

# CENTERVILLE CITY COUNCIL AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON OCTOBER 18, 2016 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.**

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

*Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.*

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

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

**Time:**

7:00      **A. ROLL CALL**

(See City Manager's Memo for summary of meeting business)

**B. PLEDGE OF ALLEGIANCE**

**C. PRAYER OR THOUGHT**

The Bridge Community

7:05      **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

**E. BUSINESS**

7:10      1. Minutes Review and Acceptance

- October 4, 2016 work session and regular City Council meeting
- 7:10 2. 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
- 7:15 3. Reconsideration of Zoning Map Amendment (Rezone) - Balling Townhomes - 323 East Pages Lane
- Reconsider Ordinance No. 2016-31 regarding the proposed Zone Map Amendment (rezone) for property located at approximately 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H)
- 7:30 4. Public Hearing - Municipal Code and Zoning Code Amendments - Prohibiting Flag Lot Development
- Consider Municipal Code and Zoning Code Amendments to prohibit flag lot development within the City and amending and repealing various sections of the Zoning Code and Subdivision Ordinance provisions regarding flag lot provisions - Ordinance No. 2016-29
- 8:00 5. Report from staff re street sweeping frequency, priorities, etc.
- 8:10 6. Financial report for three-month period ending September 30
- 8:20 7. Mayor's Report
- a. Fire Service Area reports
- 8:30 8. City Council Liaison Report - Councilwoman Mechem - Trails Committee and Davis County Transportation Committee
- 8:40 9. City Manager's Report
- a. Main Street crosswalks update
  - b. Federal funding application
  - c. Update re sidewalk replacement project
- 8:50 10. City Attorney Training - Role of Planning Commission
- Training by City Attorney Lisa Romney regarding the role of the Planning Commission
- 9:05 11. Miscellaneous Business
- 9:10 12. Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended
13. Possible action following closed meeting, including appointments to boards and committees

## F. ADJOURNMENT

Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Marsha L. Morrow, MMC  
Centerville City Recorder

**CENTERVILLE**

**Staff Backup Report  
10/18/2016**

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- City Manager Summary of October 18, 2016 City Council meeting



# CENTERVILLE CITY

250 North Main • Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

## Mayor

Paul A. Cutler

## City Council

Tamelyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

## City Manager

Steve H. Thacker

## interoffice

## MEMORANDUM

**to:** Mayor Cutler  
City Council

**cc:** Department Heads  
Planning Commission

**from:** Steve H. Thacker, City Manager *S. Thacker*

**subject:** City Manager's Summary of October 18, 2016 Council Meeting

**date:** October 14, 2016

There is no work session prior to the regular City Council meeting. Council Members are invited to attend the tour of the mixed waste processing facility at the energy recovery plant in Layton, from 5:00 to 6:30 p.m. For tour details, see the invitation sent this week to City officials.

### Regular Council Meeting

**E.1. Minutes Review** – The minutes to be approved are enclosed.

**E.2. Summary Action Calendar**

- a. Bid award—truck** – This is a replacement truck (with shell) for the Public Works Director. Funding is in the approved FY 2017 Budget for this purchase. The existing truck will be used by another employee, likely for the new Water Division position authorized by the Council.
- b. Youth Council Charter amendment** – The Youth Council and their Advisor, Lisa Summers, recommend the Charter be amended to increase the maximum size of the Youth Council from 20 to 25 members.

**E.3. Reconsideration of Zoning Map Amendment – Balling Townhomes** – The applicant, Scott Balling, has asked for a reconsideration of this rezoning matter. In their October 4 meeting, the Council denied (3-2 vote) the requested rezone from Commercial-High to Residential-High for property located at 323 E. Pages Lane. Mr. Balling has now asked for the Council to reconsider his application—but this time to rezone the property to Residential-Medium rather than Residential-High. The staff report explains the procedure the Council is to follow if it wishes to reconsider this matter.

**E.4. Public Hearing – Code Amendments re Flag Lot Development** – In an earlier meeting the City Council directed the Planning Commission to consider an ordinance that would repeal code provisions allowing flag lot development. The Planning Commission, however, has considered the request and is recommending the flag lot provisions remain in the code. This matter is now back in the Council's lap for a decision. A public hearing must be held before the Council acts.

- E.5. Staff Report re Street Sweeping** – Several Council Members have asked for a staff report about the frequency and priorities for street sweeping. Dave Walker, Drainage Utility Supervisor, will attend the meeting to make that report and answer questions.
- E.6. Financial Report** – Blaine Lutz prepared the financial report for the 3 months ending September 30, 2016. If he is not at the meeting, the City Manager will answer questions in his absence.
- E.7. Mayor’s Report** – Mayor Cutler will report on Fire Service Area matters and possibly other topics.
- E.8. City Council Liaison Report** – Councilwoman Robyn Mecham will report on the issues and activities of the Centerville Trails Committee and the Davis County Transportation Committee.
- E.9. City Manager’s Report** – I will report on the matters identified under this heading on the agenda.
- E.10. City Attorney Training** – Lisa Romney, City Attorney, will present training regarding the roles and responsibilities of the Planning Commission, which she has already presented to that body.
- E.11. Miscellaneous Business** – No topics are identified at this time under this heading.
- E.12. Closed Meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.
- E.13. Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments.

***Potential Agenda Items for November 1, 2016 City Council meetings (subject to change):***

- Public Hearing - Code Text Amendment re Climate Controlled Storage
- Public Hearing – Code Text Amendment re Reception Center in I-H Zone
- General Plan Amendments re West Centerville Neighborhood Plan – Removing Industrial-Very High District – Section 12-480-6
- Briefing re storm water regulations and related proposal to construct “decant” building to comply with regulations
- Discuss potential sale of City property
- Davis County Pre-Disaster Mitigation Plan

ST/mlm

**CENTERVILLE**

**Staff Backup Report  
10/18/2016**

Item No.

Short Title: The Bridge Community

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:10

**SUBJECT**

October 4, 2016 work session and regular City Council meeting

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ 10-4-2016 work session minutes
- ☐ 10-4-2016 Council meeting minutes

## ***PRELIMINARY DRAFT***

1 Minutes of the Centerville City Council **work session** held Tuesday, October 4, 2016 at 5:30 p.m.  
2 in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

### **MEMBERS PRESENT**

3  
4  
5  
6 Mayor Paul A. Cutler

7  
8 Council Members Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan  
12 Robyn Mecham

### **STAFF PRESENT**

13  
14 Steve Thacker, City Manager  
15 Lisa Romney, City Attorney  
16 Bruce Cox, Parks and Recreation Director  
17 Jacob Smith, Assistant to the City Manager  
18 Katie Rust, Recording Secretary

### **STAFF ABSENT**

19  
20 Blaine Lutz, Finance Director/Assistant City Manager

### **PARKS AND RECREATION COMMITTEE PRESENT**

21  
22  
23  
24 Brian Curnow Melissa Larsen  
25 Kelly Hintze Loren Pankratz  
26 Lynn Keddington, Chair Melissa Smith

### **WORK SESSION WITH PARKS AND RECREATION COMMITTEE**

27  
28  
29  
30 Mayor Cutler introduced Tiffany Rees, whom he intends to nominate for appointment to  
31 the Parks and Recreation Committee later in the evening. Chair Keddington presented an  
32 updated Parks Capital Improvement Plan, listed from highest to lowest priority (attached). He  
33 expressed the Committee's desire to have a conceptual design for the Island View Park project  
34 by February of 2017 in order to apply for Federal grant funds allocated through the State. The  
35 grant applications have a consideration/approval time of one year. It is recommended cities  
36 apply for a minimum of \$100,000 considering the complexity of the application. Chair  
37 Keddington explained restrictions associated with the grant funds.

38  
39 The Council and Committee talked about the splash pad idea. Mayor Cutler pointed out  
40 that a splash pad is a popular, but expensive feature. He suggested a different type of water  
41 feature, possibly at Smoot Park using water diverted from the existing stream. Chair  
42 Keddington stated the splash pad is on the Parks Capital Improvement Plan because it  
43 consistently gets the highest marks on all surveys. The Committee has tried to reflect the  
44 desires of the community. Councilwoman Mecham said she has been shocked by the number  
45 of community members who have told her that Centerville should have a splash pad.  
46 Councilwoman Fillmore commented that Bountiful has included a splash pad in their new plaza  
47 design.

48  
49 Councilman McEwan said he does not have a problem with applying for matching funds;  
50 the projects and amount need to be determined. The group discussed including as many items  
51 on the application as possible. Mr. Thacker said he believes the grant funds require a 50/50  
52 match from the City.  
53

1 Bruce Cox, Parks and Recreation Director, explained the next two phases of the  
2 Community Park Expansion project. The group discussed the possibility of accelerating the  
3 next two phases to complete both in 2017. Possible impact on the Frontage Road and use of  
4 the Park was discussed. Mayor Cutler expressed a desire to complete the project as quickly as  
5 possible, and said he intends to approach the South Davis Recreation Board about the  
6 possibility of loaning funds to Centerville to complete the project sooner. Mr. Thacker pointed  
7 out that lower contract bids might be a potential benefit to spreading the two phases over two  
8 years. The Frontage Road expansion project is also scheduled to take place in 2017. Mr.  
9 Thacker agreed to find out if the Frontage Road project and the Community Park parking lot  
10 could be bid together to save money.

11  
12 Mr. Thacker presented a comparison of proposed park expenditures with projected  
13 revenues for FY 2017 and FY 2018, showing them to be very close (attached). Other sources  
14 of funding would be necessary to accomplish more projects than are listed. He suggested  
15 grants, donations, and interfund loans as possible funding sources. Councilman McEwan asked  
16 when Island View Park will reach complete dilapidation. Staff responded that features are  
17 removed as they become unsafe. Island View Park is safe, but becomes less fun as more  
18 features are removed. Preparing a renovation plan for Island View Park is the next step. Mr.  
19 Keddington stated the Parks and Recreation Committee recommends the City bond to be able  
20 to proceed with the Community Park Expansion and Island View Park, and still have funds for  
21 other projects.

22  
23 **ADJOURNMENT**

24  
25 Mayor Cutler thanked the Parks and Recreation Committee, and adjourned the work  
26 session at 6:50 p.m.

27  
28  
29  
30  
31 \_\_\_\_\_  
32 Marsha L. Morrow, City Recorder

\_\_\_\_\_ Date Approved

33  
34  
35 \_\_\_\_\_  
36 Katie Rust, Recording Secretary

1 Minutes of the Centerville **City Council** meeting held Tuesday, October 4, 2016 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 Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan  
12 Robyn Mecham

13  
14 **STAFF PRESENT**

15 Steve Thacker, City Manager  
16 Lisa Romney, City Attorney  
17 Jacob Smith, Assistant to the City Manager  
18 Bruce Cox, Parks and Recreation Director  
19 Cory Snyder, Community Development Director  
20 Katie Rust, Recording Secretary

21 **STAFF ABSENT**

22 Blaine Lutz, Finance Director/Assistant City Manager

23 **VISITORS**

24 Shawn Beus, Davis County Economic Development Director  
25 Interested citizens (see attached sign-in sheet)

26 **PLEDGE OF ALLEGIANCE**

27  
28 **PRAYER OR THOUGHT**

29 Mayor Cutler

30 **OPEN SESSION**

31  
32 Steve Allen – Mr. Allen asked when he can expect to see deer traps placed in the city.  
33 Bruce Cox, Parks and Recreation Director, responded the city has seen some success with the  
34 archery option since the urban deer control season began on August 1<sup>st</sup>. Trapping will be done in  
35 conjunction with the Division of Wildlife Resources (DWR). Mr. Cox said it is his understanding  
36 that trapping will begin after other food sources freeze, possibly closer to the end of October.

37  
38 **PRESENTATION REGARDING ECONOMIC DEVELOPMENT**

39  
40 Shawn Beus with the Davis County Economic Development Department gave a  
41 presentation regarding economic development and the goal to increase awareness and recognition  
42 of Davis County. Councilwoman Fillmore asked if the County Economic Development Department  
43 would be able to help the City with cost benefit analyses when considering spending on economic  
44 development. Mr. Beus described third-party software available to help with cost benefit analyses,  
45 but added that beautification efforts are a little more difficult to analyze from that perspective. He  
46 offered to help whenever he can.

47  
48 **MINUTES REVIEW AND ACCEPTANCE**

49  
50 The minutes of the September 20, 2016 work session, September 20, 2016 regular Council  
51 meeting, and September 7, 2016 joint work session with the Planning Commission—with revisions  
52 by the Planning Commission—were reviewed. Councilman Ince made a **motion** to accept all  
53 three sets of minutes. Councilwoman Fillmore seconded the motion, which passed by unanimous  
54 vote (5-0).  
55

**ROCKY MOUNTAIN POWER FRANCHISE EXTENSION**

Lisa Romney, City Attorney, explained the request for an extension of the current franchise agreement with Rocky Mountain Power. Steve Rush, representing Rocky Mountain Power, answered questions from the Council. Councilman Ince made a **motion** to adopt Ordinance No. 2016-28 extending the current Rocky Mountain Power Franchise for an additional five years. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – PDO AMENDMENTS – CHAPEL RIDGE COVE PDO**

Mr. Snyder gave background information regarding the Chapel Ridge Cove Planned Development Overlay (PDO). The petitioner desires to add different elevation styles, keeping in place the approved architectural theme, materials list, and the 360 degree visual requirements. The Planning Commission has recommended approval of the request. Jacob Toombs, petitioner, stated the proposed elevations are not taller than existing homes in the development. He said most people wanting homes in that area are wanting ramblers with main-floor living.

Mayor Cutler opened a public hearing at 7:36 p.m., and closed the public hearing seeing that no one wished to comment. Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2016-30 amending the Chapel Ridge Cove Planned Development Overlay to allow alternative housing styles. The motion failed for lack of a second. The Council examined pictures of the proposed elevations. Mr. Snyder pointed out that two-story homes are already approved in the Master Conceptual Plan. He said he thought it was a mistake on the developer's part to limit the development to three elevations to begin with. Five of the ten lots in the development are already built. Councilwoman Mecham said she would not want something to go in that existing homeowners are not expecting. From the audience, a woman who owns a home in the development said she is hoping the empty lots will be filled to complete the subdivision. Councilman McEwan made a **motion** to adopt Ordinance No. 2016-30 amending the Chapel Ridge Cove PDO to allow alternative housing styles. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – ZONING MAP AMENDMENT (REZONE) – BALLING TOWNHOMES – 323 EAST PAGES LANE**

Mr. Snyder explained that Mr. Balling has submitted an application to rezone his property located at 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H). His desire is to rezone the property and go back to the Planning Commission for review and approval of six units. He said Mr. Balling believes his property will be more compatible with adjacent properties if it is amended to allow for multi-family development. The property east of the Balling lot is Zoned R-H and the property to the north, owned by the LDS Church is Zoned R-L. To the west, adjacent to 300 East is the J.A. Taylor Elementary School Zoned as Public Facility-Medium (PF-M). Across Pages Lane to the south is the old Dick's Market site, Zoned C-H. Mr. Snyder expressed the opinion that the proposed rezone would not create more impact for the elementary school than the C-H.

Mr. Balling gave a history of the properties in question, and emphasized his intention to develop a high-quality six-plex that would appear as much as possible as a single unit. He said he is not seeking the highest possible density for the R-H Zone. The property adjacent to the east has eight units on a comparably sized lot – two more than his proposed plan. Mr. Balling said he feels his request is in line with the General Plan, with the nearest single-family residence being more than 300 feet from his property, and the nearest R-M Zone more than 600 feet away. Mr. Balling said he feels R-L or R-M would not be in harmony with adjacent properties. He said the

1 project would need six units to justify demolition costs. Mr. Balling expressed confidence that it  
2 would be the most attractive structure in the area. He said his plan is to design the units to be sold  
3 individually.

4  
5 Mayor Cutler opened a public hearing at 8:04 p.m.

6  
7 Dale McIntyre – Mr. McIntyre provided Council members with excerpts of the General Plan  
8 with his own comments and emphasis added (attached). He said he is opposed to rezoning the  
9 subject property to R-H because of the precedent it would set for other properties in southeast  
10 Centerville, and because it is in direct opposition to the stated goal of the General Plan to have  
11 residential property in the area reserved for single-family dwellings.

12  
13 JaNae Urry – Ms. Urry said her concern with changing the zoning to R-H is the possibility  
14 that the property may be sold following the rezone and developed with higher density than Mr.  
15 Balling is proposing. She commented that 300 East has only single-family homes. She said the  
16 apartment buildings east of the subject property do not feel to her as high density as the proposal.

17  
18 Dean Williams – Mr. Williams said he is not foolish enough to think development will not  
19 take place, but said he agrees with the comment regarding this project influencing what goes in  
20 later. He said that every time a developer wants to make more money the developer comes to the  
21 City for a rezone, and puts in high density. Mr. Williams said he does not believe a developer's  
22 right to make money trumps his right as a property owner when it affects him. He said he built his  
23 home counting on single-family development in south Centerville as stated in the General Plan.  
24 He said, if the city is heading toward high density in the Dick's Market area, he is not in favor of the  
25 current request. Mr. Williams expressed the opinion that commercial property owners are aware of  
26 the zoning when they purchase their property.

27  
28 Cindy Baker – Ms. Baker said she has been Mr. Balling's residential neighbor for 25 years.  
29 She said Mr. Balling has contributed a lot to the community, and he is a wonderful neighbor. She  
30 commented that Centerville does not have a lot of multi-family housing, and she believes the  
31 proposed development would be desirable to many people. She vouched for Mr. Balling's  
32 character.

33  
34 Dale Engberson – Mr. Engberson said he believes everyone is upset because of what has  
35 happened in the past. He said he feels what Mr. Balling is requesting is reasonable. He stated  
36 that rezoning the subject property to R-H does not mean the larger property across the street will  
37 be R-H. Mr. Engberson said he believes the rezone makes sense and fits with the neighboring  
38 properties. He said he is afraid people are so set against high density they are not open minded  
39 and reasonable. This battle cannot be fought based on a previous battle.

40  
41 Garth Heer – Mr. Heer said he owns the property directly to the east of the subject  
42 property. He said he feels the requested rezone is in line with the neighboring properties. He  
43 commented that the adjacent Church property is a buffer for the single-family homes. Mr. Heer  
44 said Mr. Balling is a good neighbor, and has proven that he does good work. He suggested that  
45 approval of the rezone be contingent on six or fewer units. Mr. Heer expressed confidence that  
46 Mr. Balling will do what he has proposed.

47  
48 David Baker – Mr. Baker said he is Mr. Balling's residential neighbor, and emphasized that  
49 Mr. Balling's home is a real improvement to the neighborhood. He commented that the Council is  
50 looking to improve Centerville with everything they do. Mr. Baker said he believes Mr. Balling is a  
51 man of integrity who will do what he proposes. He pointed out that single-family homes usually

1 appeal to families, and families usually do not want to live on busy streets like Pages Lane. He  
2 said he feels the proposal fits in with the area and would be a benefit to Centerville.

3  
4 The Mayor closed the public hearing at 8:28 p.m. Councilman McEwan commented that  
5 the Council has specific criteria to examine when considering a rezone, not including the intended  
6 use of the property. Ms. Romney clarified that the Council cannot add conditions to a rezone such  
7 as limiting development to six units. The proposed plan is less dense than the properties directly  
8 to the east. Councilwoman Fillmore commented that R-H in Centerville is low compared to other  
9 cities. She said that, at full potential with R-H, the subject property could have a maximum of nine  
10 units, which she feels is in line with neighboring properties. Councilwoman Mecham said she  
11 would like to be able to give Mr. Balling what he wants, but there is no way to allow six units on the  
12 property without opening up the possibility for more. She said she would approve R-M, but she  
13 cannot approve the rezone to R-H.

14  
15 Councilman McEwan referred again to the rezoning criteria, and said he feels the Council  
16 needs to remain dispassionate about the process. He asked for clarification from staff regarding  
17 the General Plan statement that “the southeast residential area shall be developed and maintained  
18 in low density single-family residential development”. Mr. Snyder responded that the General Plan  
19 is made up of generalities. He quoted other portions of the General Plan regarding density,  
20 including: “medium or high-density residential development is allowed within appropriate locations  
21 within the city.” The General Plan is not going to give a line item specifying that a particular  
22 property is intended to be a specific zone. Most of Centerville is low-density development, but  
23 multi-family is allowed in appropriate locations. Buffering, neighboring uses, and type of street all  
24 have to be considered. Mr. Snyder added that the idea that only single-family development will  
25 occur, end of discussion, is missing the entire breadth and discussion of the General Plan.

