

1 Minutes of the Centerville **City Council** special meeting held Tuesday, May 12, 2015 at 5:00  
2 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler

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8 Council Members Ken S. Averett  
9 Tamilyn Fillmore  
10 John T. Higginson  
11 Stephanie Ivie  
12 Lawrence Wright

13  
14 **STAFF PRESENT**

15 Steve Thacker, City Manager  
16 Lisa Romney, City Attorney  
17 Katie Rust, Recording Secretary

18 **STAFF ABSENT**

19 Blaine Lutz, Finance Director/Assistant City Manager

20 **VISITORS**

21 Interested citizens (see attached sign-in sheet)

22 **PRAYER OR THOUGHT**

23 Councilman Wright

24 **TEMPORARY ZONING REGULATIONS FOR SOUTH MAIN STREET CORRIDOR**  
25 **OVERLAY DISTRICT**

26  
27 Mayor Cutler explained that, in addition to considering Temporary Zoning Regulations  
28 (TZRO) for the South Main Street Corridor (SMSC) Overlay District, he would like the Council to  
29 consider beginning the process to amend City ordinance to cap residential density for any  
30 mixed-use commercial development in the SMSC Overlay District, and consider changing City  
31 ordinances so that properties less than five acres in size could be eligible for a Planned  
32 Development Overlay (PDO). He reported that Brighton Homes has shown a willingness to  
33 meet with residents to discuss options regarding the development of property between 300  
34 South and Porter Lane on Main Street.

35  
36 Councilman Wright asked if any Council members have been involved in discussing the  
37 current application with Planning Commissioners, and if any Council members have been  
38 involved in direct negotiations with the developer, Brighton Homes. Mayor Cutler responded  
39 that he has been representing the City in discussions with Brighton Homes, and has not  
40 discussed the issue with any Planning Commissioners. The Mayor stated he asked Councilman  
41 Averett to join him in the first meeting with Brighton Homes because of his professional  
42 experience and expertise. Councilman Averett stated that he declined a request by Brighton  
43 Homes to meet prior to their application, feeling that it would be inappropriate. After an  
44 application is filed, he said he feels Council members have a responsibility to communicate the  
45 Council's willingness to negotiate, to hopefully end up with a project the citizens and developer  
46 can be happy with. Councilman Averett said he believes that in retaining legal counsel,  
47 Brighton Homes is letting the City know that they have options. Councilwoman Fillmore said  
48 that, as a Planning Commissioner, she felt her role was to evaluate an application based on  
49 land use. However, as a Council member, she feels it is her role to bring people to the table to  
50 achieve the best results possible. She said that when she found out Brighton Homes removed  
51 their invitation to meet with citizens prior to the Planning Commission meeting, she contacted  
52 Brighton and asked them to please come back to the negotiating table. She did not attend or  
53 participate in the discussions, but Brighton did meet with citizens, and has expressed  
54 willingness to continue to negotiate. Councilman Averett and Councilwoman Fillmore both  
55 stated they have not spoken to any member of the Planning Commission regarding this

1 application and, contrary to rumor, have no financial interest in the matter. Council members  
2 Higginson and Wright both stated they have not spoken with members of the Planning  
3 Commission, and have not participated in negotiations or discussions with Brighton Homes.  
4 Councilwoman Ivie stated she has not met with the developer or Planning Commission  
5 members, and has avoided "muddying the waters." Mayor Cutler said he believes it is the  
6 Council's job to share information and help people understand the legal process that has to be  
7 followed, the property rights that property owners and developers have, and what tools are  
8 available. He said he feels that bringing people together to find solutions is the Council's job.  
9 Councilwoman Ivie disagreed, stating she feels it is her primary job to listen to the citizens, not  
10 the developer. Ms. Romney said that it has often been her advice to Planning Commission and  
11 City Council members to refrain from talking to developers or others outside the public process  
12 when there is a pending application.

