

1 Minutes of the Centerville **City Council** meeting held Tuesday, July 2, 2013 at 7:02 p.m. in the
2 Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Council Members Ronald G. Russell, Mayor
7 Justin Y. Allen
8 John T. Higginson
9 Sherri Lyn Lindstrom
10 Lawrence Wright

11
12 **MEMBER ABSENT**

Ken S. Averett

13
14 **STAFF PRESENT**

15 Steve Thacker, City Manager
16 Blaine Lutz, Finance Director/Assistant City Manager
17 Lisa Romney, City Attorney
18 Cory Snyder, Community Development Director
19 Katie Rust, Recording Secretary

20 **VISITORS**

Interested citizens (see attached sign-in sheet)

21
22 **PLEDGE OF ALLEGIANCE**

23
24 **PRAYER OR THOUGHT**

Mayor Ron Russell

25
26 **OPEN SESSION**

27
28 George McEwan – Mr. McEwan asked if the \$163,000 budgeted for the UTOPIA
29 operating assessment reflects the 3.52% UIA rate or the 3.3% UTOPIA rate. He is wondering if
30 Centerville is paying more than its fair share. Steve Thacker, City Manager, responded that the
31 \$163,000 is based on the 50/50 formula arrived at as a compromise to cover operating
32 expenses. Last year the Council approved funding based on the 3.5%. For FY 2014 the
33 Council has approved the amount based on the 50/50 formula.

34
35 **PUBLIC HEARING – LEGACY CROSSING DEVELOPMENT AT CORNER OF**
36 **PARRISH LANE AND 1250 WEST – LOT 4 – REAPPROVAL OF FINAL SUBDIVISION PLAT**
37

38 The developer of the Legacy Crossing at Parrish Lane desires to re-subdivide Lot 4 of
39 their development into four lots. The prior approval of this action has expired. Additionally, the
40 Planning Commission has also approved a master final site plan for the entire proposed
41 subdivision. At 7:07 p.m. Mayor Russell opened a public hearing, and closed the public hearing
42 seeing that no one wished to comment.

43
44 Councilman Allen made a **motion** to reapprove the final subdivision plat and plans for
45 re-subdividing the Legacy Crossing Development Lot 4, subject to the conditions and findings
46 recommended by the Planning Commission. Councilwoman Lindstrom seconded the motion,
47 which passed by unanimous vote (4-0).

48
49 **Conditions:**

- 50 1. Lot 4 shall be subdivided into Lots 401-405 following the final plat dated September
51 28, 2012.

- 1 2. The city engineer and attorney shall recommend the appropriate mechanism to
- 2 ensure that the detention pond lot is adequately protected for its perpetual use for
- 3 the entire Legacy Crossing project. Developer shall comply with the
- 4 recommendations and provide appropriate documentation for the detention issues
- 5 prior to recording the final plat.
- 6 3. A bond shall be assessed and posted with the City by the applicant for public
- 7 improvements prior to recording the final plat.
- 8 4. The final plat shall be approved by the City Council and recorded at the Davis
- 9 County Recorder's Office prior to the issuance of a building permit.
- 10 5. The applicant shall work with all utility companies in regard to the placement of lines,
- 11 cables and pipes.
- 12 6. The applicant shall continue to work with the City Engineer in regard to all drainage
- 13 and engineering issues relating to all onsite improvements, throughout the
- 14 construction process.
- 15 7. All professional service fees and applicable development fees shall be paid.
- 16 8. The detention pond/basin shall all be in one parcel, not part of Lot 401, and the final
- 17 plat shall be revised to show this change.

18
19 ***Findings:***

- 20 a) The preliminary plat and final plat follow the approvals and design of the conceptual
- 21 subdivision acceptance [March 28, 2012].
- 22 b) The preliminary and final plat applications and submittals follow the criteria and
- 23 regulations of the Subdivision Ordinance [Chapter 15-3, Chapter 15-4].
- 24 c) The approved subdivision of Lot 4 appears to be in harmony with the Development
- 25 Agreement [September 28, 2010].

26
27 **PUBLIC HEARING – CODE TEXT AMENDMENT – SIGNS IN PARRISH GATEWAY**

28 **AREA – CONSIDERATION OF ORDINANCE NO. 2013-08**

29
30 Properties in a certain geographical area north and south of Parrish Lane with frontage

31 along the freeway are allowed by the Sign Ordinance to have freeway-oriented signs up to 60

32 feet in height. The General Plan allows for a gradual decrease in sign height moving east to

33 Main Street. The Ordinance currently allows for 25-foot signs with digital content in the area

34 one block east of the properties with freeway frontage. Chick-Fil-A, in the Marketplace

35 Subdivision, is requesting the ordinance be changed to allow freeway-oriented signs up to 50-

36 feet in height and 165 square-feet in size, without digital content, in a second tier east of the

37 freeway to allow freeway visibility. Cory Snyder, Community Development Director, explained

38 that the request retains the current restriction of no freeway-oriented signs on Parrish Lane and

39 Marketplace Drive, but would allow freeway-oriented signs on the Frontage Road. The Planning

40 Commission has recommended the Council approve the request with the stated parameters.

41 Councilman Wright asked if a 50-foot sign would be visible from the freeway. Mr. Snyder stated

42 the applicant has shown there would be freeway visibility. The 50-foot sign allowance would

43 replace the 25-foot sign allowance, and would not increase the number of signs allowed on a

44 property.