26  
27 Councilman McEwan made the point that the word “shall” has very specific legal  
28 connotations. If the statement in Section 12-480-2 does not hold, the word “shall” should not be  
29 used. Councilwoman Fillmore said the statement applies to areas already developed residential.  
30 The challenge before the Council now is dealing objectively with reality. She said the southeast  
31 neighborhood has commercial corridors that cannot economically switch to single-family  
32 residential. Councilwoman Fillmore stated if the Council is not realistic and objective about what  
33 really can happen in those areas, they will be encouraging dilapidation. She said she appreciates  
34 a property owner wanting to invest in a property and make improvements. Regarding precedent,  
35 she said a precedent was already set with the properties to the east of the subject property.  
36 Councilwoman Fillmore said she feels the proposal is harmonious and makes sense.

37  
38 Councilman Ince pointed out that General Plan updates took place substantially after the  
39 development of properties to the east of the subject property. He said he would be inclined to vote  
40 in favor of the request if there were some way to guarantee no more than six units are developed,  
41 but there is no way to get that guarantee. Mr. Snyder cautioned the Council against relying on  
42 staff to provide guarantees. He said there comes a time as legislators when they need to take a  
43 leap of faith. The Council needs to determine if the maximum of nine units would be a bad thing  
44 for the property. If the Council does not approve the requested rezone, a developer in the future  
45 may be able to get more units. Mr. Snyder confirmed that he has advised the Council against  
46 contract zoning. Ms. Romney stated the focus should be on the Ordinance. She said the General  
47 Plan is a little vague in this situation. Section 12-480-2.1(e)(1) would not apply to the subject  
48 property because it is not in the southeast residential area. She suggested the Council focus on  
49 impact to the school, and said she feels residential is less of an impact to the school than  
50 commercial.

51

1 Councilwoman Mecham stated she is not comfortable with R-H. She said she believes the  
2 south end of the city has its share of high density with 600 high-density units between Parrish Lane  
3 and Pages Lane on the west side of Main Street. She said she does not want more, and she does  
4 not want to set a precedent. Councilman McEwan stated there is nothing in the approval  
5 standards regarding precedent. The Council cannot be concerned with a precedent set in the  
6 approval process. Councilman McEwan said the “faith” comment disturbs him because the  
7 Council made a zoning decision earlier in the year based on the zoning criteria. If the Council  
8 were to now make a zoning decision based on faith, they could be accused of being capricious.  
9 Councilwoman Fillmore said the question is what is best for the neighborhood and what the  
10 possibilities are. The known possibilities are: (1) the property remains C-H with no redevelopment;  
11 (2) application for R-H is approved with 6-9 units possible; and (3) the property remains  
12 commercial and is sold for another commercial use. She read from the table of approved C-H  
13 uses, with the point that the R-H may make people less uncomfortable. Councilwoman Fillmore  
14 expressed a desire to weigh the risks of the R-H with the possible impacts of other C-H uses.  
15 Councilman McEwan pointed out that according to the code any use shall be designed for minimal  
16 impact on the school. Ms. Romney stated the Zoning Code trumps the General Plan. The  
17 purpose of the General Plan is to give a vision, which is then implemented with the Zoning Code.  
18 Councilwoman Ivie expressed the opinion that the Council has the job to listen, not only to the  
19 property owner, but to the people all around it. Considering the comments she has heard and the  
20 emails she has received, Councilwoman Ivie made a **motion** to reject the R-H Zoning application.  
21 Councilwoman Mecham seconded the motion.  
22

23 Mr. Balling stated he respects what the neighbors want. He said he received approval from  
24 the Planning Commission for the plan ten years ago, but neighbors made it clear they would prefer  
25 the property to not have access from 300 East. He has waited ten years to finish up his  
26 commercial use of the property to be able to design the development with access solely off Pages  
27 Lane. He said his proposal is for 5.8 units per acre. Six units will require a conditional use permit  
28 from the Planning Commission. Mr. Balling said he feels requiring R-M would be capricious, with  
29 no R-M within 600 feet of his property. He said he is trying to do what the neighbors want. He  
30 thinks it is the best option for the property. Mr. Balling said he will build what he intends to build,  
31 and he would like to do it as quickly as possible.  
32

33 Mayor Cutler shared the opinion that it would be wise to take a pragmatic approach with a  
34 local developer with a reputation for integrity trying to improve the area and make the situation  
35 better for the school by removing access on 300 East. Councilman Ince asked if there would be a  
36 way for Mr. Balling to acquire the additional property necessary to qualify for R-M from Mr. Heer’s  
37 adjacent property. Councilman Ince agreed the proposed development is an improvement, but  
38 said he cannot approve R-H. Mr. Thacker pointed out that, if the application comes back  
39 requesting R-M, the tension would still exist between the first and second criteria for zoning. Mr.  
40 Snyder repeated the position of staff that the subject property is not in the southeast residential  
41 area. Ms. Romney explained conditions involved with a reapplication. She also explained that  
42 conditions can only be placed on a conditional use permit to mitigate potential negative impacts.  
43

44 Councilwoman Mecham said she would love to see the project happen, but she cannot  
45 vote in favor of R-H. Councilman McEwan stated it is important to him to be consistent and avoid  
46 any decisions that would make a property owner feel disadvantaged. He said he feels it would be  
47 very hard to argue that residential is not in the vicinity, since R-H is right next door. Referring to  
48 the overall character of the neighborhood, he pointed out there is a blighted area to the south, R-H  
49 to the east, and an elementary school to the west. Therefore, he said he feels the property meets  
50 that particular criterion. Councilman McEwan said, based on the criteria, he cannot find enough  
51 reason to reject the application. Councilwoman Fillmore said she feels they all want what is best  
52 for the neighborhood, and she feels this would be an improvement over other options for the area.

1 She said she also thinks it is important to consider friendliness to positive redevelopment.  
2 Councilwoman Fillmore said she feels the Council is making it too difficult to do reasonable things  
3 that would bring improvement and would benefit citizens, based on whether there is an "H" or an  
4 "M" after the R. Councilwoman Ivie said she thinks the Council is stuck because of the General  
5 Plan. She said the General Plan needs to be fixed so that the Council can pass things it likes  
6 without having conflict. Councilwoman Mecham said she would like to see more options in zoning  
7 so it does not have to be just one or the other. The motion to reject the application to rezone  
8 passed by majority vote (3-2), with Council members Ivie, Ince, and Mecham in favor, and Council  
9 members Fillmore and McEwan dissenting. The following findings were included.

10  
11 Findings:

- 12  
13 1. The City Council believes a vast number of citizens have expressed sincere and  
14 substantial concern about continuing high-density development, and the Council's  
15 hands are tied to keep this from qualifying. Therefore, the Council had no choice but to  
16 reject the application.  
17 2. The City Council feels 300 East does not have the necessary road width to justify R-H.  
18 3. The City Council believes the application is not consistent with the goals and objectives  
19 of the General Plan.  
20

21 **GENERAL PLAN AMENDMENTS – BICYCLE AND NON-MOTORIZED VEHICLE**  
22 **PATHWAYS AND TRAILS MASTER PLAN MAP**

23  
24 Mr. Thacker presented proposed General Plan amendments to Section 12-450-3 regarding  
25 bicycle and non-motorized vehicle pathways in the transportation and circulation element of the  
26 General Plan. Councilman McEwan made a **motion** to adopt Ordinance No. 2016-21 amending  
27 Section 12-450-3 of the Centerville General Plan regarding Bicycle and Non-Motorized Vehicle  
28 Pathways and amendments and updates to the Centerville Trails Master Plan Map as referenced  
29 in Section 12-460-2. Councilman Ince seconded the motion, which passed by unanimous vote (5-  
30 0).  
31

32 At 9:28 p.m. the Council took a break, returning at 9:42 p.m.  
33

34 **ADMINISTRATIVE POLICY – NEWSLETTER, UTILITY BILL INSERTS AND PUBLIC**  
35 **OUTREACH POLICY**

36  
37 At a previous meeting, the City Council requested staff to prepare a written policy  
38 governing the use of City newsletters, utility bill inserts and other public communications. The  
39 Council specifically requested the policy to address the limitations and conditions for the use of  
40 such communications for non-city purposes or entities such as utility bill inserts for advertising  
41 CenterPoint Theatre events and other governmental or nonprofit entity information. Ms. Romney  
42 presented proposed Resolution No. 2016-24. The Council discussed and indicated support for the  
43 Mayor and staff retaining flexibility to deem what material would be in the public interest, guided by  
44 the Policy.  
45

46 Ms. Romney suggested changing the beginning language of Subsection 040(a) to: "The  
47 information is related to a governmental entity or non-profit program deemed to be in the public  
48 interest. . .". Councilwoman Ivie made a **motion** to approve Resolution No. 2016-24 adopting a  
49 new administrative policy regarding Newsletter, Utility Bill Inserts and Public Outreach Policy, with  
50 the change suggested by the City Attorney. Councilman McEwan seconded the motion, which  
51 passed by unanimous vote (5-0).  
52

**DISCUSSION REGARDING POTENTIAL USES OF RAP TAX REVENUE**

Councilwoman Ivie stated that, considering the dedicated work sessions held recently with both CenterPoint Theatre (CPT) representatives and the Parks and Recreation Committee to discuss potential uses of RAP Tax revenue, she would like the Council to also meet with the Whitaker Museum Board to discuss their budget and request for funds. The Whitaker Museum Board has a meeting scheduled for October 25<sup>th</sup>. Councilwoman Ivie made a **motion** to table discussion of potential uses of RAP Tax revenue until the Council has met with the Whitaker Museum Board. Councilman McEwan seconded the motion. Councilman Ince expressed a preference to begin the discussion now, but not make final decisions until the Council has met with the Whitaker Museum Board. The Council discussed their availability to meet with the Whitaker Museum Board, and accepted the suggestion that they join the Board at the October 25<sup>th</sup> meeting. Councilwoman Ivie **withdrew the motion** to table further discussion, and made a **motion** to schedule a work session with the Whitaker Museum Board prior to deciding on RAP Tax distribution, with a proposed date of October 25<sup>th</sup> at 6:30 p.m. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

Councilman Ince said he would like to reserve 5% of annual RAP Tax revenues on a contingency basis for surprises. Mayor Cutler agreed annual distribution should include flexibility. The Mayor said he envisions a vast majority of RAP Tax revenues being allocated for parks capital improvement, a small portion for arts, and a portion for Whitaker Museum capital improvement. CPT has requested 10% of annual Centerville RAP Tax revenues. The Council discussed the purpose of the various reserve funds associated with CPT and the Davis Center for the Performing Arts. CPT has also requested 10% of Bountiful City RAP Tax revenues. However, the guidelines adopted by Bountiful City state that Bountiful RAP Tax revenues will be used for projects rather than ongoing operations. Mr. Thacker suggested the application to Bountiful could be for funds to cover the annual HVAC contract and building insurance. He said it is his understanding that CPT is hoping for a total of about \$60,000 from both cities together, which is less than 10% of the estimated combined RAP Tax revenues.

**MAYOR'S REPORT**

- UTOPIA/UIA financial reports are available with the meeting agenda on NovusAgenda. Mayor Cutler reported that UTOPIA/UIA is planning to move office locations.
- The Council discussed the proposed City Hall lobby update. Councilwoman Fillmore suggested asking the designer who has already donated time in putting together a design board to give an opinion of the cost to do the entire update all at once. Councilwoman Ivie said she would rather not go too trendy with the update. She expressed a desire to retain the hometown Centerville feel.

**CITY MANAGER'S REPORT**

- Mr. Thacker updated the Council on upcoming events:
  - October 5 – Sidewalks & Trees Open House
  - October 8 – Emergency Communications Exercise
  - October 8 – Pedestrian Bridge ribbon-cutting

- UDOT has responded to the request for crosswalk improvements on Main Street. Mr. Thacker agreed to forward the email from UDOT to the Council members.
- Referring to the sidewalk/tree removal project, Mr. Thacker reported that some of the property owners approached regarding tree removal have requested the city remove all trees in their park strips, including trees not identified as currently causing a problem. Removal of additional trees would increase the cost from \$25,000 to approximately \$30,000. Councilmen Ince and McEwan expressed the opinion that the Council already decided to pay for the tree removal if property owners said yes.

**MISCELLANEOUS BUSINESS**

- Councilwoman Fillmore commented that the mosquito problem is worse than it has ever been. She asked if anything could be done to improve the situation. As liaison to the Mosquito Abatement District, Councilman McEwan responded that there is no point in spraying when nighttime temperatures are lower than 50 degrees because there is nothing to spray. The increased mosquito activity is due to the weather. He commented that mosquito abatement would be the one line item on his tax bill that he would not mind increasing.
- Councilwoman Ivie said she feels the Cub Scout group that cleared the weeds off the sidewalk on the west side of Main Street just north of Centerville Junior High did an awesome job. The Council and Mayor agreed.
- Mr. Thacker updated the Council on a complaint regarding the Woods Park Subdivision.

**APPOINTMENT**

Mayor Cutler nominated Tiffany Reese to the Parks and Recreation Committee. Councilman Ince made a **motion** to appoint Tiffany Reese to the Parks and Recreation Committee. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

**ADJOURNMENT**

At 10:48 p.m., Councilman Ince made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Katie Rust, Recording Secretary

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 2.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:10

**SUBJECT**

- 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

**RECOMMENDATION**

- 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. Adopt Resolution No. 2016-25 amending the Youth City Council Charter to increase the maximum number of Youth City Council members from 20 to 25 members.

**BACKGROUND**

- a. The FY 2017 Water Fund Budget includes \$38,000 funding to replace the truck and shell for the Public Works Director. The existing truck and shell will be used by another Public Works employee--likely the employee hired to fill the new electrician position.
- b. The Youth City Council is governed by the Centerville Youth City Council Charter ("Charter"). A section of the Charter provides that "the Youth City Council shall consist of a Youth Mayor and up to twenty Youth City Council members appointed by the Mayor and confirmed by the City Council." The Youth City Council and their Advisor desire to increase the maximum number of members from 20 to 25 in order to provide more opportunities for youth involvement. The Charter specifically provides the number of Youth Council members may be changed at any time by resolution of the Centerville City Council. Staff recommends approval of Resolution No. 2016-25 amending the Youth City Council Charter to increase the maximum number of members from 20 to 25. According to Lisa Summers, Youth Council Advisor, this will not require additional budget for this program, because Youth Council members are now being required to pay a portion of some costs that were paid fully by the City a few years ago--such as uniforms and the annual Youth Council Conference at Utah State University.

**ATTACHMENTS:**

Description

- Memo re Request for Truck Purchase

- ▣ Bid from Young Automotive Group
- ▣ Resolution No. 2016-25-Youth City Council Charter Amendment

Memo: Steve Thacker and City Council

From: Michael Carlson, Water Supervisor, and Deputy Public Work Director

Date 10/12/2016

Subject: New Water Department Truck for Randy Randall

Steve, I have looked on the state of Utah purchasing contracts and have found the following and have asked for formal quote using the state bid.

2017 GMC 4WD Sierra 2500 HD Double cab, with a Shell and ladder racks. State Contract AR159, See attached quote.

Please note that payment will be when the truck comes and we take delivery, which is 60 to 90 day out from the time we order it.

I recommend that we award the Truck Bid to Young Automotive Group for \$34,086.70

If you have any question please feel free to get with me.

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

State Contract # AR159

**2017 GMC Sierra 2500HD**

TK25953 4WD Double Cab 158.1"

Total Price = \$34,086.<sup>70</sup>

Del. EST = 60-90 Days

Photo may not represent exact vehicle or selected equipment.

Approved (x) \_\_\_\_\_

Date: \_\_\_\_\_

PO# \_\_\_\_\_

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259  
**PRICING SUMMARY 2017 Contract Base Price = \$29,594.00**

**PRICING SUMMARY - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

	<u>VQ1</u>	<u>MSRP</u>
Base Price	\$29,594.00	\$39,220.00
Total Options:	4,492.70	5,540.00
Vehicle Subtotal		
Advert/Adjustments		
Destination Charge		1,195.00
<b>GRAND TOTAL</b>	<b>\$34,086.70</b>	<b>\$45,955.00</b>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

**SELECTED MODEL & OPTIONS**

**SELECTED MODEL - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

<u>Code</u>	<u>Description</u>	<u>VQ1</u>	<u>MSRP</u>
TK25953	2017 GMC Sierra 2500HD 4WD Double Cab 158.1"	\$36,866.80	\$39,220.00

**SELECTED VEHICLE COLORS - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

<u>Code</u>	<u>Description</u>
-	Interior: Jet Black/Dark Ash
-	Exterior 1: Summit White
-	Exterior 2: No color has been selected.

**SELECTED OPTIONS - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

**CATEGORY**

<u>Code</u>	<u>Description</u>	<u>VQ1</u>	<u>MSRP</u>
<b>BODY CODE</b>			
E63	PICKUP BOX (STD)	\$0.00	\$0.00
<b>SUSPENSION PKG</b>			
Z85	SUSPENSION PACKAGE, HANDLING/TRAILERING, HEAVY-DUTY includes 51mm twin tube shock absorbers and 33mm front stabilizer bar (STD)	\$0.00	\$0.00
<b>EMISSIONS</b>			
FE9	EMISSIONS, FEDERAL REQUIREMENTS	\$0.00	\$0.00
<b>ENGINE</b>			
L96	ENGINE, VORTEC 6.0L VARIABLE VALVE TIMING V8 SFI, E85-COMPATIBLE, FLEXFUEL capable of running on unleaded or up to 85% ethanol (360 hp [268.4 kW] @ 5400 rpm, 380 lb-ft of torque [515.0 N-m] @ 4200 rpm (Does not include E85 capability with (ZW9) pickup box delete.) (STD)	\$0.00	\$0.00
<b>TRANSMISSION</b>			

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

**SELECTED MODEL & OPTIONS**

**SELECTED OPTIONS - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

**CATEGORY**

<u>Code</u>	<u>Description</u>	<u>VQ1</u>	<u>MSRP</u>
<b>TRANSMISSION</b>			
MYD	TRANSMISSION, 6-SPEED AUTOMATIC, HEAVY-DUTY, ELECTRONICALLY CONTROLLED with overdrive and tow/haul mode. Includes Cruise Grade Braking and Powertrain Grade Braking (STD) (Requires (L96) Vortec 6.0L V8 SFI engine.)	\$0.00	\$0.00
<b>GVWR</b>			
GEH	GVWR, 9500 LBS. (4309 KG) (Requires (L96) Vortec 6.0L V8 SFI engine. Not available with TK25943 or TC25903 model.) (STD)	\$0.00	\$0.00
<b>AXLE</b>			
GT5	REAR AXLE, 4.10 RATIO (Requires (L96) Vortec 6.0L V8 SFI engine.)	\$0.00	\$0.00
<b>PREFERRED EQUIPMENT GROUP</b>			
1SA	WORK TRUCK PREFERRED EQUIPMENT GROUP includes standard equipment	\$0.00	\$0.00
<b>WHEELS</b>			
PYN	WHEELS, 17" (43.2 CM) STEEL includes 17" x 7.5" (43.2 cm x 19.1 cm) steel spare wheel. Spare not included with (ZW9) pickup box delete unless a spare tire is ordered. (STD)	\$0.00	\$0.00
<b>TIRES</b>			
QHQ	TIRES, LT245/75R17E ALL-SEASON, BLACKWALL (STD)	\$0.00	\$0.00
<b>PAINT SCHEME</b>			
ZY1	PAINT, SOLID	\$0.00	\$0.00
<b>PAINT</b>			
GAZ	SUMMIT WHITE	\$0.00	\$0.00
<b>SEAT TYPE</b>			
AE7	SEATS, FRONT 40/20/40 SPLIT-BENCH, 3-PASSENGER, DRIVER AND FRONT PASSENGER RECLINE with outboard head restraints and center fold-down armrest with storage. Vinyl has fixed lumbar and cloth has manually adjustable driver lumbar. (STD)	\$0.00	\$0.00
<b>SEAT TRIM</b>			
H2R	JET BLACK/DARK ASH, CLOTH SEAT TRIM	\$0.00	\$0.00
<b>RADIO</b>			

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.  
Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