13  
14 Mayor Cutler explained that the SMSC Overlay District runs from the Dick's Market area  
15 at Parrish Lane along Main Street to Pages Lane. Ms. Romney confirmed that the Council  
16 could reduce the area of study in the TZRO if desired. Mayor Cutler pointed out the many  
17 restrictions involved with a TZRO for property owners. Councilman Wright added that the last  
18 thing he would want is for someone to move away because the neighborhood is no longer what  
19 they envisioned.

20  
21 Mayor Cutler recommended the Council begin the process to revise density limits in the  
22 SMSC Overlay District since the Council seems to be in agreement that density should be  
23 capped, in addition to the TZRO. Councilman Wright responded he does not see the logic in  
24 beginning the process to cap density since the TZRO accomplishes the same thing. Mayor  
25 Cutler pointed out that the Council is not in complete agreement regarding the approach that  
26 should be taken and what should be studied and changed, but is in agreement regarding  
27 density. The process to amend City ordinances to cap the density will take at least six weeks.  
28 Councilman Higginson expressed a desire to negotiate with the developer to get the best  
29 possible development for the neighborhood, and expressed frustration with rumors that have  
30 been spread. He pointed out that, until the May 5<sup>th</sup> Council meeting, the Council did not have  
31 consensus to implement a TZRO. Councilman Higginson added that he is still not sure it is the  
32 right way to go. Councilman Wright said it would be doing the citizens a disservice to argue for  
33 six months. He said he does not think it will take six months if the Council works together.  
34 Mayor Cutler expressed a desire to move forward, and repeated the suggestion to start the  
35 process to adjust the PDO Ordinance and cap density in the SMSC Overlay District. The  
36 Council can try to make all the changes at once, or choose to solve one step at a time.

37  
38 Lisa Romney, City Attorney, explained the pending ordinance doctrine. Councilwoman  
39 Fillmore stated she is not opposed to using a TZRO, but she has a lot of respect for the process  
40 and does not want to use a TZRO inappropriately. Councilman Wright said he considers a  
41 TZRO to be a natural part of the planning process.

42  
43 The Mayor asked the Council to consider reducing the area included in the TZRO, or  
44 removing building permit restrictions from the TZRO. The Council discussed his suggestion.

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46 **CLOSED MEETING**

47  
48 At 5:55 p.m. Councilwoman Fillmore made a **motion** to move into a closed session to  
49 discuss pending or reasonably imminent litigation. Councilman Higginson seconded the motion,  
50 which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Mayor; Council  
51 members Averett, Fillmore, Higginson, Ivie, and Wright; Steve Thacker, City Manager; Lisa  
52 Romney, City Attorney; and Katie Rust, Recording Secretary.

1 The Council returned to open meeting at 6:25 p.m.

2  
3 Councilman Wright made a **motion** to adopt Ordinance No. 2015-05 establishing a  
4 TZRO within the SMSC Overlay District, with direction to strike building permit restrictions from  
5 the Ordinance. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-  
6 0).

7  
8 The Council discussed the suggestion to have staff prepare a text amendment and start  
9 the process with the Planning Commission to establish a density cap for the SMSC Overlay  
10 District, and revisit acreage requirements for PDOs. Councilman Higginson made a **motion** to  
11 direct staff to prepare a text amendment for the SMSC Overlay District related to capping  
12 residential densities at R-M levels for any mixed-use as part of a commercial development, and  
13 to revisit the acreage restrictions on PDOs. Councilwoman Fillmore seconded the motion.  
14 Council members Wright and Averett expressed concern for the demand on staff time. City  
15 Manager Thacker stated he is not opposed to the motion. The motion passed by majority vote  
16 (3-2), with Council members Averett, Higginson, and Fillmore voting in favor, and Council  
17 members Wright and Ivie dissenting. Councilman Higginson left the meeting at 6:30 p.m.

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19 **ADJOURNMENT**

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21 At 6:31 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman  
22 Ivie seconded the motion, which passed by unanimous vote (4-0).

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28 Marsha L. Morrow, City Recorder

6-2-2015  
Date Approved

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34 Katie Rust, Recording Secretary