45
46 Robert Lombardi, on behalf of Chick-Fil-A, confirmed that a 50-foot sign would be visible

47 from the freeway. He explained that Chick-Fil-A feels it is important to comply with the General

48 Plan guidelines. He read aloud the General Plan guidelines, and explained Chick-Fil-A is not

49 requesting a 60-foot sign height because they do not feel it would comply with the gradual

50 decrease in sign height guideline. However, they also do not feel that the step down from 60

51 feet to 25 feet is gradual. They feel the requested 50-foot height, the reduced size of 165

52 square-feet, and the lack of digital content is consistent with the General Plan. Chick-Fil-A

1 would like to be successful in Centerville for the next several decades, and they believe the
2 ability to attract freeway business will be critical to ensure viability. Their property is not freeway
3 adjacent, but is certainly freeway visible.
4

5 Councilman Wright asked how the Chick-Fil-A sign would be oriented. Mr. Lombardi
6 responded the sign would most likely be perpendicular to the freeway, and would comply with
7 the conditions raised by the Planning Commission. He does not believe their proposed sign
8 would contribute to visual clutter. Chick-Fil-A believes the request is fair, reasonable, and
9 rational. Mr. Lombardi introduced the operator for the Centerville Chick-Fil-A store, Kelly Smith.
10 Ms. Smith stated she feels this will be a great opportunity to become part of the community, and
11 she believes a freeway-visible sign will be very important to capture business from the freeway.
12 Councilman Allen referred to the Planning Commission minutes in which the Commission
13 discussed allowing 45-feet versus 50-feet. Councilman Allen asked if 45-feet would be
14 sufficient. Mr. Lombardi responded that after conducting a visibility exercise they are confident
15 that 50-feet will be necessary to be seen over existing buildings.
16

17 At 7:39 p.m. Mayor Russell opened a public hearing.
18

19 Russ Smith – Mr. Smith is a representative of Wendy's. He stated that Chick-Fil-A is a
20 formidable competitor from a development standpoint. He feels Chick-Fil-A runs a great
21 operation and will be a good neighbor. Mr. Smith expressed support for the amendment
22 request.
23

24 Tami Fillmore – Ms. Fillmore is a member of the Planning Commission and a citizen of
25 Centerville, speaking at the Council meeting as a concerned citizen. She feels the topic of signs
26 is a tricky issue, with a lot of push and pull between businesses and the City. There will always
27 be push for more signage from businesses, and she feels there needs to be a good balance
28 between push and pull-back from community. She read aloud a portion of the General Plan,
29 and stated she feels it is very clear that signs should be tightly controlled to avoid clutter. She is
30 grateful for the pullback on the push for more signage. She appreciates the viable businesses
31 that have come to Centerville, but she appreciates the direction taken with newer development
32 with lower, conglomerated signage. Ms. Fillmore feels that the height allowed next to the
33 freeway would feel very different even one block away. In her opinion it is the definition of
34 clutter to add height and more individual sign poles. She stated there is usually a zoning buffer
35 between residential and commercial development which is lacking in this situation, and she
36 feels if it had been required to be noticed in the usual way there would have been more
37 pushback from neighbors of the property. Ms. Fillmore feels making a decision opposite to the
38 direction of the General Plan is very serious and asked the Council to take it as such.
39

40 Stephanie Ivie – Ms. Ivie stated she appreciates the different points of view. She agrees
41 with the pushback, but also feels Chick-Fil-A has done an excellent job of staying consistent
42 with the General Plan. She supports Chick-Fil-A's application.
43

44 Mayor Russell closed the public hearing at 7:48 p.m. The Mayor stated he was on the
45 Council when the Sign Ordinance was adopted. The idea of the ordinance was to have the
46 taller signs near the freeway, reducing in size moving east into the city. Looking back he feels it
47 was a wise policy, but Parrish Lane has developed considerably, and he feels a 50-foot sign
48 would not seem as out of place now as it would have then. Businesses clustered around the
49 interchange are dependent on freeway traffic, and it is a competitive disadvantage to those who
50 do not have freeway frontage and visibility from the freeway. Mayor Russell supports the
51 amendment application.