**SELECTED MODEL & OPTIONS**

**SELECTED OPTIONS - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

**CATEGORY**

<u>Code</u>	<u>Description</u>	<u>VQ1</u>	<u>MSRP</u>
<b>RADIO</b>			
IOB	AUDIO SYSTEM, 7" DIAGONAL COLOR TOUCH SCREEN WITH INTELLILINK, AM/FM with USB ports, auxiliary jack, Bluetooth streaming audio for music and most phones, Pandora Internet radio and voice-activated technology for radio and phone (Includes (UQ3) 6-speaker audio system.)	\$182.00	\$200.00
<b>ADDITIONAL EQUIPMENT</b>			
PCR	SIERRA FLEET CONVENIENCE PACKAGE includes (DL8) outside heated power-adjustable mirrors, (A91) remote locking tailgate, and (AQQ) Remote Keyless Entry; Regular Cab also includes (A31) power windows (Upgradeable to (DPN) Mirror. Not available with (DF2) Mirror. If (ZW9) pickup box delete is ordered (A91) remote locking tailgate will not be included.)	\$327.60	\$360.00
NQF	TRANSFER CASE, ELECTRONIC SHIFT WITH ROTARY DIAL CONTROLS (Requires 4WD models.)	\$182.00	\$200.00
K4B	BATTERY, 730 COLD-CRANKING AMPS, AUXILIARY (Not available with (L5P) Duramax 6.6L Turbo Diesel V8 engine.)	\$122.85	\$135.00
Z82	TRAILERING EQUIPMENT Trailering hitch platform 2.5" with a 2.0" insert for HD, 7-wire harness with independent fused trailering circuits mated to a 7-way sealed connector to hook up parking lamps, backup lamps, right and left turn signals, an electric brake lead, battery and a ground, The trailer connector also includes the 4-way for use on trailers without brakes - park, brake/turn lamps (Included with (PEF) Sierra Convenience Plus Package. Not available with (ZW9) pickup box delete or (9J4) rear bumper delete is ordered.)	\$273.00	\$300.00
NZZ	UNDERBODY SHIELD, FRAME-MOUNTED SHIELDS includes front underbody shield starting behind front bumper and running to first cross-member, protecting front underbody, oil pan, differential case and transfer case (Included with (VYU) Snow Plow Prep Package.)	\$136.50	\$150.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

**SELECTED MODEL & OPTIONS**

**SELECTED OPTIONS - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

**CATEGORY**

<u>Code</u>	<u>Description</u>	<u>VQ1</u>	<u>MSRP</u>
<b>ADDITIONAL EQUIPMENT</b>			
RWK	LPO, BODYSIDE MOLDINGS, BODY-COLORED (dealer installed) (Requires one of the following exterior colors: (GAN) Quick Silver Metallic, (GAZ) Summit White, (GBA) Onyx Black or (G7C) Cardinal Red. Not available with (TGK) Special Paint and (01U) Special Paint.)	\$250.25	\$275.00
DL8	MIRRORS, OUTSIDE HEATED POWER-ADJUSTABLE (includes driver's side spotter mirror) (Black, Included and only available with (PCR) Sierra Fleet Convenience Package)	INC	INC
VK3	LICENSE PLATE KIT, FRONT (will be forced on orders with ship-to states that require front license plate) Note: (VK3) deletes center lower bumper filler panel.	\$0.00	\$0.00
A91	REMOTE LOCKING TAILGATE (Included and only available with (AQQ) Remote Keyless Entry, (PCR) Sierra Fleet Convenience Package or (PEF) Sierra Convenience Plus Package.)	INC	INC
—	BLUETOOTH FOR PHONE, PERSONAL CELL PHONE CONNECTIVITY TO VEHICLE AUDIO SYSTEM (Included and only available with (IOB) 7" diagonal color display radio with IntelliLink.)	INC	INC
VV4	ONSTAR WITH 4G AND BUILT-IN WI-FI HOTSPOT connects to the Internet at 4G LTE speeds; includes OnStar Data Trial for 3 months or 3GB (whichever comes first) (Included and only available when ordering (IOB) 7" diagonal color display radio with IntelliLink and (UE1) OnStar. Visit <a href="http://www.onstar.com">www.onstar.com</a> for coverage map, details and system limitations. Services vary by model. OnStar acts as a link to existing emergency service providers. Not all vehicles may transmit all crash data. Available Wi-Fi requires compatible mobile device, active OnStar service and data plan. Data plans provided by AT&T.)	INC	INC
AQQ	REMOTE KEYLESS ENTRY (Included and only available with (PCR) Sierra Fleet Convenience Package or (PEF) Sierra Convenience Plus Package.)	INC	INC
KI4	POWER OUTLET, 110-VOLT AC (Included with (PEF) Sierra Convenience Plus Package.)	\$136.50	\$150.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

**SELECTED MODEL & OPTIONS**

SELECTED OPTIONS - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"

CATEGORY

<u>Code</u>	<u>Description</u>	<u>VQ1</u>	<u>MSRP</u>
ADDITIONAL EQUIPMENT			
UVC	REAR VISION CAMERA (Included with (PEF) Sierra Convenience Plus Package. Not available with (ZW9) pickup box delete.)	\$182.00	\$200.00
UE1	ONSTAR GUIDANCE PLAN for 6 months, including Automatic Crash Response, Stolen Vehicle Assistance, Roadside Assistance, Turn-by-Turn Navigation and more (trial excludes Hands-Free Calling) (Requires (IOB) 7" diagonal color touch screen display radio with IntelliLink. Retail orders receive a 3-month trial. Visit www.onstar.com for coverage map, details and system limitations. Services vary by model. OnStar acts as a link to existing emergency service providers. Not all vehicles may transmit all crash data.)	INC	INC

OPTIONS TOTAL

Dealer Installed spray-in-reflex bedliner	\$450. <sup>00</sup>	\$595. <sup>00</sup>
Leer Legend Shell Topper (per Est# 107770)	\$2,250. <sup>00</sup>	\$2,975. <sup>00</sup>
	<u>\$4,492.70</u>	<u>\$5,540.00</u>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

## 2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

### **STANDARD EQUIPMENT**

---

#### STANDARD EQUIPMENT - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"

---

##### ENTERTAINMENT

- Audio system, 4.2" Diagonal Color Display, AM/FM stereo with USB port and auxiliary jack (Upgradeable to (IOB) 7" diagonal color display radio with IntelliLink.)
- 6-speaker audio system (Standard on Crew Cab and Double Cab models and Included and only available on Regular Cab models with (IOB) 7" diagonal color touch screen display radio with IntelliLink)

##### EXTERIOR

- Wheels, 17" (43.2 cm) steel includes 17" x 7.5" (43.2 cm x 19.1 cm) steel spare wheel. Spare not included with (ZW9) pickup box delete unless a spare tire is ordered.
- Tires, LT245/75R17E all-season, blackwall
- Wheels, 17" x 7.5" (43.2 cm x 19.1 cm) full-size, steel spare Spare not included with (ZW9) pickup box delete unless a spare tire is ordered. (Requires 17" wheels and tires.)
- Tire carrier lock keyed cylinder lock that utilizes same key as ignition and door (Not included when (ZW9) pickup box delete or (9J4) rear bumper delete is ordered.)
- Bumper, front chrome
- CornerStep, rear bumper (Requires (E63) pickup box.)
- Bumper, rear chrome with bumper CornerSteps (Requires (E63) pickup box.)
- 4X4 chrome badge (Included and only available with 4X4 models.)
- Grille surround, chrome
- Headlamps, high intensity discharge (HID) projector-beam with GMC signature LED lighting
- Lamps, cargo area, cab mounted with switch on center switch bank
- Mirrors, outside manual, Black
- Glass, solar absorbing, tinted
- Door handles, Black
- Capless fuel fill (Requires gas engine and (E63) pickup box.)
- Tailgate and bed rail protection caps, top
- Tailgate, locking, utilizes same key as ignition and door (Not available with (AQQ) Remote Keyless Entry.)

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

## 2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

### **STANDARD EQUIPMENT**

---

#### STANDARD EQUIPMENT - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"

---

##### *INTERIOR*

- Seats, front 40/20/40 split-bench, 3-passenger, driver and front passenger recline with outboard head restraints and center fold-down armrest with storage. Vinyl has fixed lumbar and cloth has manually adjustable driver lumbar.
- Seat trim, Cloth
- Seat, rear full-width folding bench, 3-passenger (includes child seat top tether anchor) (Requires Double Cab models.)
- Steering column, manual Tilt-Wheel
- Steering wheel, base
- Floor covering, Graphite-colored rubberized-vinyl
- Instrumentation, 6-gauge cluster featuring speedometer, fuel level, engine temperature, tachometer, voltage and oil pressure
- Driver Information Center, 3.5-inch diagonal monochromatic display provides warning messages and basic vehicle information
- Windows, power with driver express up and down and express down on all other windows
- Door locks, power
- Cruise control, steering wheel-mounted
- Air conditioning, single-zone
- Assist handle, front passenger and driver on A-pillars

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.  
Customer File:

**Prepared For:**  
CENTERVILLE CITY

**Prepared By:**  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

## 2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

### **STANDARD EQUIPMENT**

---

#### **STANDARD EQUIPMENT - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

---

##### *MECHANICAL*

- Engine, Vortec 6.0L Variable Valve Timing V8 SFI, E85-compatible, FlexFuel capable of running on unleaded or up to 85% ethanol (360 hp [268.4 kW] @ 5400 rpm, 380 lb-ft of torque [515.0 N-m] @ 4200 rpm (Does not include E85 capability with (ZW9) pickup box delete.)
- Transmission, 6-speed automatic, heavy-duty, electronically controlled with overdrive and tow/haul mode. Includes Cruise Grade Braking and Powertrain Grade Braking (Requires (L96) Vortec 6.0L V8 SFI engine.)
- Rear axle, 4.10 ratio (Requires (L96) Vortec 6.0L V8 SFI engine.)
- Suspension Package, Handling/Trailering, heavy-duty includes 51mm twin tube shock absorbers and 33mm front stabilizer bar
- Pickup box
- GVWR, 9500 lbs. (4309 kg) (Requires (L96) Vortec 6.0L V8 SFI engine. Not available with TK25943 or TC25903 model.)
- Air cleaner, high-capacity
- Transfer case, with floor-mounted shifter (included with 4WD models only.)
- Differential, heavy-duty locking rear
- Four wheel drive
- Cooling, external engine oil cooler
- Cooling, auxiliary external transmission oil cooler
- Battery, heavy-duty 720 cold-cranking amps/80 Amp-hr, maintenance-free with rundown protection and retained accessory power
- Alternator, 150 amps
- Frame, fully-boxed, hydroformed front section
- Recovery hooks, front, frame-mounted, black
- Cargo tie downs (4), movable upper (Requires (E63) pickup box.) (Not available with (ZW9) pickup box delete.)
- Steering, Recirculating Ball with smart flow power steering system
- Brakes, 4-wheel antilock, 4-wheel disc with DuraLife brake rotors
- Exhaust, aluminized stainless-steel muffler and tailpipe

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

Prepared For:  
CENTERVILLE CITY

Prepared By:  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

## 2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

### **STANDARD EQUIPMENT**

---

#### STANDARD EQUIPMENT - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"

---

##### SAFETY

- StabiliTrak, stability control system with Proactive Roll Avoidance and traction control includes electronic trailer sway control and hill start assist
- Daytime Running Lamps with automatic exterior lamp control
- Air bags Double Cab and Regular Cab: Frontal Airbags- Driver single stage and Front Passenger dual-stage; Thorax side-impact, seat mounted, both driver and front passenger; Head-curtain front and rear outboard seating positions; Passenger Sensing System - Infant only suppression for passenger and passenger seat belt reminder status displayed on overhead console (With (ZW9) pickup box delete on Double and Regular Cab you will get single-stage frontal and thorax side-impact, driver and front passenger, and head curtain side-impact, front and rear outboard seating positions . Always use safety belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)
- Tire Pressure Monitoring System (does not apply to spare tire)
- Teen Driver mode a configurable feature that lets you activate customizable vehicle settings associated with a key fob, to encourage safe driving behavior. It can limit certain vehicle features, and it prevents certain safety systems from being turned off. An in-vehicle report gives you information on your teen's driving habits and helps you to continue to coach your new driver

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

**Prepared For:**  
CENTERVILLE CITY

**Prepared By:**  
STEVE BENDT  
YOUNG CHEVROLET COMPANY  
645 NORTH MAIN  
LAYTON, UT 84041  
Phone: (801) 509-5070  
Fax: (801) 593-9852  
Email: fleet@youngchev.com

2017 Fleet/Non-Retail GMC Sierra 2500HD 4WD Double Cab 158.1" TK259

## **WARRANTY INFORMATION**

---

### **WARRANTY INFORMATION - 2017 Fleet/Non-Retail TK25953 4WD Double Cab 158.1"**

---

**WARRANTY**

**Basic:**

3 Years/36,000 Miles

**Drivetrain:**

5 Years/60,000 Miles

HD Duramax Diesel: 5 Years/100,000 Miles; Qualified Fleet Purchases: 5 Years/100,000

**Miles**

**Corrosion:**

3 Years/36,000 Miles

Rust-Through

6 Years/100,000 Miles

**Roadside Assistance:**

5 Years/60,000 Miles

HD Duramax Diesel: 5 Years/100,000 Miles; Qualified Fleet Purchases: 5 Years/100,000

**Miles**

**Maintenance:**

2 Years/24,000 Miles

2 visits

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 459.0, Data updated 10/4/2016  
©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

# SAM T. EVANS

**ESTIMATE 107770**

Invoice Date: 07-Oct-16

PICKUP COVER AND TRAILER SALES, INC. PHONE: 801-621-3815  
 3272 WALL AVE., OGDEN UTAH 84401 FAX: 801-621-2887

Delivered:

<b>Company:</b>			<b>Year:</b> 2017
<b>Name:</b> YOUNG CHEVROLET			<b>Make:</b> CHEV
<b>Address:</b> 645 N MAIN			<b>Model:</b> 2500
LAYTON, UT 84041			<b>Color:</b>
<b>Tax#</b>	<b>Home</b>	<b>Work:</b>	<b>Bed size/Series</b> LB DOUBLE CAB
A60433		(801) 544-1234	

STEVE FLEET@YOUNGCHEV.COM 801-509-5070 CUSTOMER RANDY RANDALL 801-599-2416

**Description:** Misc Sales --

**Color:**

**Category:** Place holder

**Salesman:** NATHAN GROLL

**Model Number:**

**Year Series:**

**Serial Number:** 999999999

**Barcode/Stock#:** 00000001

**Make:**

**Model:**

**Sales Tax Rate:** 7.10%

Date	R-Date	Description	Hrs/Parts	Rate/Cost	Total
		LEER LEGEND	1	\$1,350.00	\$1,350.00
		WINDOOR P/S AND D/S	2	\$125.00	\$250.00
		DUAL HANDLE REAR DOOR	1	\$0.00	\$0.00
		3RD LED BRAKE LIGHT	1	\$0.00	\$0.00
		12 VOLT INTERIOR DOME LIGHT	1	\$0.00	\$0.00
		ADD 12 VOLT INTERIOR DOME LIGHT	1	\$35.00	\$35.00
		BLACK HEADLINER	1	\$125.00	\$125.00
		THULE TRACKER 2 ROOF RACK SYSTEM	1	\$365.00	\$365.00

**Trade Allowance:** \$0.00

**Misc. Charge:** \$0.00

**Asset Cost:** \$2,125.00

**Documentaiton Fee:** \$0.00

**Lic/Registration Fee:** \$0.00

**Taxable Total:** \$2,125.00

**Sales Tax:** \$0.00

**Uniform Tax:** \$0.00

**Tire Fee:** \$0.00

**Sub-Total:** \$2,125.00

**Payments:** \$0.00

**Amount Due: \$2,125.00**

Subject to the terms and conditions on the following pages hereof which are incorporated and made a part hereof.

Purchaser's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Dealer: \_\_\_\_\_

Purchaser's Copy

**RESOLUTION NO. 2016-25**

**A RESOLUTION OF THE CENTERVILLE CITY COUNCIL AMENDING THE YOUTH CITY COUNCIL CHARTER TO INCREASE THE MAXIMUM NUMBER OF PERMITTED YOUTH COUNCIL MEMBERS FROM TWENTY TO TWENTY-FIVE MEMBERS**

**WHEREAS**, the Centerville Youth City Council is governed by the Centerville Youth City Council Charter which currently provides that the Youth City Council consists of a Youth Mayor and up to twenty Youth City Council members; and

**WHEREAS**, the Centerville Youth City Council has requested that the City Council amend the Youth City Council Charter to increase the maximum number of Youth City Council members from 20 to 25 members to provide more opportunities for youth involvement; and

**WHEREAS**, the City Council finds that the requested amendment to the Youth City Council Charter increasing the maximum number of Youth City Council members is in the best interest of the community and will provide greater opportunities for youth involvement.

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

**Section 1. Amendment.** The City Council hereby amends the Centerville Youth City Council Charter to increase the maximum number of Youth City Council members from 20 to 25 members. All other provisions of the Charter shall remain the same. The section of the Charter regarding the Youth City Council shall read as follows:

**YOUTH CITY COUNCIL**

The Centerville City Youth Council shall consist of a Youth Mayor and up to twenty-five Youth City Council members appointed by the Mayor and confirmed by the City Council. The number of Youth Council members may be changed at any time by resolution of the Centerville City Council.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 18<sup>th</sup> DAY OF OCTOBER, 2016.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A. Cutler

**CERTIFICATE OF PASSAGE AND EFFECTIVE DATE**

According to the provisions of the U.C.A. § 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 3.

Short Title: Reconsideration of Zoning Map Amendment (Rezone) - Balling Townhomes - 323 East Pages Lane

Initiated By: Scott Balling, Balling Engineering, Property Owner & Applicant

Scheduled Time: 7:15

**SUBJECT**

Reconsider Ordinance No. 2016-31 regarding the proposed Zone Map Amendment (rezone) for property located at approximately 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H)

**RECOMMENDATION**

Provide applicant time to present request for reconsideration of the City Council's previous action regarding denial of the proposed rezone of applicant's property located at 323 E. Pages Lane from Commercial-High (C-H) to Residential-High (R-H). Applicant would like the Council to reconsider action on Ordinance No. 2016-31 to rezone the subject property Residential-Medium (R-M) rather than previously requested Residential-High (R-H).

**BACKGROUND**

On September 14, 2016, the Planning Commission reviewed and recommended for approval the proposed rezone of property from Commercial-High (C-H) to Residential-High (R-H). On October 4, 2016, the City Council reviewed and held a public hearing regarding the proposed rezone of property and thereafter approved a motion to reject and deny the adoption of Ordinance 2016-31 amending the Centerville City Zoning Map by changing the zoning of approximately 0.51 acres of real property located at 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H). The applicant has requested the City 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).

Reconsideration is a procedural tool under Robert's Rules of Order which allows a body to reconsider the vote on a motion. It enables a majority of the members, within a limited time, to bring back a motion for further consideration after it has been acted upon. Robert's Rules of Order generally require reconsideration to be brought up at the same meeting, but it has been the City's practice to allow reconsideration of an item at the next regularly scheduled meeting. Reconsideration has special rules to prevent its abuse by a disgruntled minority, since it allows a question already decided to be brought up again. Reconsideration is a two-step process. The first step is for a member of the Council to make a motion to reconsider action on Ordinance No. 2016-31. This motion must be made by a Council member that voted on the prevailing side (i.e. Council member who voted to deny Ordinance No. 2016-31 at the last meeting). The motion to reconsider must be seconded and approved by majority vote. If the motion to reconsider is passed, the original matter is essentially back on the table for discussion and action by the Council. And thus, the second step is for the Council to discuss the matter and to make another motion regarding the proposed rezone and Ordinance No. 2016-31.

The previous Staff Transmittal Reports and documents for this application are attached.

**ATTACHMENTS:**

**Description**

- ▢ Staff transmittal report re PC recommendation for Rezone from C-H to R-H
- ▢ Applicant Submittal re Rezone from C-H to R-H
- ▢ Rezone Vicinity Map
- ▢ Ordinance No. 2016-31-Balling Rezone
- ▢ 09-14-2016 PC Staff Report Balling Townhomes Rezone from C-H to R-H
- ▢ 9-14-2016 PC minutes (pgs 1-10)
- ▢ 10-4-2016 Council minutes re Balling Rezone

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**PLANNING COMMISSION TRANSMITTAL REPORT**

---

**APPLICANT:**           **SCOTT BALLING**  
                                  **PO BOX 805**  
                                  **CENTERVILLE, UT 84014**  
                                  **[JSCOTTBALLING@GMAIL.COM](mailto:JSCOTTBALLING@GMAIL.COM)**

**PROJECT ADDRESS:**     **323 EAST PAGES LANE**

**ACREAGE:**               **0.513 ACRES**

**EXISTING ZONING:**     **COMMERCIAL-HIGH (C-H)**

**APPLICATION:**         **ZONE MAP AMENDMENT TO REZONE 323 EAST  
PAGES LANE FROM COMMERCIAL-HIGH (C-H) TO  
RESIDENTIAL-HIGH (R-H)**

**PC RECOMMENDATION:**   **RECOMMENDED APPROVAL TO THE CITY  
COUNCIL OF THE ZONE MAP AMENDMENT**

---

**BACKGROUND**

Recently, Mr. Balling submitted an application to rezone his property from Commercial-High (C-H) to Residential-High (R-H). His desire is to rezone the property and then come back to the Planning Commission for review and approval of possibly six (6) townhomes. He believes his property will be more compatible with adjacent properties if it is amended to allow for multi-family development. The property east of the Balling lot is Zoned Residential-High (R-H) and the property to the north, owned by the LDS Church is Zoned Residential-Low (R-L). To the west, adjacent to 300 East is the J.A. Taylor Elementary School Zoned as Public Facility-Medium (PF-M). Across Pages Lane to the south is the old Dick's Market site, Zoned Commercial-High (C-H).

