flag-lot regulations can adequately to appropriately address building height relationships to adjacent properties, application of front side and rear yard setbacks, use of accessory structures, utility service laterals, fire suppression access and turnarounds, stem or pole use and maintenance (or if deemed necessary be adjusted).

Councilman Ince said he could not find where those issues are addressed in the ordinance. Mr. Snyder explained that the Planning Commission was expressing a preference to adjust the existing ordinance rather than repeal the ordinance entirely. Councilwoman Fillmore agreed with Councilman Ince that the findings make it sound like those issues are addressed in the ordinance, and that she would argue they are not. Councilman McEwan asked Mr. Snyder what reasons other councils have used to repeal flag-lot ordinances. Mr. Snyder responded they are the same difficulties the City Council is struggling with now - safety issues, and the shock value of a structure going up in space that has been empty for a long time. Mr. Snyder said he feels the existing flag-lot ordinance is really good, and staff and the Planning Commission are willing to wrestle with concerns and bring back recommendations.

Councilwoman Fillmore gave an example of flag-lot use in her neighborhood where she thinks a small subdivision would have been less chaotic. Councilwoman Ivie stated she has little kids, and the idea of a driveway going through a property to access a flag lot sounds dangerous. Mr. Snyder responded that fencing and buffering could be looked at to mitigate the concern.

Councilwoman Fillmore made a **motion** to send the ordinance to the Planning Commission for recommendations on how to address the Council's concerns. The motion died for lack of a second. A majority of the Council indicated they would like to meet in a work session to receive education from staff. Councilman Ince asked if, in the meantime, a TZRO could be placed on flag-lot development. Ms. Romney responded a TZRO is a limited tool that would be problematic from a legal perspective for a change in policy direction. Councilwoman Fillmore suggested including the Planning Commission at the work session. Councilman McEwan said he is sensitive to the fact that once a right is granted, it seems like a bad thing to take it away. He said that when something is done that is incongruous to a neighborhood, just like a living organism, the neighborhood will react. The question is whether the long-lasting impact would change the character of the neighborhood. Councilman McEwan said if flag lots can be fit into a specific template that will allow control, balancing the community with the property owner, he would be fine with it. He said he is not in favor of allowing properties to become blighted. He said he understands a lot of citizens bought their properties and homes with certain expectations about their surroundings. Councilman Ince said he would prefer not to take the option away, but would like to better understand protections to surrounding properties.

Councilman Ince made a **motion** to table this issue and schedule a work session with the Planning Commission on November 1st, prior to the regular Council meeting, for an explanation of elements of the current flag-lot ordinance. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0).

Bruce Pitt – Mr. Pitt stated he has lived in a flag-lot situation that was a wonderful experience. He encouraged the Council to not throw the ordinance away completely, and to be careful with property rights.

DISCUSSION REGARDING UPDATING THE GENERAL PLAN – REQUESTED BY COUNCIL MEMBERS IVIE AND MECHAM

Councilwoman Ivie referred to the rezone request discussed at the last Council meeting, stating there were many questions about what the General Plan does and does not allow, particularly in the southeast neighborhood. She proposed the Council tackle the southeast neighborhood portion, with the idea that the Council continue from there to the southwest as quickly as possible. Councilwoman Ivie said she was pleased to hear the Planning Commission is willing to dig in and fix something, and she thinks this is a good issue to send to them posthaste. Mr. Snyder explained the process for updating the General Plan, which would take a minimum of two and a half months. Public notice must be given regarding the intention to change the General Plan. An update of a Neighborhood Plan typically involves public outreach with the neighborhood. A lot of pre-marketing is usually involved to build up interest. Prior to the public outreach, the city would identify the elements of the Plan under consideration. An ad hoc committee could be formed to identify themes and begin making revisions. Mr. Snyder said he believes the update will be a longer process if density is a driving issue.

Councilwoman Mecham asked if a work session would be appropriate. Councilwoman Fillmore said she feels a work session is a good idea for a first step because she feels part of this is a misunderstanding of what the General Plan is supposed to do for the city. She said that, although one of the standards for land-use consideration is whether or not something is consistent with the General Plan, the standard is very subjective and flexible. The General Plan

stays very general, and the Council has flexibility as the Legislative body. Mr. Snyder added that, in making a Legislative decision, the Council looks to the General Plan for guidance, but is not handcuffed unless the direction is extremely specific. The purpose of the ordinance is to tie conditional use permits and site plans to the General Plan. There is wisdom in not being too specific in the General Plan. Ms. Romney added a State statute states that the General Plan is an advisory guide for land-use decisions, the impact of which shall be determined by ordinance.