1 Councilman Wright stated the General Plan is a working document that will change over
2 time. He feels it is important to continue to develop the area consistently and fairly, and stated
3 he is in support of the application. Councilman Higginson feels the business buildings will
4 basically hide the sign from the rest of the city. He has looked closely at the issue considering
5 the close vote on the Planning Commission level. He feels the requested 50-feet is in line with
6 the definition of gradual, and is consistent with what people would expect to see. Councilman
7 Allen stated he likes the trade-off of more height and no digital display. He feels it is important
8 to be sensitive to the homes nearby, and believes the application to be a good compromise.
9 Councilman Allen believes the General Plan provides enough allowance to approve the
10 application. Councilwoman Lindstrom asked for clarification regarding where the signs would
11 be allowed. Staff confirmed they would be prohibited on Parrish Lane and Marketplace Drive,
12 and allowed on the west side of the islands on Frontage Road. Councilwoman Lindstrom
13 mentioned the concern that businesses east of Marketplace Drive would next apply for
14 amendments to get better signs. Mr. Snyder stated that Commissioner Hirschi voiced the same
15 concern. Councilwoman Lindstrom stated she suspects the number of signs in that corridor will
16 change quickly if the application is approved. Cory Snyder responded there are five businesses
17 that could take advantage of the amendment in the second tier area. Councilwoman Lindstrom
18 stated she has reservations, but she knows that a lot of people are happy Chick-Fil-A is coming
19 to Centerville.

20
21 Councilman Allen made a **motion** to adopt Ordinance No. 2013-08 amending
22 subsection 12-54-120(4) of the Centerville City Zoning Ordinance regarding freestanding
23 freeway-oriented signs in the Parrish Lane Gateway Commercial District. Councilman
24 Higginson seconded the motion, which passed by majority vote (3-1), with Councilwoman
25 Lindstrom dissenting. Mr. Lombardi stated construction is expected to begin in the latter-part of
26 August.

27 28 PROPOSAL TO REHABILITATE "V" ON MOUNTAINSIDE

29
30 Bryce Trump, and his son, Ryan Trump, were in attendance to explain their proposal to
31 rehabilitate the "V". Ryan Trump, an Eagle Scout candidate and grandson of the man who
32 originally worked with students at Viewmont High School to develop the "V" on the Centerville
33 hillside, explained his desire to rehabilitate the "V". He has contacted different groups who will
34 be able to help with the three-phase project. The first phase would include installing steps to
35 the "V" to increase safety. The dirt around the "V" has eroded significantly, and the project
36 would include reinforcing the "V" to prevent parts from falling away. Finally, if enough funds are
37 available, he proposes restoring the hillside around the "V". He has met with student body
38 officers who have indicated they are willing to work with the Trumps to make it happen. The first
39 two phases will require more than \$10,000, but no City funds are being requested. When the
40 project is completed, he intends to use any remaining funds to set up a preservation committee
41 to maintain the "V" moving forward. Mr. Thacker reported he recently visited the "V", and
42 confirmed it is in need of rehabilitation. Mr. Thacker stressed that volunteers on the project
43 would not be official volunteers of the City, to protect the City from any liability. The City
44 Engineer has offered his volunteer services as a civil engineer.

45
46 Councilman Allen suggested it would be nice to make the "V" more accessible from the
47 City trail system. Mr. Thacker stated safety and the proximity to the gun range would need to be
48 considered. Councilman Higginson is a Viewmont graduate who has whitewashed the "V" in the
49 past, and would like to be involved in some way. He suggested it would be fun to have
50 something on the City website showing the progression of the project. Bryce Trump stated the
51 project is personal for him, since his father was involved in the original project, and he has spent
52 a lot of time setting up the rehabilitation project. Mr. Trump does not think raising funds will be a

1 problem. Mayor Russell stated he thinks the project is a good idea that obviously has the
2 support of the Council. The City Attorney stated there are a number of related issues to look
3 into before staff brings back a document for Council approval. Rehabilitation of the "V" will be a
4 multi-year project. Councilwoman Lindstrom complimented Ryan Trump on his presentation
5 and stated she feels the "V" is a critical icon for the community. She also has concerns about
6 vandalism if easier access is allowed.

7
8 **MINUTES REVIEW AND APPROVAL**

9
10 The minutes of the Tuesday, June 11, 2013 budget work session and the June 19, 2013
11 Council meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve both sets
12 of minutes. Councilman Allen seconded the motion, which passed by unanimous vote (4-0).

13
14 **MAYOR'S REPORT**

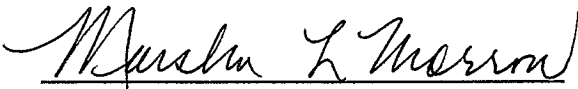
- 15
16 • The Fire Agency is still in the process of hiring a new fire chief.
17 • The Mayor has met with the 4th of July celebration organizers and reported that
18 festivity preparations are on track. He relayed the Parade Committee's preference
19 that the parade not become a campaign platform.

20
21 **CITY MANAGER'S REPORT**

22
23 A work session regarding the Water System Impact Fee Facilities Plan/Analysis may be
24 held prior to the next Council meeting on July 16, 2013.

25
26 **ADJOURNMENT**

27
28 At 8:33 p.m. Councilman Allen made a **motion** to adjourn the meeting. Councilwoman
29 Lindstrom seconded the motion, which passed by unanimous vote (5-0).

30
31
32
33 
34 Marsha L. Morrow, City Recorder

35 7-16-2013
36 Date Approved

37
38
39 
40 Katie Rust, Recording Secretary