This application will not be addressing the townhomes or desired density and will only be reviewing the request for a rezone. If approved by the City Council, the applicant will be required to apply for any related site plan approvals and/or a conditional use permit prior to developing this property.

**SUMMARY OF PLANNING COMMISSION'S ACTIONS, MOTION, AND VOTE**

On September 14, 2016, the Planning Commission reviewed the petition, held a public hearing, debated, and then voted to recommend the Zone Map Amendment for 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H), for the following reasons:

- a) The proposed amendment meets the requirements found in Section 12.21.080(4)(e).
- b) The proposed Zone Map Amendment is consistent with the overall intent of the goals and objectives of the General Plan [Section 12.480.2(c)].
- c) According to the associated Neighborhood Plan, amending the zoning map for this location to Residential-High (R-H) appears to likely have less of a long-term impact on the surrounding neighborhood than the current zoning of Commercial-High (C-H) that is anticipated in the plan.

**Planning Commission Vote (4-1):**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
Hirschi (Chair)	X		
Hirst			X
Johnson	X		
Kjar	X		
Daley		X	
Hayman	X		
Wright			X

**LIST OF PREVIOUS PLANNING COMMISSION MEETINGS**

- **SEPTEMBER 14, 2016 Planning Commission Meeting**

Honorable Mayor and Councilmembers:

The attached information are some comments, plans and elevations which we have previously hand delivered to all residents within 700 ft. of this property and also provided copies to all the members of the Planning Commission. We appreciate your review and look forward to discussing our property at the Oct. 4<sup>th</sup> Council Meeting. My name is Scott Balling. My wife and I reside at 1995 North 100 East, Centerville. We are the owners of two parcels of land at the corner of 300 East and Pages Lane. ID # 03-004-0082 and 03-004-0083. We purchased both parcels separately and at different times. The parcel on the South contains an office building, home of Balling Engineering. The parcel on the North is vacant property. We are at this time requesting rezone of both parcels. It would be wise to give you some background concerning these parcels.

About ten years ago we made a request to rezone the North Parcel from the Current C-H zone to an R-H Zone in order to develop a tri-plex on this property. At that time we received the recommendation of the Planning Commission for this request. However, at the City Council Meeting there were several residents along 300 East Street who were desirous that we prohibit vehicular access to and from 300 East St. and require all access from Pages Lane. This is due to the loading and un-loading areas related to the adjacent Taylor Elementary School. At our recommendation the Council decided to table the discussion and requested that we meet with some of the adjacent neighbors in hopes of reaching an agreement. We met with several of the adjacent owners but we could not see a viable way to continue our engineering business and also provide an access through are parking area to residential property to the north. Because of economic reasons and a desire to meet these neighborhood wishes we decided to hold off on our request until the commercial uses on the South property were changed or discontinued. The neighbors we met with at the time were very much in agreement with this decision.

At this time we are making a request to rezone both parcels with the plan to have sole access to a 6-unit development from Pages Lane. We would discontinue all commercial uses of the property and remove all existing access and curb cuts from 300 East Street. The existing "No Parking" restrictions along the frontage of this property are in agreement with our proposed plans and it is our desire that they should remain.

#### *Existing Commercial Use*

As mentioned the current property is zoned C-H. It is the only property with this zoning on the North side of Pages Lane and therefore it is probably out of harmony with the adjacent areas. The property was originally built as a banking facility with a drive through teller window that exits onto 300 East Street. We maintain that this curb cut is existing and perpetual as well at the commercial access to 300 East Street. As a commercial zoned property some of the permitted uses that are readily viable include: a Bed and Breakfast, Rental Services, Child Care Facilities, Laundry and dry cleaning Facilities, Printing and Copying services, General Retail, and Secondhand Stores. All of these type of uses are currently applicable with access to both Pages Lane and 300 East Street. As you can see, many of the uses are less than desirable particularly adjacent to the loading area of Taylor Elementary School.

In addition, we all know that the demand for Commercial Property along Pages Lane has been diminishing substantially in the last five to ten years. This is evident from the excessive vacancy. This vacancy has a tendency to diminish and destroy property values, leave properties in disrepair and neglect, and increase crime and loitering. Some of this is already showing up as evident. In the last year we have had our masonry wall tagged with graffiti and some substantial theft on our property. We anticipate this will continue. For these reasons it is best that we move forward with rejuvenating plans and discontinue commercial uses. This request is without question an up-zone from the current usage.

#### *Compatibility of this Rezone Request.*

The request for an R-H zone is the only option which is compatible with this area. This is the same existing zone as the two properties to the east. The nearest single family residence is over 300 feet

from this property and within that same distance there are 12 multi-family apartment or townhome dwellings. The nearest R-M Zone is located about 600 ft. to the west of this property on the other side the Taylor Elementary School. To mandate that this property be zoned to an R-M or R-L Zone or a zone which would only allow single family homes or a lesser density would not be in harmony with the adjacent properties. It would be spot zoning. It would be arbitrary and capricious. It would place an unjustifiable, non-harmonious and damaging burden on the property which is not required of adjacent properties.

#### *Density*

Should the R-H Zone be approved this property would be granted a permitted use of up to 8 units per acre and a conditional use of up to 12 units per acre. The site has an attributed area of 0.73 acres and therefore the permitted use would be up to 5.7 units and the conditional use would be up to 8.7 units. We intend to construct a 6-plex on the property. The adjacent property to the East with the R-H Zone has 8 units on an attributed area of 0.70 acres. Our proposed plan would have two units less than this property on an attributed area that is slightly larger. The adjacent property density is 11.43 units/acre. Our proposed density would be 8.2 units/acre.

#### *Description and size of the proposed units.*

I know that while this request is solely to assess the compatibility of the rezone request. As owners we would like to make clear what are intentions are and what we propose to construct in this location from the get-go.

I have provided you with site, floor, and elevation plans for the proposed townhomes. All of these townhomes will be developed in a format such that each unit may be individually and separately owned. These properties will be somewhat similar to the townhomes found on the corner of Pages Lane and 400 East. All of the units will include the following:

- Two car enclosed garages
- Three or more bedrooms
- Three or more bathrooms
- Master bedroom suites
- Large family and gathering rooms.

It is the desire of the owner to provide most (4 of the units) with the Master Bedroom Suite on the Main Floor which may be more appealing to baby boomers or those approaching retirement, fewer steps and stairs. With the exclusion of the garages the finished floor area of all units will be from 1,800 to 2,400 square feet. It is expected that the value of all units will exceed \$300,000.00. As such, each unit will be equal or exceed the size and value of a majority of the homes within the extended vicinity.

#### *Elevations, Heights and Setbacks*

The intended setback of the townhomes is 25 feet from Pages Lane and 20 Feet from 300 East Street. This meets the zone requirements. It is also equal or exceeds the setback distance of the existing commercial building. There are two middle units with proposed second floor usage. In all cases the height of the building will be less than the height of the existing commercial building.

#### *Exterior Design and Materials*

The owners desire to develop these townhomes with a craftsman style architecture. All exterior surfaces, with exception of the soffits and fascia trim, will be either masonry or a "Hardy Board" type material, no stucco or aluminum siding. The roofs will contain architectural grade asphalt shingles. Many extra pop-outs, supports, columns, and corbels as shown on the enclosed elevation views have been added to give this project the true craftsman style. In addition we hope to provide an integrated exterior in an attempt to give the appearance of a single structure without identifiable delineation between each of the units. Please look at the elevations and floor plans provided so that you can get a feel for our proposal.

We feel that six units on this site is the maximum that we can provide and keep the amenities,

appearance, and floor plans we intend for quality units. More units of this type simply will not fit. We have spent substantial time looking at the option of fewer units. It comes down to the cost of the demolition. We have an existing commercial structure that we propose to remove this from the site. This demolition will likely cost about \$100,000 and this expense must be amortized over all newly constructed units. Six units would be sufficient but five would require other plans. With five or less units we would look at ways to remodel and salvage the existing commercial building and convert its use to residential. The existing building has sufficient floor areas but it was designed and used commercially. It has been said that this conversion to residential would be like putting lipstick on a pig. We much prefer to start from scratch with a clean design slate and follow through with the intended craftsman style we intend from one corner of the property and throughout. We can assure you that the finished product will be very appealing and add beauty to the area and neighborhood.

*Past Experience of the Owner/Developer*

As Owner's we just completed a traditional style 10-plex townhome development located at 155 West 620 South in Farmington which we are very proud of. I have attached a picture for your review. As designed, this project will contain many extras that exceed in quality this recent project. We invite you to visit and review this site and perhaps talk to the neighbors in the area and see what their opinions are. Many of the neighboring properties in this area are single family homes. If you should take time to visit with the wonderful residents living herein you will find that they are the highest quality of citizens and residents.

As property owners on Pages Lane we can see that something needs to be done to revitalize this area and stimulate some attractive and updated uses. We believe that this project may be the first and set a beautiful precedence in the area that we hope will be extended and followed. While we have spent substantial time and resources in our design, we are not finished. We sincerely want to make it the best we can do and are always looking for suggestions for betterments. We welcome and will listen and discuss any of your comments and suggestions. Thanks for your considerations.

Scott and Angie Balling  
801-589-7305  
Email: [jscottballing@gmail.com](mailto:jscottballing@gmail.com)

300 East St.

N00°01'41"W 197.70'

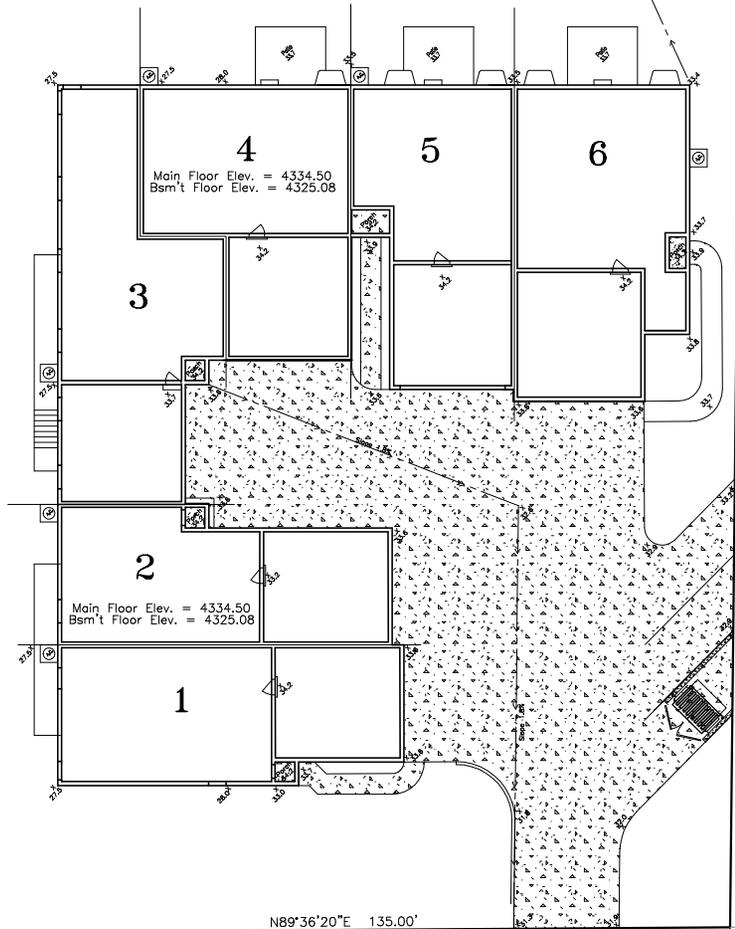
N00°01'41"W 164.70'

24.75'

LDS Church Property

N89°35'15"E 113.92'

S74°07'20"E 5.47'  
N89°45'55"E 7.47'



N89°36'20"E 135.00'

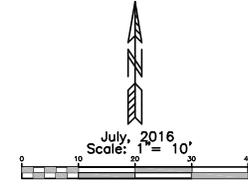
N00°36'27"E 163.01'

Garth Heer Property

Pages Lane

N89°36'20"E 159.38'

33.00'



	Area (sq.ft.)	Percent
Building	8,326	37.2
Landscaping	8,961	40.1
Driveway and Walks	5,067	22.7
Total	22,354	100
Area to Centerlines	31,800	0.73 Acres
Number of Units	6 Units	
Density	8.2 Units/Acre	
Parking	18 Spaces (3 per Unit)	

Unit Dimensions	
Unit 1 (3 Bedroom, 2.5 Bath)	
Basement	913 sq.ft.
Main Floor	894 sq.ft.
Total	1,807 sq.ft.
Unit 2 (4 Bedroom, 3.5 Bath)	
Basement	807 sq.ft.
Main Floor	788 sq.ft.
2nd Floor	729 sq.ft.
Total	2,324 sq.ft.
Unit 3 (3 Bedroom, 2.5 Bath)	
Basement	1,532 sq.ft.
Main Floor	1,063 sq.ft.
Total	2,595 sq.ft.
Unit 4 (4 Bedroom, 3.5 Bath)	
Basement	934 sq.ft.
Main Floor	934 sq.ft.
Total	1,868 sq.ft.
Unit 5 (4 Bedroom, 3.5 Bath)	
Basement	827 sq.ft.
Main Floor	799 sq.ft.
2nd Floor	777 sq.ft.
Total	2,403 sq.ft.
Unit 6 (3 Bedroom, 2.5 Bath)	
Basement	1,047 sq.ft.
Main Floor	1,017 sq.ft.
Total	2,054 sq.ft.

**Balling Engineering**  
Civil Engineering • Surveying • Planning  
323 E. Pages Lane  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 295-4419

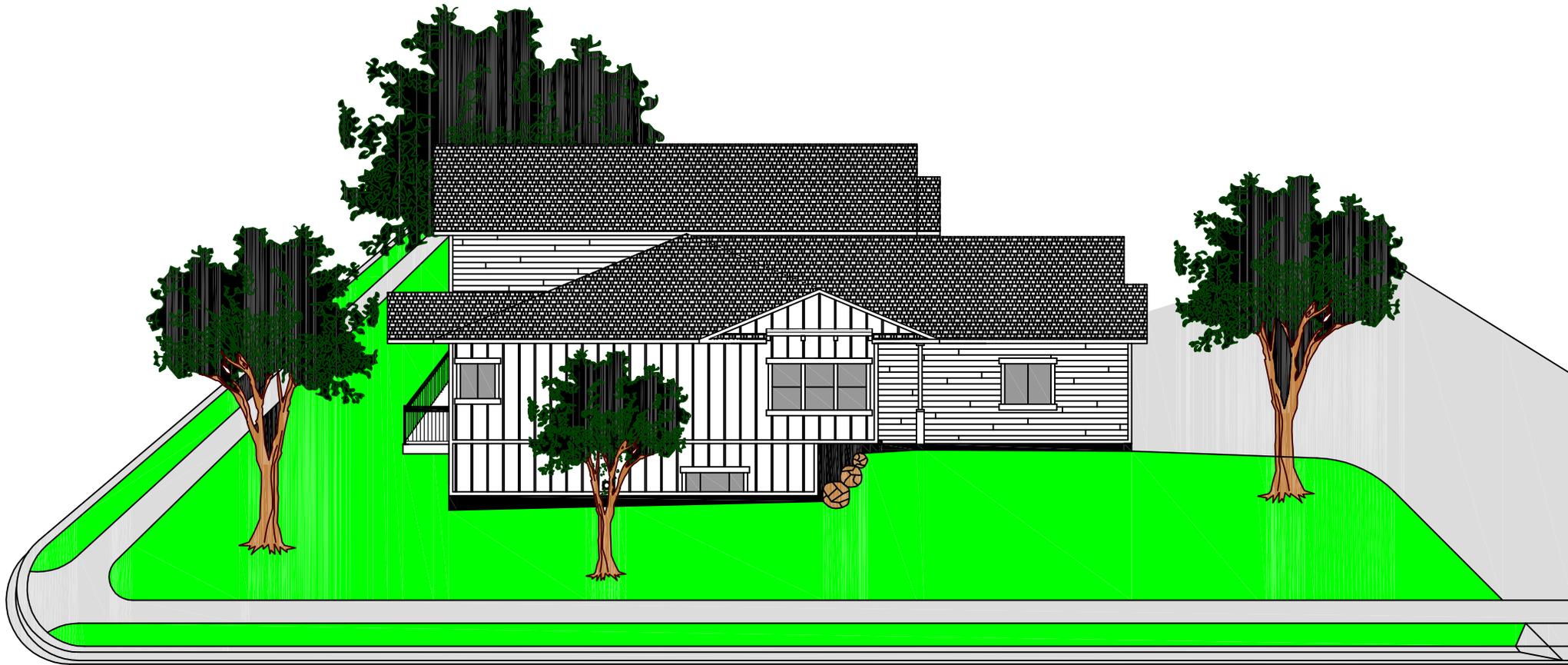


**The Cottages on the Corner**  
Site Grading Plan  
For Kestral Bay LLC  
323 East Pages Lane  
Centerville, Utah 84014  
Phone: 801-586-7906  
Email: jballing@balling.com

Revisions	
Date	Description

Surveyor	Scott Balling
Date Surveyed	
Drafting	
Checked By	
Submittal Date	08-21-18
File Number	

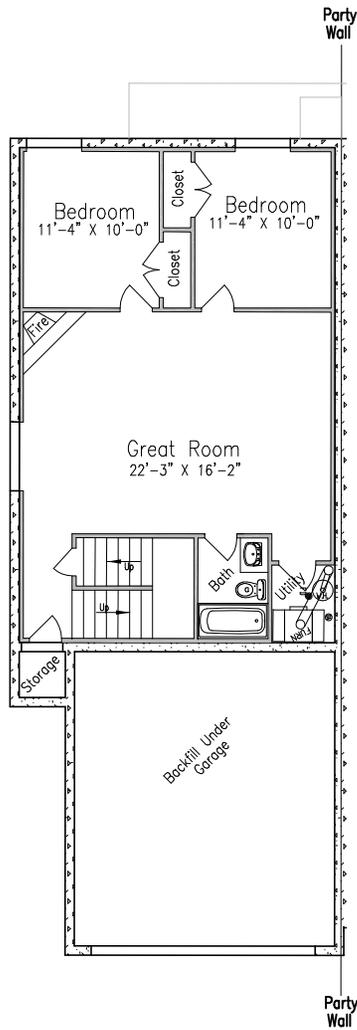
**C101**  
Sheet X of X



*View from Pages Lane*

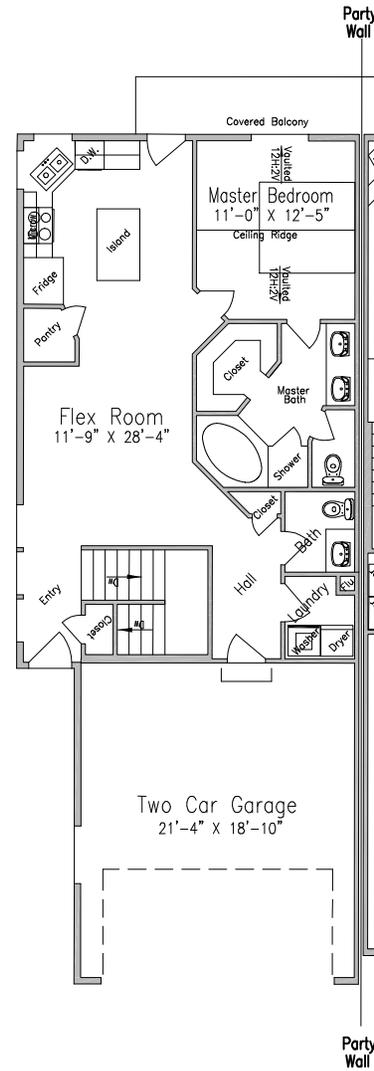


*View from 300 East Street*



**Basement Plan**  
Scale: 1/4" = 1'-0"

Unit 2



**Main Floor Plan**  
Scale: 1/4" = 1'-0"

Unit 2

**Revisions**

By	Date	Description

Surveyor: Scott Balling  
 Date Surveyed: \_\_\_\_\_  
 Drafting: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Submittal Date: 08-21-18  
 File Number: \_\_\_\_\_