Councilman McEwan said he would like to avoid General Plan "fatigue" in the community by specifically stating what portion is being considered. The Council discussed adding discussion of the General Plan update to the joint work session with the Planning Commission on November 1st if time allows. Councilwoman Ivie made a **motion** directing staff to initiate public notice that a work session will be held on November 1, 2016 to discuss the Neighborhood One (southeast neighborhood) portion of the General Plan. Councilman Ince seconded the motion. In deference to staff work load, a desire to review Council goals for 2016, and not wanting to create public expectation that decisions will be made quickly, Councilwoman Fillmore said she would be more comfortable with giving notice after the work session. Mr. Snyder commented that the holiday season and other 2016 goals will cause delay. Councilman McEwan said he would prefer residents with strong feelings on the issue to start voicing those concerns earlier rather than later. The motion to initiate public notice passed by majority vote (4-1), with Councilwoman Fillmore dissenting.

STAFF REPORT REGARDING STREET SWEEPING FREQUENCY, PRIORITIES, ETC.

Dave Walker, Drainage Utility Supervisor, explained how street sweeping frequency and priorities are determined, and answered questions from the Council.

The Council took a break at 9:31 p.m., returning at 9:46 p.m.

FINANCIAL REPORT

Mr. Thacker presented a financial report for the three-month period ending September 30, 2016, and answered questions from the Council.

MAYOR'S REPORT

- Mayor Cutler reported on a recent "Lunch with the Mayor" event for elementary students.
- City Manager Steve Thacker has been selected as BYU Alumni of the Year from the School of Public Management. The Council and Mayor gave Mr. Thacker their enthusiastic congratulations.

CITY COUNCIL LIAISON REPORT

Councilwoman Mecham updated the Council regarding the Davis County Transportation Committee. She complimented the Trails Committee for their organization of the recent pedestrian bridge ribbon-cutting event.

CITY MANAGER'S REPORT

- Mr. Thacker updated the Council regarding various Federal funding applications.

- City Manager Thacker updated the Council regarding a delay in the sidewalk replacement project. Work will most likely begin at the first eight locations in early 2017. Staff is considering options to minimize liability in the meantime.

CITY ATTORNEY TRAINING – ROLE OF PLANNING COMMISSION

Ms. Romney provided training regarding the role of the Planning Commission, the relationship between the City Council and Planning Commission, and the legal framework for administrative decisions.

MISCELLANEOUS BUSINESS

Councilman McEwan added to his previous report on the Mosquito Abatement District, explaining limitations faced by the District this time of year.

APPOINTMENT

Mayor Cutler recommended Melissa Smith for reappointment to the Parks and Recreation Committee. Councilman Ince made a **motion** to reappoint Melissa Smith to the Park and Recreation Committee. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 10:31 p.m. Councilman McEwan made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

11-1-2016
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY UT
CORPORATE SEAL

It is my understanding that neither the Planning Commission nor the City Council is to consider development plans from an applicant when they are considering a request for re-zoning. In spite of this, Centerville has a history of allowing re-zoning because of specific plans submitted by an applicant. (Hafoka) Since these two bodies are not supposed to give consideration to these plans, I am concerned that they are often included in the attachments found at the bottom of the Staff Backup Report.

For example, the second attachment in the Staff Backup Report for item 3 on tonight's agenda includes a Site Grading Plan, a View from Pages Lane, a View from 300 East, floor plans for units 1-6, three sheets of elevations, and a photo of the Kestral Bay Townhomes in Farmington.

The Centerville City Council cannot change zoning in Farmington, so that photo is totally irrelevent.

As to the other items in the document, they do not all appear to correctly represent the intended construction. The Site Grading Plan clearly shows that units 5 and 6 extend farther to the east than unit 1, yet the View from Pages Lane depicts only units 1 and 2, and the entry from the street to the east of unit 1. This minimizes the impact of this large building on this small property.

The View from 300 East depicts only units 1, 2 and 3. This again minimizes the impact.

These are my questions. Since the Planning Commission and the City Council are not to consider the planned construction during the re-zoning of the property, why does staff include those plans in the documentation? Shouldn't prospective plans be excluded from this documentation? Wouldn't those plans be more appropriate during the discussion of a request for a building permit?

Dale McIntyre, Centerville resident

CENTERVILLE CITY COUNCIL MEETING

Tuesday, October 18, 2016
7:00 p.m.

NAME (PLEASE PRINT)	ADDRESS**
Kendall Skinner	1485 N 150 E Centerville
David Bell	335 S Frontage
Amy Speer & Isabel Lima	Visitors for School research
SCOTT BALLING	1995 No 100 E
[illegible]	258 E. 200 S. Centerville
STEVE & TENA ALLEN	133 ROCK MANOR DR
Kim Samuel	80 S. MAIN

** 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.