**The Cottages on the Corner**  
Unit 1 Floor Plans

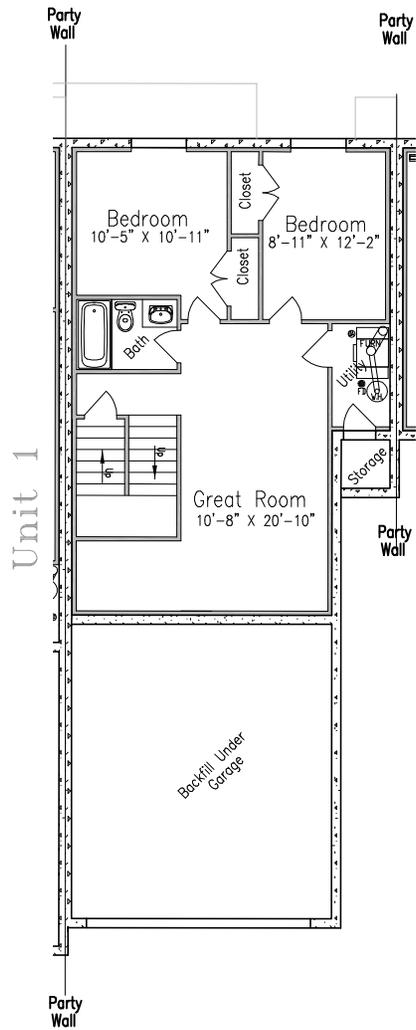
For Kestral Bay LLC  
 323 East Page Lane  
 Centerville, Utah 84014  
 Phone: 801-586-7306  
 Email: jballing@gmail.com



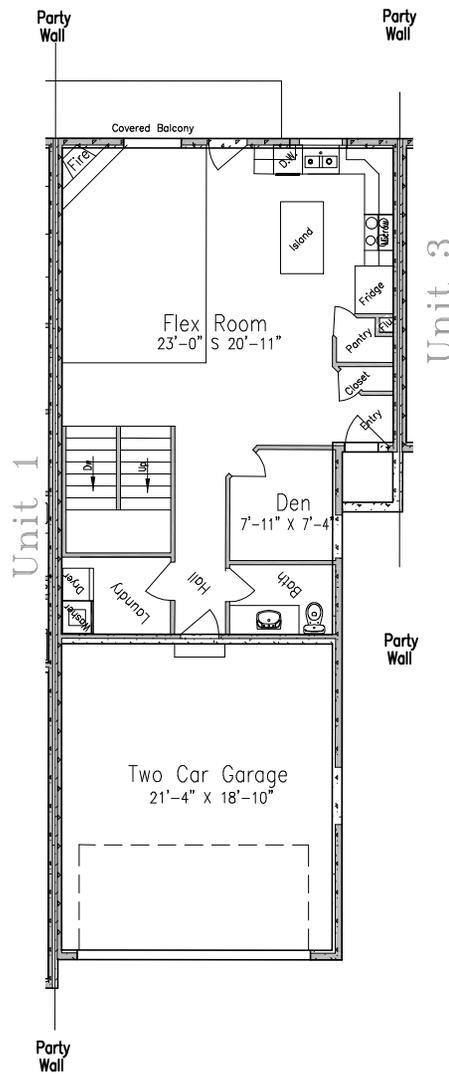
**Balling Engineering**  
 Civil Engineering • Surveying • Planning  
 323 E. Page Lane  
 Centerville, Utah 84014  
 Phone: (801) 586-7307  
 Fax: (801) 586-4419

**A101**

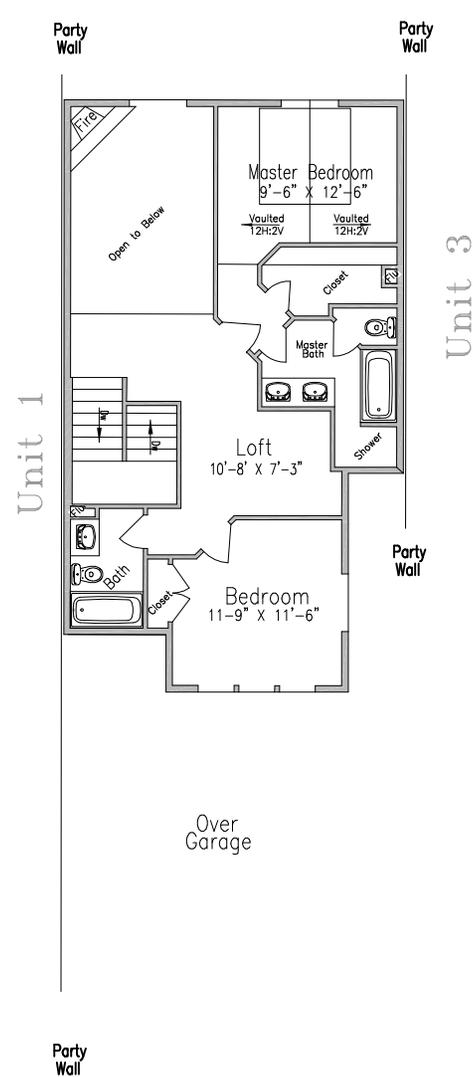
Sheet X of X



**Basement Plan**  
Scale: 1/4" = 1'-0"



**Main Floor Plan**  
Scale: 1/4" = 1'-0"



**Second Floor Plan**  
Scale: 1/4" = 1'-0"

**Balling Engineering**  
Civil Engineering • Surveying • Planning  
323 E. Paces Lane  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 295-0419

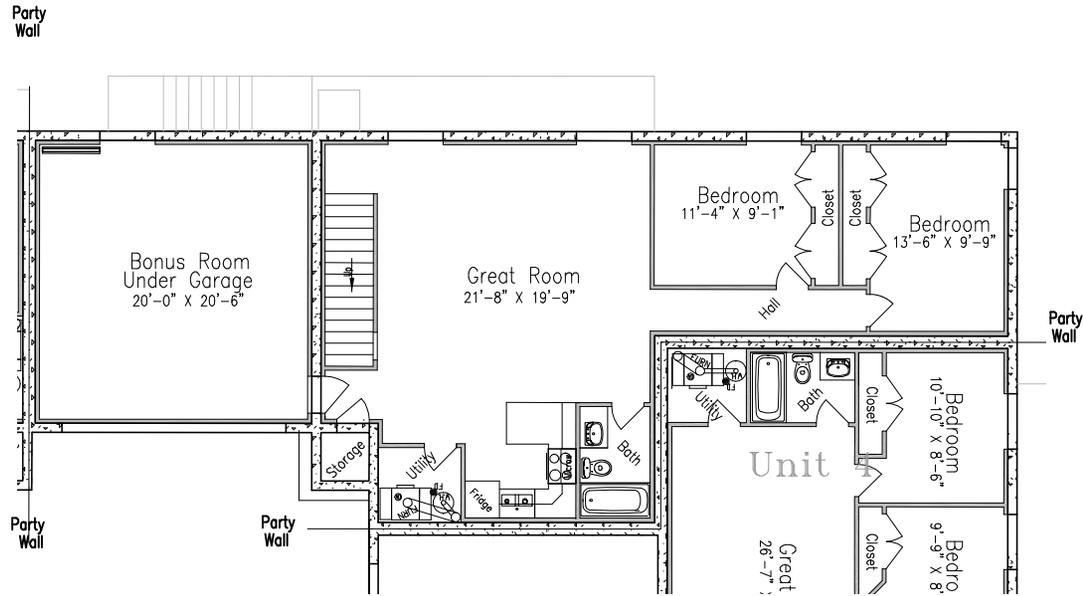
**The Cottages on the Corner**  
Unit 2 Floor Plans  
For Kentral Bay LLC  
323 East Paces Lane  
Centerville, Utah 84014  
Phone: 801-586-7306  
Email: jballing@balling.com

Revisions	
Date	Description

Surveyor: Scott Balling  
Date Surveyed: \_\_\_\_\_  
Drafting: \_\_\_\_\_  
Checked By: \_\_\_\_\_  
Submittal Date: 06-21-18  
File Number: \_\_\_\_\_

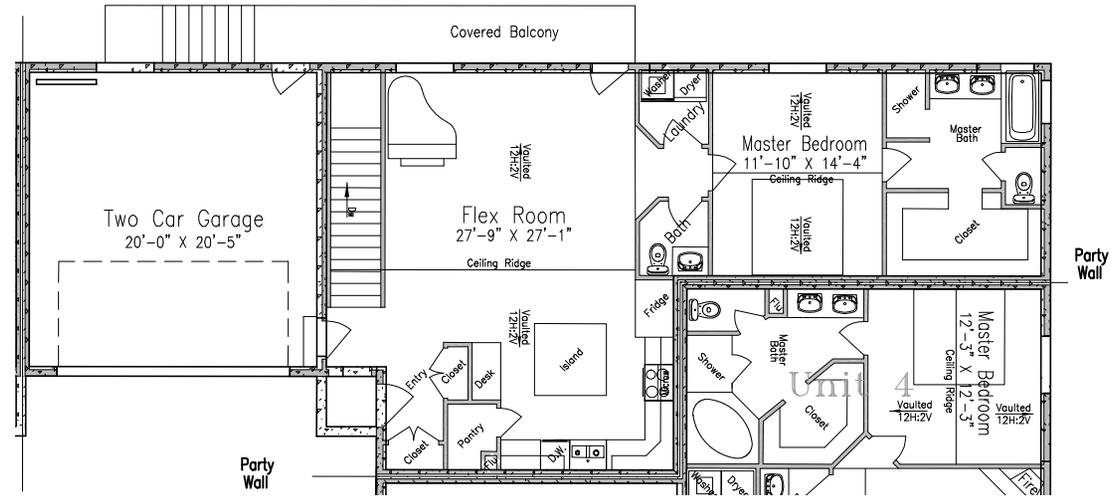
**A102**  
Sheet X of X

Unit 2



**Basement Plan**  
Scale: 1/4" = 1'-0"

Unit 2



**Main Floor Plan**  
Scale: 1/4" = 1'-0"

**Balling Engineering**  
Civil Engineering • Surveying • Planning  
323 E. Paces Lane  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 295-4419



**The Cottages on the Corner**  
Unit 3 Floor Plans  
For Kestral Bay LLC  
323 East Paces Lane  
Centerville, Utah 84014  
Phone: 801-686-7306  
Email: jacobballing@gmail.com

Revisions	
By	Description

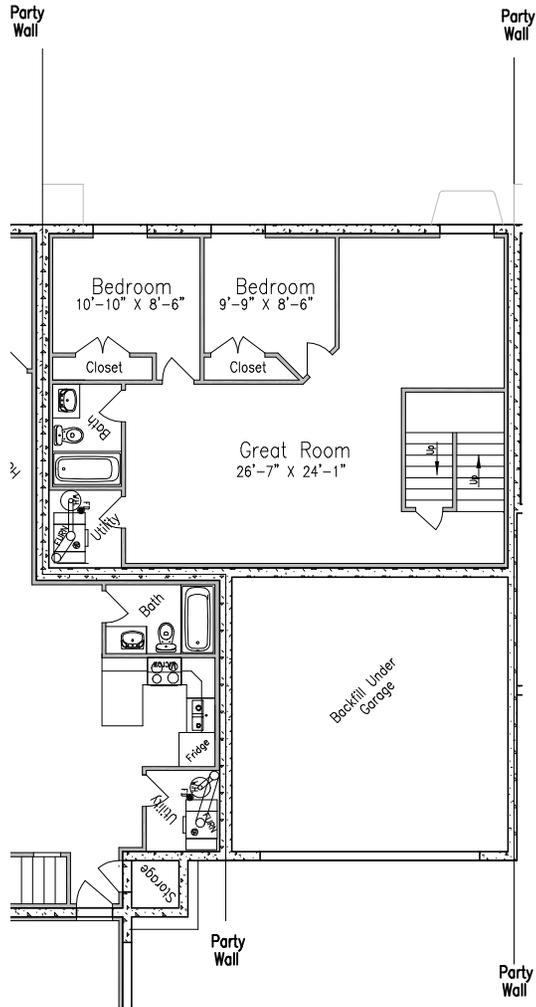
  

Surveyor	Scott Balling
Date Surveyed	
Drafting	
Checked By	
Submittal Date	08-21-18
File Number	

**A103**

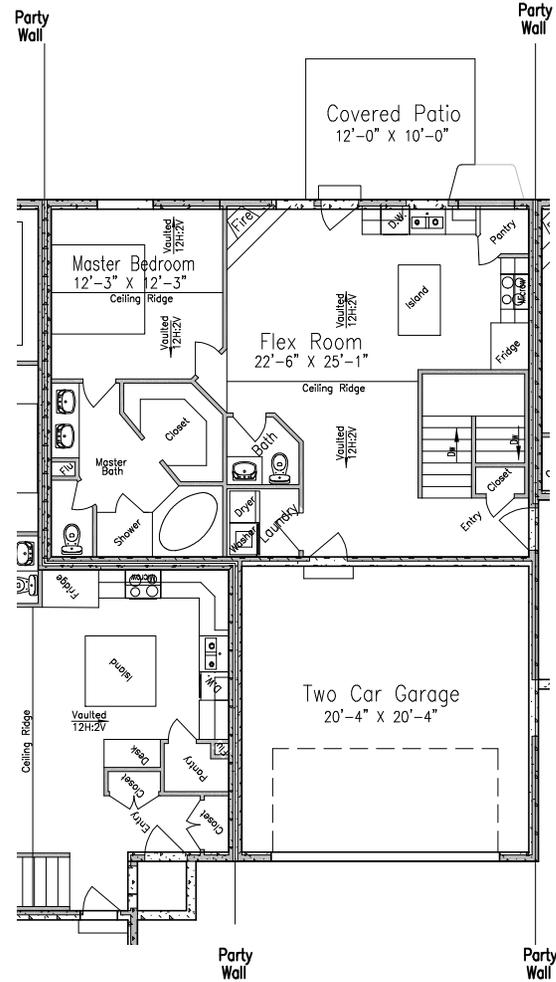
Sheet X of X

Unit 3



**Basement Plan**  
Scale: 1/4" = 1'-0"

Unit 3



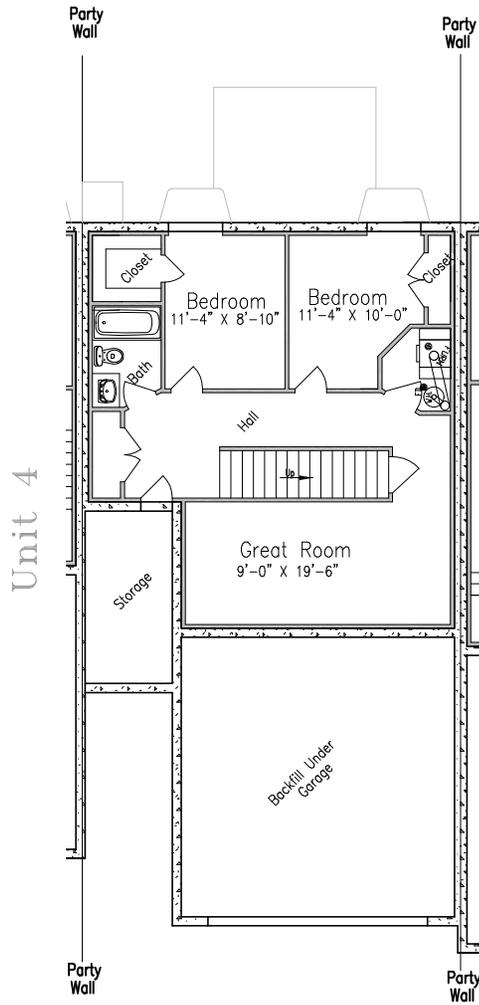
**Main Floor Plan**  
Scale: 1/4" = 1'-0"

**Balling Engineering**  
Civil Engineering • Surveying • Planning  
323 E. Paces Lane  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 298-4419

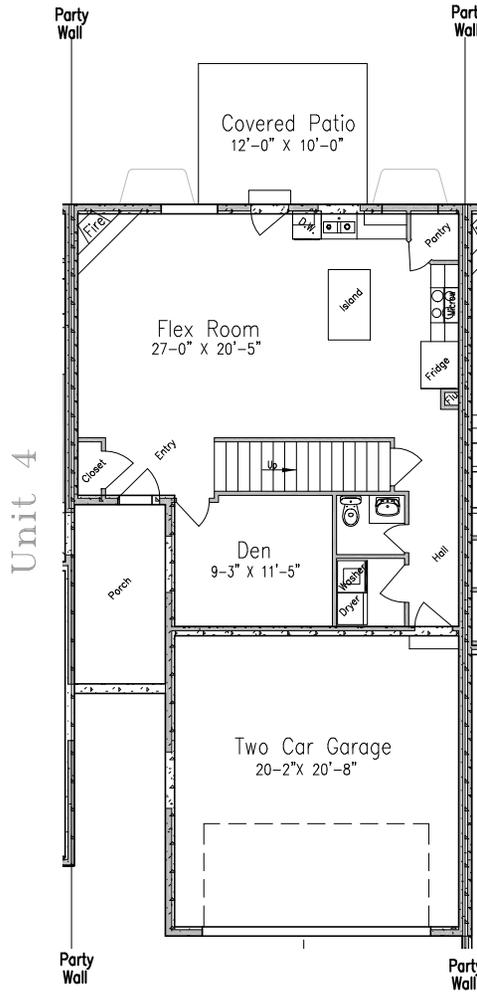
**The Cottages on the Corner**  
Unit 4 Floor Plans  
For Kestral Bay LLC  
323 East Paces Lane  
Centerville, Utah 84014  
Phone: 801-586-7906  
Email: jacobballing@gmail.com

Revisions	
Date	Description

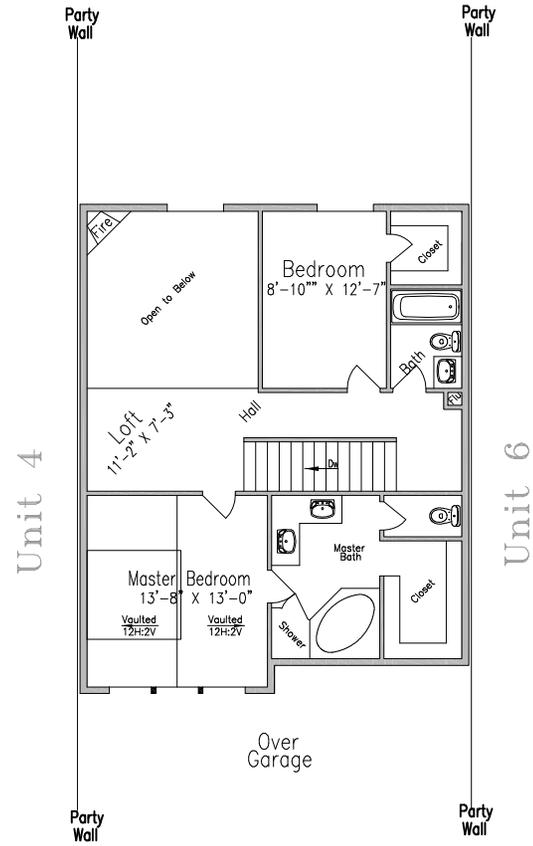
**A104**  
Sheet X of X



**Basement Plan**  
Scale: 1/4" = 1'-0"



**Main Floor Plan**  
Scale: 1/4" = 1'-0"



**Second Floor Plan**  
Scale: 1/4" = 1'-0"

**Balling Engineering**  
Civil Engineering • Surveying • Planning  
323 East Page Lane  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 295-4419

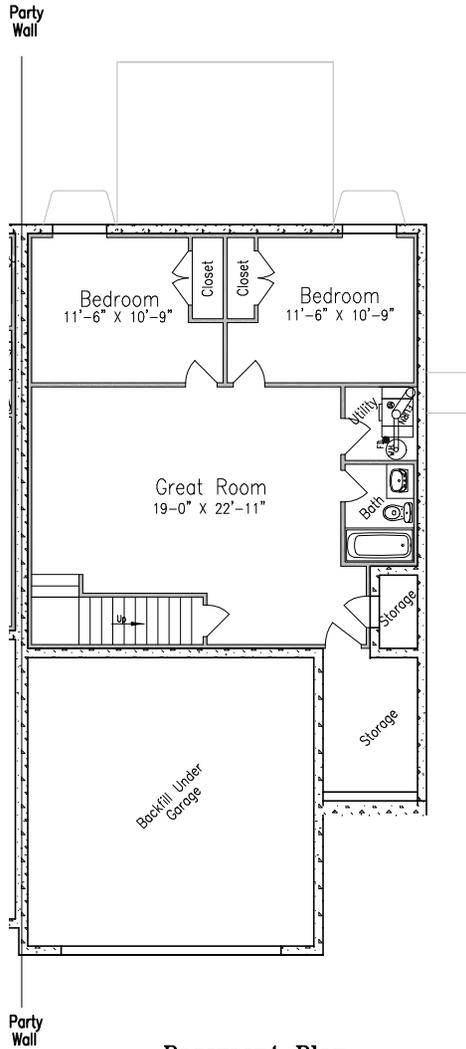


**The Cottages on the Corner**  
Unit 5 Floor Plans  
For Kentral Bay LLC  
323 East Page Lane  
Centerville, Utah 84014  
Phone: 801-586-7306  
Email: jballing@gmail.com

Revisions	Date	Description	By

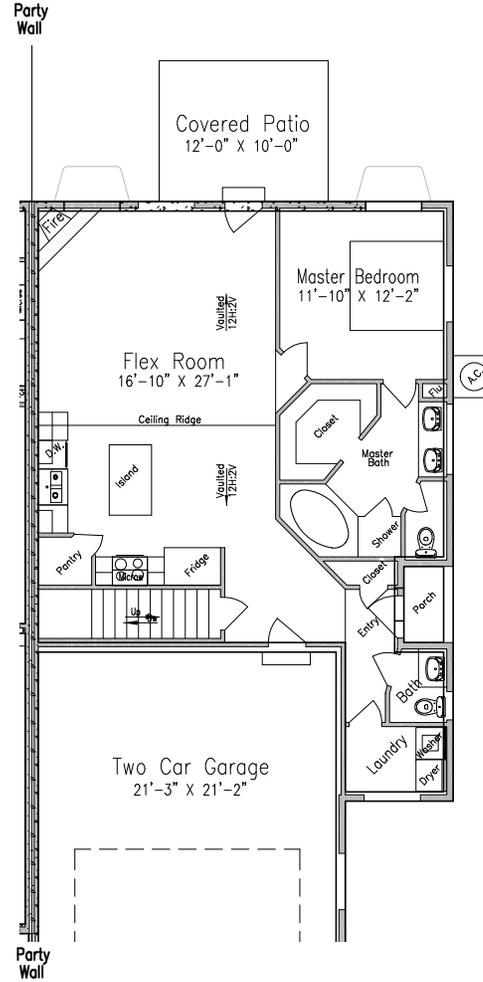
**A105**  
Sheet X of X

Unit 5



**Basement Plan**  
Scale: 1/4" = 1'-0"

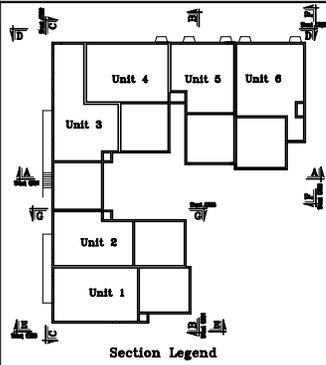
Unit 5



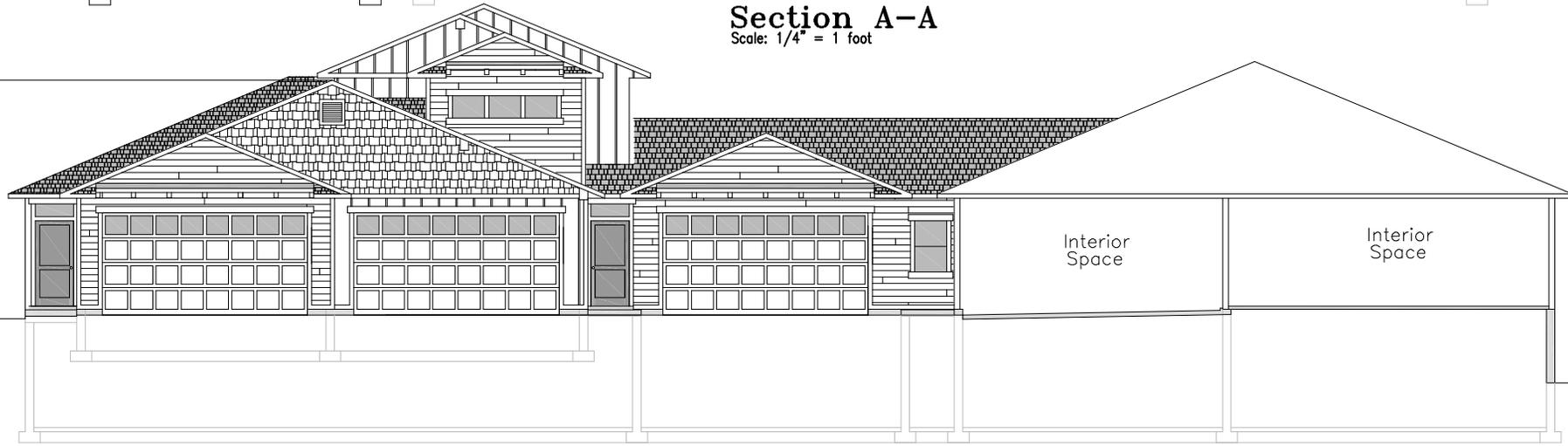
**Main Floor Plan**  
Scale: 1/4" = 1'-0"

Revisions		By
Date	Description	

Surveyor: Scott Balling  
 Date Surveyed: \_\_\_\_\_  
 Drafting: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Submittal Date: 08-21-18  
 File Number: \_\_\_\_\_



**Section A-A**  
Scale: 1/4" = 1 foot



**Section B-B**  
Scale: 1/4" = 1 foot

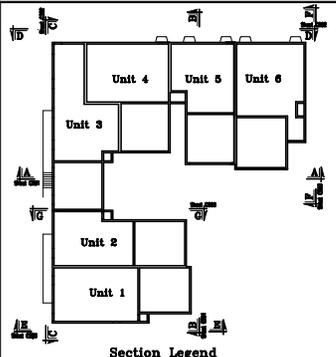
**Balling Engineering**  
Civil Engineering • Surveying • Planning  
323 E. Page Lane  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 295-4419

**The Cottages on the Corner**  
Elevations (Sheet 1)  
For Kestrel Bay LLC  
323 East Page Lane  
Centerville, Utah 84014  
Phone: 801-586-7306  
Email: jacobballing@gmail.com

Revisions	By	Date	Description

Surveyor: Scott Balling  
 Date Surveyed:    
 Drafting:    
 Checked By:    
 Submittal Date: 06-21-18  
 File Number:  

**A201**  
Sheet X of X



**The Cottages on the Corner**  
 Elevations (Sheet 2)

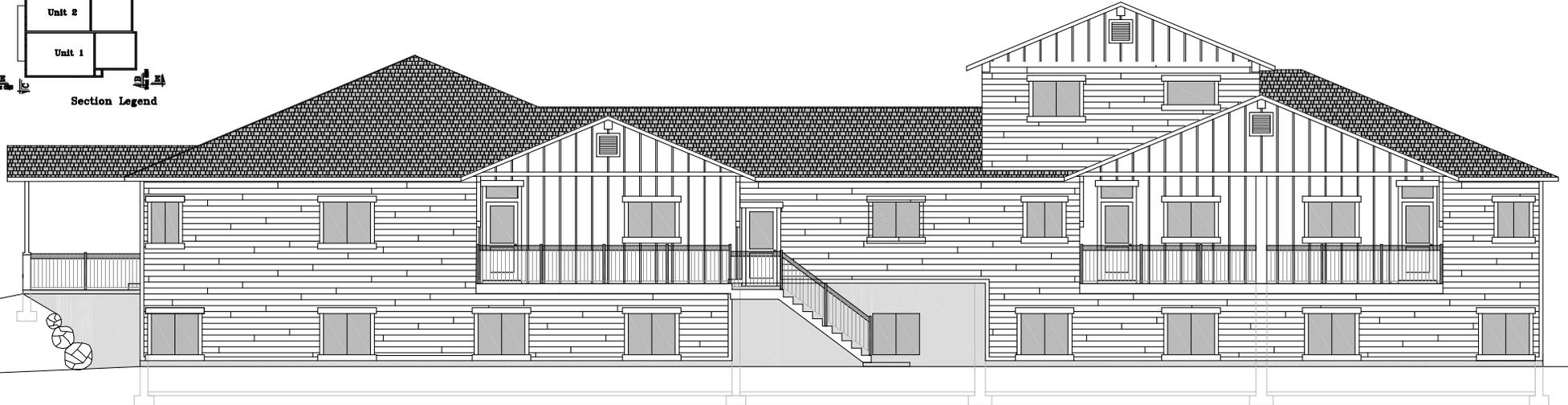
For Kestrel Bay LLC  
 323 East Page Lane  
 Centerville, Utah 84014

Phone: 801-589-7305  
 Email: jacobballing@gmail.com

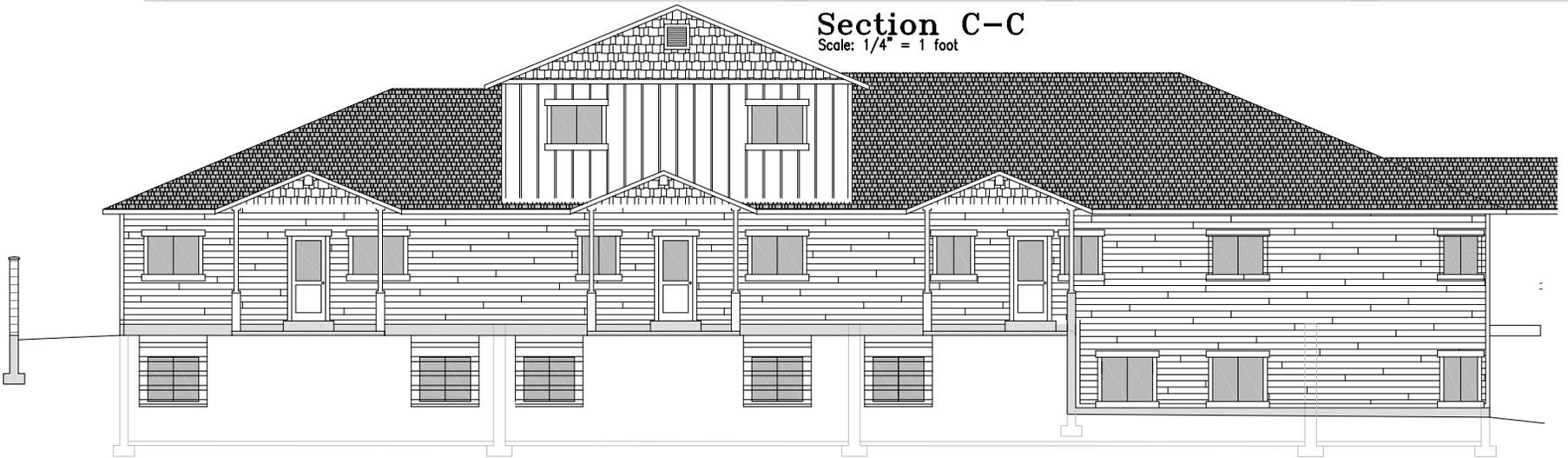
**Balling Engineering**  
 Civil Engineering \* Surveying \* Planning

323 E. Pages Lane  
 Centerville, Utah 84014

Phone: (801) 295-7237  
 Fax: (801) 299-0419



**Section C-C**  
 Scale: 1/4" = 1 foot

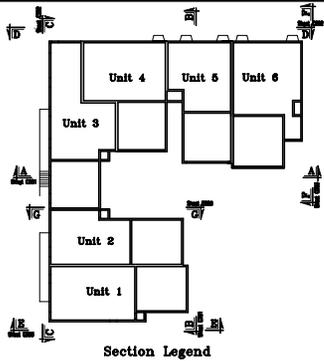


**Section D-D**  
 Scale: 1/4" = 1 foot

Revisions	
Date	Description

Surveyor	Scott Balling
Date Surveyed	
Drafting	
Checked By	
Submittal Date	08-21-18
File Number	



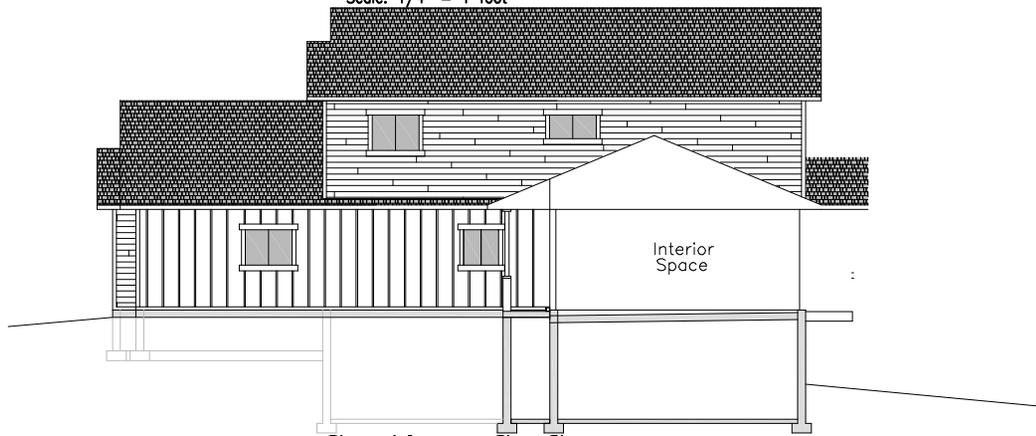
Section Legend



**Section E-E**  
Scale: 1/4" = 1 foot



**Section F-F**  
Scale: 1/4" = 1 foot



**Section G-G**  
Scale: 1/4" = 1 foot

**Balling Engineering**  
Civil Engineering • Surveying • Planning  
823 E. Page Lane  
Centerville, Utah 84014  
Phone: (801) 295-7337  
Fax: (801) 295-0419



**The Cottages on the Corner**  
Elevations (Sheet 3)  
For Kontrol Bay LLC  
823 East Page Lane  
Centerville, Utah 84014  
Phone: 801-546-7306  
Email: jacobballing@gmail.com

Revisions	By
Date	Description

Surveyor: Scott Balling  
Date Surveyed: \_\_\_\_\_  
Drafting: \_\_\_\_\_  
Checked By: \_\_\_\_\_  
Submittal Date: 08-21-18  
File Number: \_\_\_\_\_

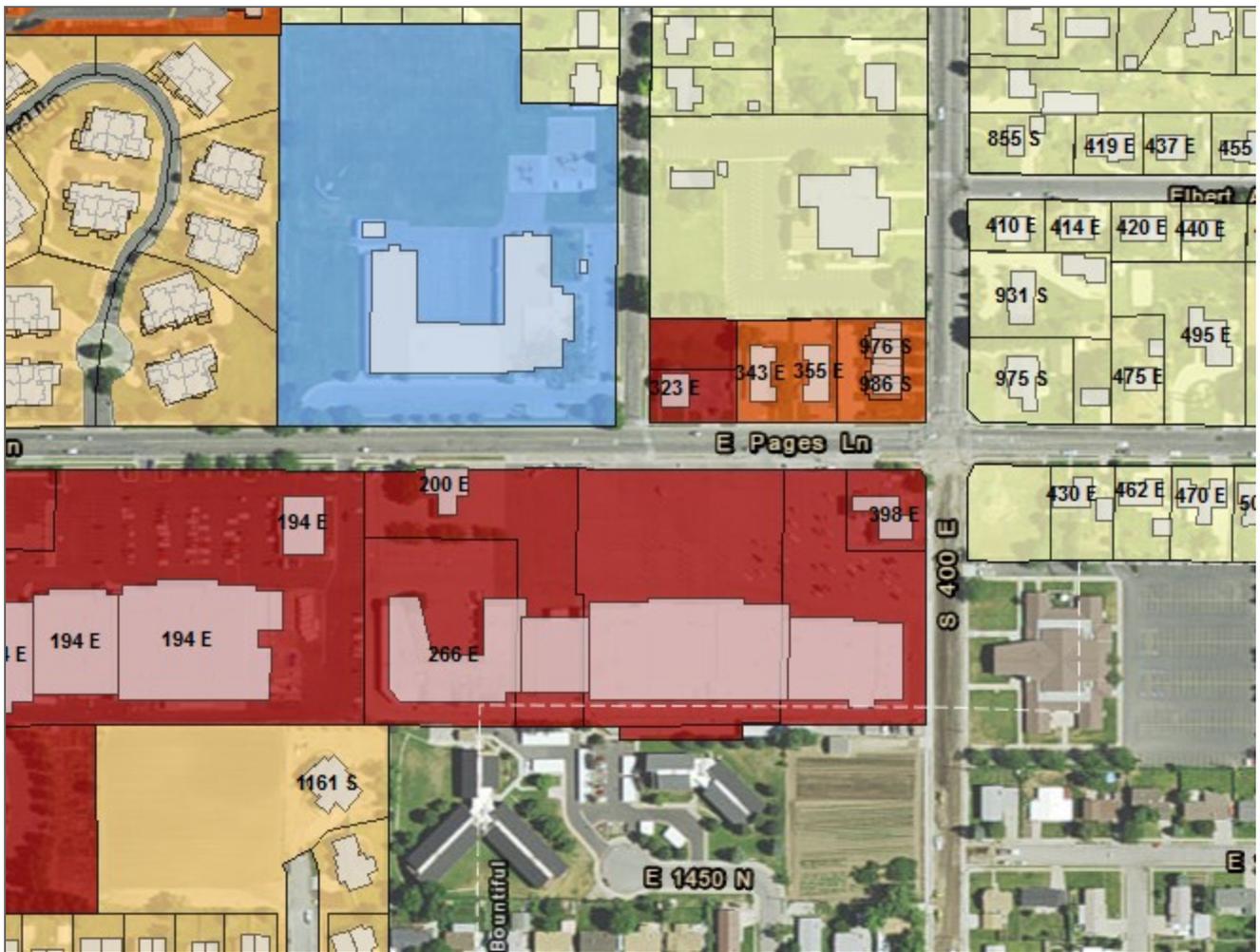
**A203**  
Sheet X of X



Kestrel Bay Townhomes  
*155 West 620 South, Farmington, Utah*  
*Designed and Constructed by Scott and Angie Balling*

# CentervilleZoningMap

Centerville City Zoning Map



USDA FSA, Microsoft | Esri, HERE, iPC | Esri, HERE, DeLorme, iP

## ORDINANCE NO. 2016-31

### **AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 0.51 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 323 EAST PAGES LANE FROM COMMERCIAL-HIGH (C-H) TO RESIDENTIAL-HIGH (R-H)**

**WHEREAS**, the City is authorized to enact a zoning map consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in *Utah Code Ann.* §§ 10-9a-101, *et seq.*, as amended, and the City is further authorized to make amendments to such zoning map in accordance with procedures set forth in *Utah Code Ann.* § 10-9a-503, as amended; and

**WHEREAS**, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-480-2, Neighborhood 1, Southeast Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Commercial-High (C-H) to Residential-High (R-H) as more particularly provided herein; and

**WHEREAS**, the proposed amendments to the Centerville City Zoning Map as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the City Zoning Map.

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

**Section 1. Zone Map Amendment.** The real property located at approximately 323 East Pages Lane in Centerville City consisting of approximately 0.51 acres, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Commercial-High (C-H) to Residential-High (R-H) and the Centerville City Zoning Map is correspondingly amended as described herein.

**Section 2. Findings.** The rezone of the subject property from Commercial-High (C-H) to Residential-High (R-H) and the corresponding amendment to the Centerville City Zoning Map is based on the following findings:

1. The proposed Zone Map Amendment meets the requirements found in CZC 12.21.080(4)(e).
2. The proposed Zone Map Amendment is consistent with the overall intent of the goals and objectives of the General Plan [Section 12-480-2(c)].
3. According to the associated Neighborhood Plan, amending the Zoning Map for this location to Residential-High (R-H) appears to likely have less of a long-term impact on the surrounding neighborhood than the current zoning of Commercial-High (C-H) that is anticipated in the plan.

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

**Section 4. Effective Date.** This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 4th DAY OF OCTOBER, 2016.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2016.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 2016.

**EXHIBIT A**

**Property Description**



**Balling  
Engineering**

323 East Pages Lane  
P.O. Box 805  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 299-0419  
Email: jscottballing@gmail.com

August 24, 2016

RE: Request for Rezone of property at 323 East Pages Lane

**Property Description**

Beginning at a point on the north boundary of Pages Lane which is  $S89^{\circ}45'55''W$  299.00 ft. along said North Line of Pages Lane from the West Boundary of 400 East Street, said point of beginning being also  $S00^{\circ}00'40''W$  279.93 ft. and  $S89^{\circ}45'55''W$  228.28 ft. along said north line Pages Lane from the East Quarter Corner of Section 18, T.2N., R.1E., S.L.B.& M. and running thence  $S89^{\circ}45'55''W$  135.00 ft. along said North Line of Pages Lane; thence  $N00^{\circ}03'55''E$  162.41 ft. along the east line of 300 East Street to a point on the boundary line agreement recorded in Book 3178, Page 1042 of Davis County Official Records; thence along said agreement in the following three courses (i)  $N89^{\circ}35'15''E$  119.73 ft., (ii)  $S74^{\circ}07'20''E$  5.47 ft., (iii)  $S89^{\circ}16'24''E$  10.16 ft.; thence  $N89^{\circ}45'55''E$  6.08 ft.; thence  $S00^{\circ}23'55''W$  162.42 ft. to the point of beginning.

Containing 0.513 Acres.

Prepared by J. Scott Balling, P.L.S.

A handwritten signature in black ink, appearing to read 'J. Scott Balling', written in a cursive style.

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 1**

---

**APPLICANT:** SCOTT BALLING

**MAILING ADDRESS:** PO BOX 805  
CENTERVILLE, UT 84014

**EMAIL:** [JSCOTTBALLING@GMAIL.COM](mailto:JSCOTTBALLING@GMAIL.COM)

**PROJECT ADDRESS:** 323 EAST PAGES LANE

**ACREAGE:** .513

**EXISTING ZONING:** COMMERCIAL-HIGH (C-H)

**APPLICATION:** ZONE MAP AMENDMENT TO REZONE 323 EAST PAGES LANE FROM COMMERCIAL-HIGH (C-H) TO RESIDENTIAL-HIGH (R-H)

**RECOMMENDATION:** ACCEPT THE ZONE MAP AMENDMENT AND RECOMMEND APPROVAL TO THE CITY COUNCIL

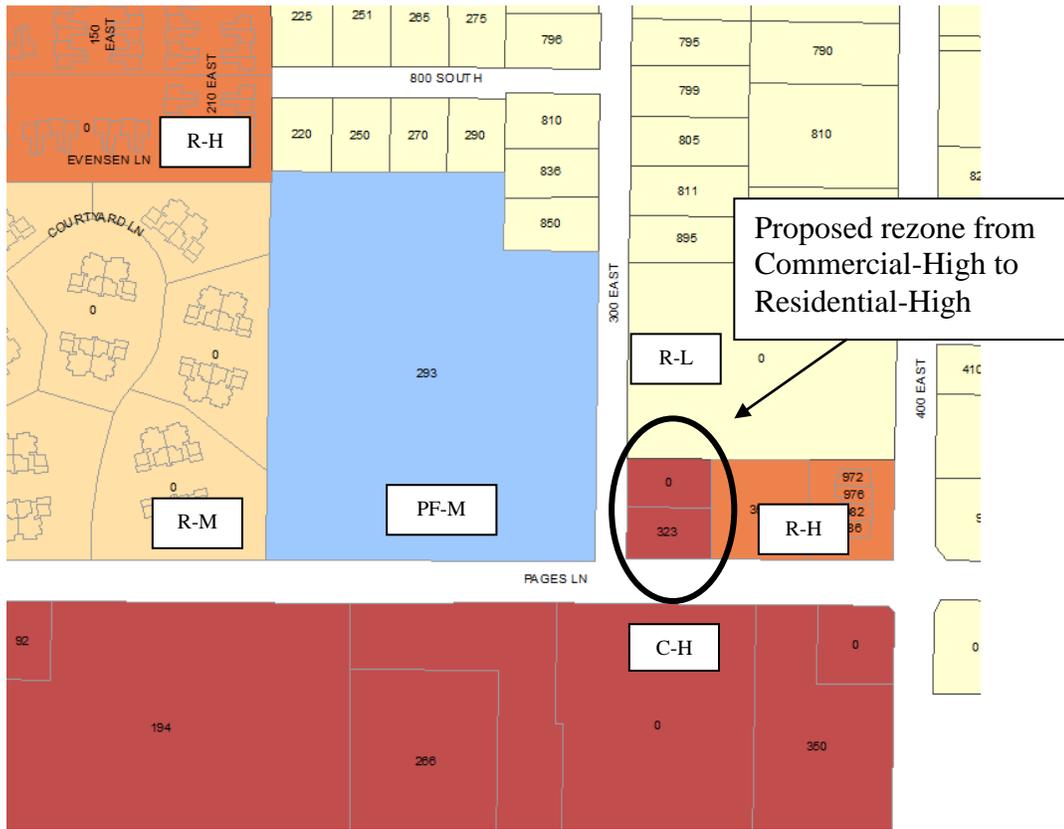
---

**BACKGROUND**

Recently, Mr. Balling submitted an application to rezone his property from Commercial-High (C-H) to Residential-High (R-H). His desire is to rezone the property and then come back to the Planning Commission for review and approval of possibly 6 townhomes. He believes his property will be more compatible with adjacent properties if it is amended to allow for multi-family development. The property east of the Balling lot is Zoned Residential-High (R-H) and the property to the north, owned by the LDS Church is Zoned Residential-Low (R-L). To the west, adjacent to 300 East is the J.A. Taylor Elementary School Zoned as Public Facility-Medium (PF-M). Across Pages Lane to the south is the old Dick's Market site, Zoned Commercial-High (C-H).

This application will not be addressing the townhomes or desired density and will only be reviewing the request for a rezone. The applicant will be required to receive additional site plan approvals and a conditional use permit prior to any construction taking place on this property.

**Current Zoning Map**



**REVIEW AND ANALYSIS OF THE REQUEST**

**Factors to be considered, Section 12.21.080(e)**

1. **Is the proposed amendment consistent with the goals, objectives and policies of the City’s General Plan?**
  - **Staff Response:** Section 12.480.2(a) of the General Plan, states this location is within Neighborhood 1, Southeast Centerville and is further divided into other subareas and the subject property is part of the Pages Lane Commercial Area. Additionally, the general goals and policies of the neighborhood plan address the specific areas around Centerville Elementary and Centerville Junior High, but do not specifically address the area around or near J. A. Taylor Elementary. However, in the “Pages Lane Commercial Area” J. A. Taylor Elementary is referenced in relation to the use and development of commercial sites and detrimental impacts of commercial uses on the school are to be avoided. The debate for the Commission and the City is whether rezoning is: 1) equal to the commercial development concerns; and 2) is the request potentially detrimental to the elementary school?

**2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**

- **Staff Response:** Staff believes Mr. Balling’s property is ideal for higher density residential and to be zoned accordingly. Being adjacent to Pages Lane, which is considered a collector/arterial street, would not be conducive to single-family homes. Therefore, Residential-Low (R-L) does not appear to be appropriate. In addition, multi-family is already found directly to the east, which appears to have had minimal impact to the community over the years. By keeping this property Commercial-High (C-H) it has the potential of bringing some allowed commercial uses that are not well suited to be adjacent to a school and other residential properties. Staff believes the proposed change would be in harmony with the north side of Pages Lane, which consists of mostly multi-family and the elementary school.

**3. What is the extent to which the proposed amendment may adversely affect adjacent property?**

- **Staff’s Response:** The rezone will not adversely impact adjacent properties than the existing commercial zone. When the future proposed townhomes are being reviewed for conceptual and final site plan approval, the Commission will review and ensure compliance with development standards that were designed to be sensitive to surrounding properties. Additionally, if the density falls within the conditional use allowances, such density and use impacts would be identified and mitigation measures would be expected from the developer.

**4. What is the adequacy of facilities and services intended to serve the subject property?**

- **Staff Response:** The area is located within an already developed neighborhood with adequate facilities and services. Any future development would be reviewed by City staff to ensure that proper public utilities have been set forth and other zoning concerns have been satisfied.

**PLANNING STAFF RECOMMENDATIONS**

**PROPOSED ACTION:** I hereby make a motion for the Planning Commission to accept the Zone Map Amendment for 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H), and to recommend approval to the City Council.

**SUGGESTED REASONS FOR THE ACTION:**

1. The proposed amendment meets the requirements found in Section 12.21.080(4)(e).
2. The proposed Zone Map Amendment is consistent with the overall intent of the goals and objectives of the General Plan [Section 12.480.2(c)].
3. According to the associated Neighborhood Plan, amending the zoning map for this location to Residential-High (R-H) appears to likely have less of a long-term impact on

the surrounding neighborhood than the current zoning of Commercial-High (C-H) that is anticipated in the plan.

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, September 14, 2016**

3 **7:00 p.m.**

4  
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,  
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7  
8 **MEMBERS PRESENT**

9 Kevin Daly

10 David Hirschi, Chair

11 Logan Johnson

12 Cheylynn Hayman

13 Scott Kjar

14  
15 **MEMBERS ABSENT**

16 Gina Hirst

17 Becki Wright

18  
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Marsha L. Morrow, City Recorder

23  
24 **VISITORS**

25 Interested citizens

26  
27 **PLEDGE OF ALLEGIANCE**

28  
29 **OPENING COMMENT/LEGISLATIVE PRAYER**

Chair Hirschi

30  
31 **MINUTES REVIEW AND APPROVAL**

32  
33 The minutes of the Planning Commission meeting held August 24, 2016 were reviewed  
34 and amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The  
35 motion was seconded by Commissioner Hayman and passed by unanimous roll-call vote (5-0).

36  
37 **PUBLIC HEARING – BALLING TOWNHOMES, 323 EAST PAGES LANE -**  
38 **Consider the proposed Zone Map Amendment for property located at 323 East Pages Lane**  
39 **from C-H (Commercial-High) to R-H (Residential-High) - Scott Balling, Balling**  
40 **Engineering, Property Owner & Applicant.**

41 Cory Snyder, Community Development Director, explained this report was originally  
42 prepared by the Assistant Planner, who as of Monday has taken a job as a planner in Amherst,  
43 Massachusetts. Mr. Snyder said this is a request for a rezone and is a legislative decision, so the  
44 Planning Commission will make a recommendation to the City Council. The subject property is

1 owned by Mr. Balling and located east of his business located on the corner of Pages Lane and  
2 300 East. Mr. Balling has submitted an application to rezone his property from Commercial-  
3 High (C-H) to Residential-High (R-H). He believes his property will be more compatible with  
4 adjacent properties if it is amended to allow for multi-family development. The property east of  
5 the Balling lot is zoned Residential-High (R-H) and the property to the north, owned by the LDS  
6 Church is zoned Residential-Low (R-L). To the west, adjacent to 300 East is the J.A. Taylor  
7 Elementary School zoned as Public Facility-Medium (PF-M). Across Pages Lane to the south is  
8 the old Dick's Market site, zoned Commercial-High (C-H).

9  
10 Mr. Snyder explained the criteria review for a zone map amendment, as explained in the  
11 staff report.

- 12  
13 1) Is the proposed amendment consistent with the goals, objectives and policies of the  
14 City's General Plan?  
15

16 Mr. Snyder said the location of the proposed rezone is within the Neighborhood 1,  
17 Southeast Centerville, Section 12-480-2(2), and further divided into other subareas. The subject  
18 property is part of the Pages Lane Commercial Area. He explained the general goals and  
19 policies of the neighborhood plan address the specific areas around Centerville Elementary and  
20 Centerville Junior High, but do not specifically address the area around or near J. A. Taylor  
21 Elementary. However, in the "Pages Lane Commercial Area" J. A. Taylor Elementary is  
22 referenced in relation to the use and development of commercial sites and detrimental impacts of  
23 commercial uses on the school are to be avoided. The debate for the Commission and the City is  
24 whether rezoning is: 1) equal to the commercial development concerns; and 2) is the request  
25 potentially detrimental to the elementary school?  
26

27 Mr. Snyder said previous concerns when the applicant tried to rezone this property had to  
28 do with access off 300 East adjacent to the loading area of J.A. Taylor. He said the access issue  
29 will certainly be something that will need to be dealt with in regards to the impact on the school,  
30 whether the property remains Commercial-High or is rezoned to Residential-High. Staff's  
31 position is that R-H would be a compatible zone and still maintain the spirit of the City's General  
32 Plan.  
33

- 34 2) Is the proposed amendment harmonious with the overall character of existing  
35 development in the vicinity of the subject property?  
36

37 Mr. Snyder stated that commercial potentially does have an impact because it is uniquely  
38 different than the residential uses. Historically, the main concern has been vehicular access and  
39 will mostly likely be a main concern whether commercial or residential. Residential would bring  
40 family and children to the school area, where as commercial uses would not. Whether that is  
41 good or bad, it could be looked at either way. He said, in his opinion, commercial is an oddity on  
42 that corner as all the other commercial is on the south side of Pages Lane. Except for the school,

1 all the other property is zoned residential. Therefore staff does not think it would be disharmony  
2 to move it to Residential-High Zone.

3

4 3) What is the extent to which the proposed amendment may adversely affect adjacent  
5 property?

6

7 Mr. Snyder stated that as indicated before, access has probably historically been the main  
8 concern. Whether commercial or residential, access off of Pages Lane or 300 East each  
9 introduce a different set of impacts. Commercial does have some conditional uses i.e. car wash,  
10 car lot, fast food, etc. that the Planning Commission can use as mitigation. However, this site is  
11 probably not feasible for some of those types of conditional uses. Residential-High you have  
12 conditional use on density—anything greater than 8 units an acre, that has ability to mitigate  
13 impact, but there is a permitted allowance of up to 8 units an acre. He further explained the  
14 parking issues depending on the density. This property is almost ½ acre in net density. Gross  
15 density is what our ordinance is and that would make this property nearly ¾ acre. Physically the  
16 site might be limited on the number of dwellings that could actually be put on this site due to the  
17 number of parking stalls that would be required per unit, depending on the size.

18

19 4) What is the adequacy of facilities and services intended to serve the subject property?

20

21 Mr. Snyder said the site would have adequate facilities and uses to serve the  
22 development. Staff is of the opinion that the request for R-H is not out of character with the  
23 criteria for the rezone and support the idea of moving it from commercial to a multi-family  
24 zoning.

25

26 Chair Hirschi asked for clarification on the number of dwelling units that would be  
27 permitted on this site without a conditional use and with a conditional use. Mr. Snyder said with  
28 residential-high the number of units allowed would be 8 units per acre. With a conditional use it  
29 could be upwards of 9-12 units. With the size of the property you could probably be looking at 6  
30 on the low end and 9 on the high end, or again 6-9 with a conditional use.

31

32 Commissioner Johnson asked about the current access points on the property and if they  
33 would be grandfathered in. Mr. Snyder said Centerville is different than UDOT. UDOT  
34 controlled roads have very stringent access standards. Both Pages and 300 East are Centerville  
35 controlled roads. The engineer would look at distances from corners, i.e. the offset of left turns.

36

37 Scott Balling, applicant, distributed a handout to the Planning Commission (attached).  
38 Mr. Balling informed the Commissioners that he tried to deliver this to every neighbor within  
39 500 feet of the property. He said they own two parcels of land on the corner of 300 East and  
40 Pages Lane. Each parcel was purchased at different times. The parcel on the south contains the  
41 office building currently occupied by Balling Engineering. The south parcel has access off  
42 Pages Lane. The north parcel has a sole access from the frontage on 300 East Street. He

1 explained that about 10 years ago, he submitted a request to rezone the north property from C-H  
2 to R-H with the intention of developing a triplex on the property. This request was approved by  
3 the Planning Commission. However, there was substantial opposition to the plan at the City  
4 Council level due to the vehicular access off of 300 East because of the loading and unloading at  
5 the elementary school across the street on 300 East. At their recommendation, the City Council  
6 tabled it for that reason and requested they meet with the adjacent property owners in hopes of  
7 reaching an agreement. They met with several of the adjacent owners, but could not see a viable  
8 way of continuing their engineering business and also provide an access to the residential  
9 property to the north. Because of economic reasons and their desire to meet these wishes, they  
10 decided to hold off on this request until the commercial uses to the south were changed or  
11 discontinued.

12  
13 Mr. Balling said at this time their request is to rezone both parcels with a plan of a sole  
14 access to a multi-unit development on Pages Lane. They would discontinue all the commercial  
15 uses of the property and remove all existing access and curb cuts from 300 East Street. The  
16 existing “No Parking” restrictions along the frontage of this property are in agreement with his  
17 proposed plans and would remain.

18  
19 As stated before, Mr. Balling said this is the only commercial property on the north side  
20 of Pages Lane and, therefore, is probably not in harmony with the adjacent areas. The property  
21 was originally built as a banking facility with a drive-through teller window that exits onto 300  
22 East Street. That curb cut has remained as commercial access to 300 East Street. As  
23 commercially zoned property, there are permitted uses that are readily viable such as a bed and  
24 breakfast, rental services, child care facilities, laundry and dry cleaning services, printing and  
25 copying services, general retail and second-hand stores. Many of these uses are less than  
26 desirable, particularly adjacent to the loading area at the elementary school. He said the demand  
27 for commercial property along Pages Lane has been diminished substantially the last 5 to 10  
28 years, which is evident by the excessive vacancies. These vacancies have a tendency to diminish  
29 and destroy property values, leave properties in disrepair and neglect and increase crime and  
30 loitering. In the last year they have had a masonry wall on the site tagged with graffiti and  
31 substantial theft on the property. They anticipate that this will increase. For these reasons they  
32 feel it best they move forward with a rejuvenating plan and discontinue commercial uses. Their  
33 request for R-H zoning would be an up-zone from its current usage and is the only option which  
34 is compatible with the area. This is the same zoning as the two properties to the east. The nearest  
35 single-family residence is over 300 feet from this property and within that same distances there  
36 are 12 multi-family apartment or townhome dwellings. To mandate this property be zoned an R-  
37 M or R-L Zone would allow only single-family homes or lesser density and would not be in  
38 harmony with the adjacent properties. It would be spot zoning, arbitrary and capricious. It would  
39 place an unjustifiable and damaging burden on this property, which is not required on adjacent  
40 properties.

41

1 Mr. Balling said should the R-H Zone be approved, the property would be granted a  
2 permitted use of up to 8 units per acre and a conditional use of up to 12 units per acre. The site  
3 has an attributed area of 0.73 acres, therefore the permitted use would be granted up to 5.7 units  
4 per acres and the conditional use up to 8.7 units. He is only proposing to have 6 units, as shown  
5 on the plans in the handout.

6  
7 Mr. Balling said he wants to be upfront with his intentions of what they want to construct  
8 on this property from the beginning. Therefore, the site plan has been provided (sheet 3 of the  
9 handout), along with floor and elevation plans for the proposed townhomes. All the townhomes  
10 would be developed in a PUD type format so that each unit can be individually and separately  
11 owned. These townhomes would be similar to the townhomes found on the corner of Pages and  
12 400 East Street. They will include 2-car enclosed garages, three or more bedrooms, three or more  
13 bathrooms, master bedroom suites and large family and gathering rooms. It is their desire to  
14 have most of the master bedroom suites (4) on the main floor. The finished floor area of all units  
15 would be from 1,700 to 2,400 square feet (excludes the garage area). The expected value of all  
16 units will exceed \$300,000.

17  
18 Mr. Balling explained the elevation, heights and setbacks of the townhomes as shown in  
19 the handout. He said in all cases the height of the townhomes would be less than the height of  
20 the existing commercial building. The setbacks would be equal to or less than the setbacks with  
21 the existing commercial building. He explained the exterior design and materials style  
22 architecture, the grade of asphalt shingles, pop-out supports, columns, and corbels as shown on  
23 the elevation views of the handout.

24  
25 Mr. Balling said he just completed a traditional style 10-plex townhome development in  
26 Farmington. As designed, this proposed project would contain many extras that exceed the  
27 quality of this recent project. He attached a picture in the handout.

28  
29 Mr. Balling said that as property owners on Pages Lane, they can see that something  
30 needs to be done to revitalize this area and stimulate some attractive and updated uses. He  
31 believes this project may be the first and set a beautiful precedence in the area, which they hope  
32 will be extended and followed. He thanked the Planning Commission for their consideration.

33  
34 Commissioner Kjar asked if these units would be for rental or sold units. Mr. Balling  
35 responded they are hoping to be sold units. Whether they retain ownership he can't say for sure.

36  
37 Chair Hirschi asked about ownership at his Farmington project. Mr. Balling responded  
38 that they retain ownership, rented all out within a month's time and they receive \$1,700 per unit.  
39 He said these units are two story, so mostly are occupied by young families.

40  
41 Commissioner Hayman asked staff how this project would compare with Shaela Park  
42 density if this project were to move forward with the density of 6 units on the ¾ acres. Mr.

1 Snyder responded that the Shaela Park was about 6.5 units per acre. It was less than the Hafoka  
2 property. That was approximately 7.7 or 7.8 units per acre.

3

4 Chair Hirschi opened the public hearing.

5

6 Marti Money, Centerville, thanked the Planning Commission for all the work they do.  
7 She commented on all the work that has been done by the property owner. However, she feels  
8 medium density would be enough for neighborhoods such as this neighborhood. The higher  
9 density, permitted use density seems to be a mistake. She appreciated the comment regarding  
10 the Hafoka property. Certainly, there were a lot of lessons learned with that development. She  
11 said as a community we are still trying to learn those lessons, and it is her hope that the  
12 legislative body will see the merits in controlling the density. As Centerville continues to be built  
13 out, medium density should be the highest density that is permitted.

14

15 Richard Ryan, indicated that he lived in Centerville when Mr. Balling tried to get the  
16 previous building going and trying to get the access onto 300 East Street. He said the biggest  
17 concern about 300 East was the wideness of the road. It is not a typically wide road and with the  
18 school it makes it pretty difficulty to maneuver. He would prefer that there not be an access off  
19 300 East. He is not necessarily for high density and would rather see it as medium density, but  
20 would not really oppose it if the density was kept at 6 units per acre. He likes what Mr. Balling  
21 does and appreciates what he has done with the property the past few years. Mr. Ryan said he  
22 would much rather see it residential than commercial, however, he would prefer it be medium  
23 density.

24

25 Shauna Chumakov, reiterated what had already been said. She appreciated residential  
26 coming in rather than staying commercial. She does not agree with the fact that it be high-  
27 density. She would prefer it be more of a medium-density, but understands the need to get what  
28 you want out of your property. Centerville is a great place to live and is a very family-centered  
29 community. She would prefer the units be owner-based and not rental units because of the  
30 transient factor. Ms. Chumakov said she would like to have a statute that makes it so the highest  
31 density allowed or permitted would be medium-density. She doesn't want Centerville to become  
32 like Salt Lake.

33

34 Dale Engberson, asked the Commission what the difference was between high density  
35 and medium density. He said he knows that Mr. Balling has invested a lot of money in the  
36 property over the years. He said something less desirable could be developed if it were to remain  
37 zoned commercial-high. He thinks the rights of the property owner should be taken into  
38 consideration in the decision to rezone the property to residential-high.

39

40 Garth Heer, said he and his wife own the property to the east of Mr. Balling's property.  
41 He said Mr. Balling's arrangement looks to him to be a very nice arrangement. His concern is  
42 that the units have the back facing onto 300 East. He would like to see this addressed so as not

1 to have garbage cans or parking on 300 East to have a better curb appeal. Mr. Heer said his units  
2 have some renters that have lived in his units for 20 years and are solid citizens. He said Mr.  
3 Balling with his business next door has been very good neighbors.

4  
5 Chair Hirschi thanked the citizens for their comments. He said he had a letter submitted  
6 for the record from Heather Strasser and Marti Money because they were not able to attend the  
7 meeting tonight. However, Marti Money was present and presented her views. The letter states  
8 they are essentially opposed to high density for a variety of reasons outlined in the letter. Chair  
9 Hirschi said one of the reasons in the letter that hasn't already been stated by others tonight is the  
10 potential precedent that would be set for changing the zoning here and what affect it might have  
11 on other areas, such as across the street, or other areas in south Centerville.

12  
13 Seeing no one else wishing to speak, Chair Hirschi closed the public hearing.

14  
15 Chair Hirschi invited the applicant to respond to what has been said. Cory Snyder, said  
16 he would like to respond to Mr. Engberson's question regarding the difference between high  
17 density and medium density before the applicant responds. Mr. Snyder said the density for R-H  
18 is up to 8 units an acre for permitted use and 9-12 for conditional use. He said the permitted use  
19 in the R-M is 1-4 units an acre and conditional use is 5-8. Chair Hirschi stated that even with a  
20 conditional use the R-M could still have 5-8 units per acre. Mr. Snyder concurred.

21  
22 Mr. Snyder said he would also like to address the relation to surrounding properties, the  
23 commercial high is the predominant zoning in the area. Over the past few years, this has  
24 deteriorated. The goal is to look at redevelopment of this property. It may or may not be related  
25 to the site being considered tonight, but the Planning Commission should at least keep that in  
26 mind. In discussions that have taken place, there has been mentioned the possibility of replacing  
27 the commercial to residential. The absorption rate for redevelopment would create a high-  
28 density neighborhood here. Whether that would be in a year or 15 years, there is that possibility  
29 that if this property doesn't remain commercial, it could be a high-density neighborhood area.  
30 The Planning Commission needs to look at weighing the balance with the surrounding  
31 properties.

32  
33 Scott Balling, applicant, said he agrees with Mr. Snyder that the "details are in the  
34 design" of this. They have put a lot of thought and design in this proposed project. He said their  
35 intentions are to maximize the value of what they build on this site. They are shooting for the  
36 high-end townhome. He feels quality is important and they are aiming for the highest quality  
37 with this project. He reiterated their intentions to record these individually so they have the  
38 potential to sell each unit.

39  
40 Mr. Balling responded to the comment regarding the view from the west. He said they  
41 also think that is very critical. He said all garbage facilities would be inside the courtyard

1 (Section C of the handout shows the view from the west). However, they are open to  
2 suggestions to make it look nicer.

3

4 Chair Hirschi asked Mr. Balling if he had any anticipation of privacy fencing along 300  
5 East. Mr. Balling said he has thought about putting a nice wall of some kind, similar to the  
6 masonry wall they put in with the neighbors to the east. They would certainly have to have  
7 approval from the LDS church. He said he would rather make the units look nicer that put a  
8 privacy fence on 300 East.

9

10 Commissioner Hayman asked about the backyards and how they would be cared for. Mr.  
11 Balling responded they are wanting to record this as a PUD, with each unit privately owned and  
12 all the yards are commonly owned, with a homeowners association being responsible for the  
13 maintenance of the grass areas. Commissioner Hayman commended Mr. Balling for all the work  
14 he has put into this and for the handout, which has been very helpful for them to see what his  
15 intentions are for developing his property.

16

17 Chair Hirschi made a **motion** for the Planning Commission to accept the Zone Map  
18 Amendment for 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H),  
19 and to recommend approval to the City Council for the following reasons:

20

21 ***Reasons For The Action:***

- 22 a) The proposed amendment meets the requirements found in Section 12.21.080(4)(e).  
23 b) The proposed Zone Map Amendment is consistent with the overall intent of the goals  
24 and objectives of the General Plan [Section 12.480.2(c)].  
25 c) According to the associated Neighborhood Plan, amending the zoning map for this  
26 location to Residential-High (R-H) appears to likely have less of a long-term impact  
27 on the surrounding neighborhood than the current zoning of Commercial-High (C-H)  
28 that is anticipated in the plan.

29

30 Commissioner Johnson seconded the motion.

31

32 Commissioner Johnson stated that when he first came onto the Planning Commission,  
33 there was a subject property for rezone and the public concern was the precedence that would be  
34 set, which would allow more and more to happen. He didn't think that was the case at the time,  
35 but that the Planning Commission considers each rezone request on a case-by-case basis. In his  
36 opinion he thinks as a Commission they should look at what has happened in the past as to the  
37 surrounding properties and what effect the rezone would have on those surrounding properties.

38

39 Chair Hirschi asked about the 4-plex that was built on the corner of Pages Lane and 400  
40 East and if staff knew the zoning of that property before it was rezone R-H. Cory responded that  
41 was before his time. Scott Balling said he did the work for Mr. Trump on that property. It was a

1 central PUD, all individually owned. There is a homeowners association maintaining the yards.  
2 Mr. Balling, did not, however, remember what the land was zoned prior to that.

3  
4 There was further discussion on the density of the property if it were to be zoned R-M.  
5 Cory calculated that the R-M caps at 8 so that would allow 5 units under the R-M and R-H is  
6 capped at 8 so 6 would be permitted.

7  
8 Commissioner Kjar commented that he didn't think the R-H zoning was out of character  
9 with the surrounding properties. He thinks it would be a nice addition to the area. He said he is  
10 not troubled with the R-H request because that is what the zoning is just to the east and more  
11 than likely the reality is that it will be the same across the street.

12  
13 Commissioner Daly said he doesn't live too far from this area and his kids go to J.A.  
14 Taylor. He is concerned about what will happen to the Dick's property across the street. He  
15 thinks that is very important to consider in their discussions. He said he would be greatly  
16 opposed to high-density on the Dick's property and would fight against it. He is also concerned  
17 about the precedent that would be set with this rezone request. Centerville is a bedroom  
18 community and with all the discussions regarding Main Street he doesn't think Centerville wants  
19 higher density. What they are looking for his more R-M.

20  
21 Commissioner Daly said he did contact the principal of J.A. Taylor to see how this would  
22 affect the school. The principal said J.A. Taylor does have the capacity for additional students, so  
23 this particular development would not necessarily overburden the school. The principal was,  
24 however, concerned about the timing. With school already started, adding an additional 20 kids  
25 could strain things. He said the school cannot turn away any student that lives within the school  
26 boundaries. Commissioner Daly said this project wouldn't necessarily be detrimental to the  
27 school but he would be very concerned with higher density across the street and what affect that  
28 would have on the school. He said he would not object to the R-M Zone in this case and not the  
29 higher density because of the precedent that would be set, even though it is zoned higher density  
30 to the east.

31  
32 Chair Hirschi commented that while it is important to look to the future, they have a  
33 property owner who is invested in his property, who has been paying commercial taxes on that  
34 property for a long period of time. Mr. Balling has presented a plan on how to develop this  
35 property in a manner that has been presented, either in a 5 unit or 6 unit format. It is not going to  
36 make a detrimental impact to the school or surrounding properties with either case. Chair  
37 Hirschi said he would weigh in on approving the zoning as requested because he doesn't see any  
38 impacts that this would have that they couldn't address at a future day, especially from the  
39 standpoint of precedent.

40  
41 Commissioner Hayman commented that she came into the meeting thinking that R-M  
42 would be sufficient, but the applicant has presented a plan where she has changed her mind and

1 she tends to concur with Chair Hirschi to be in favor of the R-H zoning for this property,  
2 especially since the property to the east is zoned R-H.

3

4 Commissioner Daly said the property is zoned commercial-high and the property owner  
5 has every right to develop his property as commercial-high. He said the Commission can be  
6 proactive in their planning to decide what it is they want in the south end of Centerville. He said  
7 everything around Dick's, with a few minor exceptions, is residential-low. He thinks it would be  
8 a mistake to put more than residential-medium in the neighborhood.

9

10 Following further discussion, Commissioner Johnson called the question on the motion.  
11 Commissioner Johnson said he tends to agree with Commissioner Daly. He feels whether they  
12 zone it R-M or R-H, they are sending two distinct messages that will be sent to the development  
13 community.

14

15 A roll call vote was taken and the motion passed by a (4-1) vote. Commissioners Kjar,  
16 Hayman, Hirschi and Johnson voted in favor of the motion. Commissioner Daly voted against  
17 the motion.

18

19 **PUBLIC HEARING – CHAPEL RIDGE COVE PUD, 2172 N CHAPEL RIDGE**  
20 **CIR - Consider the proposed R-L/PDO amendment for Chapel Ridge Cove P.U.D., which**  
21 **consists of amending use of specific house plans for Lots 5, 6, 8, 9 & 10 - Jacob Toombs,**  
22 **Millcreek Homes, Applicant.**

23

24 Cory Snyder, Community Development Director explained that this project is on the  
25 north end of Centerville by the Park Hills Subdivision east of the LDS Chapel. This is a planned  
26 development overlay project with an R-M Zoning. The reason the PDO was put in place was due  
27 to the down-hill cul-de-sac and there were a number of problems associated with that. Along  
28 with the approval were exceptions, including designs of the homes. There are notes on the plat  
29 pertaining to designs and setbacks and how decks are measured. Mr. Snyder said at the time, the  
30 developer committed to three elevations. He said they didn't really review the floor plans and  
31 approve the floor plans designs per say, but approved the front elevations of the Deuel, Parrish  
32 and the Grover plans. A couple of those plans and elevations have been built in the project. The  
33 new owner of the project, Millcreek Homes, owns the remaining lots and the petitioner, Mr.  
34 Jacob Tombs, desires to amend the architectural house style designs of the PDO Master  
35 Conceptual Plan and related approvals for the Chapel Ridge Subdivision. This proposed  
36 amendment can be summed up as follows:

37

38

39

40

41

42

- In addition to the three (3) approved building elevations, known as Deuel, Parrish, and Grover, allow other house styles proposed as Plan 1, Plan 2 and Plan 3 (as shown on attachments in the staff report).
- However, keep in place the approved architectural theme, materials list, and the 360 degree visual requirements of the original approvals.

**ROCKY MOUNTAIN POWER FRANCHISE EXTENSION**

Lisa Romney, City Attorney, explained the request for an extension of the current franchise agreement with Rocky Mountain Power. Steve Rush, representing Rocky Mountain Power, answered questions from the Council. Councilman Ince made a **motion** to adopt Ordinance No. 2016-28 extending the current Rocky Mountain Power Franchise for an additional five years. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – PDO AMENDMENTS – CHAPEL RIDGE COVE PDO**

Mr. Snyder gave background information regarding the Chapel Ridge Cove Planned Development Overlay (PDO). The petitioner desires to add different elevation styles, keeping in place the approved architectural theme, materials list, and the 360 degree visual requirements. The Planning Commission has recommended approval of the request. Jacob Toombs, petitioner, stated the proposed elevations are not taller than existing homes in the development. He said most people wanting homes in that area are wanting ramblers with main-floor living.

Mayor Cutler opened a public hearing at 7:36 p.m., and closed the public hearing seeing that no one wished to comment. Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2016-30 amending the Chapel Ridge Cove Planned Development Overlay to allow alternative housing styles. The motion failed for lack of a second. The Council examined pictures of the proposed elevations. Mr. Snyder pointed out that two-story homes are already approved in the Master Conceptual Plan. He said he thought it was a mistake on the developer's part to limit the development to three elevations to begin with. Five of the ten lots in the development are already built. Councilwoman Mecham said she would not want something to go in that existing homeowners are not expecting. From the audience, a woman who owns a home in the development said she is hoping the empty lots will be filled to complete the subdivision. Councilman McEwan made a **motion** to adopt Ordinance No. 2016-30 amending the Chapel Ridge Cove PDO to allow alternative housing styles. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – ZONING MAP AMENDMENT (REZONE) – BALLING TOWNHOMES – 323 EAST PAGES LANE**

Mr. Snyder explained that Mr. Balling has submitted an application to rezone his property located at 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H). His desire is to rezone the property and go back to the Planning Commission for review and approval of six units. He said Mr. Balling believes his property will be more compatible with adjacent properties if it is amended to allow for multi-family development. The property east of the Balling lot is Zoned R-H and the property to the north, owned by the LDS Church is Zoned R-L. To the west, adjacent to 300 East is the J.A. Taylor Elementary School Zoned as Public Facility-Medium (PF-M). Across Pages Lane to the south is the old Dick's Market site, Zoned C-H. Mr. Snyder expressed the opinion that the proposed rezone would not create more impact for the elementary school than the C-H.

Mr. Balling gave a history of the properties in question, and emphasized his intention to develop a high-quality six-plex that would appear as much as possible as a single unit. He said he is not seeking the highest possible density for the R-H Zone. The property adjacent to the east has eight units on a comparably sized lot – two more than his proposed plan. Mr. Balling said he feels his request is in line with the General Plan, with the nearest single-family residence being more than 300 feet from his property, and the nearest R-M Zone more than 600 feet away. Mr. Balling said he feels R-L or R-M would not be in harmony with adjacent properties. He said the

1 project would need six units to justify demolition costs. Mr. Balling expressed confidence that it  
2 would be the most attractive structure in the area. He said his plan is to design the units to be sold  
3 individually.

4  
5 Mayor Cutler opened a public hearing at 8:04 p.m.

6  
7 Dale McIntyre – Mr. McIntyre provided Council members with excerpts of the General Plan  
8 with his own comments and emphasis added (attached). He said he is opposed to rezoning the  
9 subject property to R-H because of the precedent it would set for other properties in southeast  
10 Centerville, and because it is in direct opposition to the stated goal of the General Plan to have  
11 residential property in the area reserved for single-family dwellings.

12  
13 JaNae Urry – Ms. Urry said her concern with changing the zoning to R-H is the possibility  
14 that the property may be sold following the rezone and developed with higher density than Mr.  
15 Balling is proposing. She commented that 300 East has only single-family homes. She said the  
16 apartment buildings east of the subject property do not feel to her as high density as the proposal.

17  
18 Dean Williams – Mr. Williams said he is not foolish enough to think development will not  
19 take place, but said he agrees with the comment regarding this project influencing what goes in  
20 later. He said that every time a developer wants to make more money the developer comes to the  
21 City for a rezone, and puts in high density. Mr. Williams said he does not believe a developer's  
22 right to make money trumps his right as a property owner when it affects him. He said he built his  
23 home counting on single-family development in south Centerville as stated in the General Plan.  
24 He said, if the city is heading toward high density in the Dick's Market area, he is not in favor of the  
25 current request. Mr. Williams expressed the opinion that commercial property owners are aware of  
26 the zoning when they purchase their property.

27  
28 Cindy Baker – Ms. Baker said she has been Mr. Balling's residential neighbor for 25 years.  
29 She said Mr. Balling has contributed a lot to the community, and he is a wonderful neighbor. She  
30 commented that Centerville does not have a lot of multi-family housing, and she believes the  
31 proposed development would be desirable to many people. She vouched for Mr. Balling's  
32 character.

33  
34 Dale Engberson – Mr. Engberson said he believes everyone is upset because of what has  
35 happened in the past. He said he feels what Mr. Balling is requesting is reasonable. He stated  
36 that rezoning the subject property to R-H does not mean the larger property across the street will  
37 be R-H. Mr. Engberson said he believes the rezone makes sense and fits with the neighboring  
38 properties. He said he is afraid people are so set against high density they are not open minded  
39 and reasonable. This battle cannot be fought based on a previous battle.

40  
41 Garth Heer – Mr. Heer said he owns the property directly to the east of the subject  
42 property. He said he feels the requested rezone is in line with the neighboring properties. He  
43 commented that the adjacent Church property is a buffer for the single-family homes. Mr. Heer  
44 said Mr. Balling is a good neighbor, and has proven that he does good work. He suggested that  
45 approval of the rezone be contingent on six or fewer units. Mr. Heer expressed confidence that  
46 Mr. Balling will do what he has proposed.

47  
48 David Baker – Mr. Baker said he is Mr. Balling's residential neighbor, and emphasized that  
49 Mr. Balling's home is a real improvement to the neighborhood. He commented that the Council is  
50 looking to improve Centerville with everything they do. Mr. Baker said he believes Mr. Balling is a  
51 man of integrity who will do what he proposes. He pointed out that single-family homes usually

1 appeal to families, and families usually do not want to live on busy streets like Pages Lane. He  
2 said he feels the proposal fits in with the area and would be a benefit to Centerville.

3  
4 The Mayor closed the public hearing at 8:28 p.m. Councilman McEwan commented that  
5 the Council has specific criteria to examine when considering a rezone, not including the intended  
6 use of the property. Ms. Romney clarified that the Council cannot add conditions to a rezone such  
7 as limiting development to six units. The proposed plan is less dense than the properties directly  
8 to the east. Councilwoman Fillmore commented that R-H in Centerville is low compared to other  
9 cities. She said that, at full potential with R-H, the subject property could have a maximum of nine  
10 units, which she feels is in line with neighboring properties. Councilwoman Mecham said she  
11 would like to be able to give Mr. Balling what he wants, but there is no way to allow six units on the  
12 property without opening up the possibility for more. She said she would approve R-M, but she  
13 cannot approve the rezone to R-H.

14  
15 Councilman McEwan referred again to the rezoning criteria, and said he feels the Council  
16 needs to remain dispassionate about the process. He asked for clarification from staff regarding  
17 the General Plan statement that “the southeast residential area shall be developed and maintained  
18 in low density single-family residential development”. Mr. Snyder responded that the General Plan  
19 is made up of generalities. He quoted other portions of the General Plan regarding density,  
20 including: “medium or high-density residential development is allowed within appropriate locations  
21 within the city.” The General Plan is not going to give a line item specifying that a particular  
22 property is intended to be a specific zone. Most of Centerville is low-density development, but  
23 multi-family is allowed in appropriate locations. Buffering, neighboring uses, and type of street all  
24 have to be considered. Mr. Snyder added that the idea that only single-family development will  
25 occur, end of discussion, is missing the entire breadth and discussion of the General Plan.

26  
27 Councilman McEwan made the point that the word “shall” has very specific legal  
28 connotations. If the statement in Section 12-480-2 does not hold, the word “shall” should not be  
29 used. Councilwoman Fillmore said the statement applies to areas already developed residential.  
30 The challenge before the Council now is dealing objectively with reality. She said the southeast  
31 neighborhood has commercial corridors that cannot economically switch to single-family  
32 residential. Councilwoman Fillmore stated if the Council is not realistic and objective about what  
33 really can happen in those areas, they will be encouraging dilapidation. She said she appreciates  
34 a property owner wanting to invest in a property and make improvements. Regarding precedent,  
35 she said a precedent was already set with the properties to the east of the subject property.  
36 Councilwoman Fillmore said she feels the proposal is harmonious and makes sense.

37  
38 Councilman Ince pointed out that General Plan updates took place substantially after the  
39 development of properties to the east of the subject property. He said he would be inclined to vote  
40 in favor of the request if there were some way to guarantee no more than six units are developed,  
41 but there is no way to get that guarantee. Mr. Snyder cautioned the Council against relying on  
42 staff to provide guarantees. He said there comes a time as legislators when they need to take a  
43 leap of faith. The Council needs to determine if the maximum of nine units would be a bad thing  
44 for the property. If the Council does not approve the requested rezone, a developer in the future  
45 may be able to get more units. Mr. Snyder confirmed that he has advised the Council against  
46 contract zoning. Ms. Romney stated the focus should be on the Ordinance. She said the General  
47 Plan is a little vague in this situation. Section 12-480-2.1(e)(1) would not apply to the subject  
48 property because it is not in the southeast residential area. She suggested the Council focus on  
49 impact to the school, and said she feels residential is less of an impact to the school than  
50 commercial.

51

1 Councilwoman Mecham stated she is not comfortable with R-H. She said she believes the  
2 south end of the city has its share of high density with 600 high-density units between Parrish Lane  
3 and Pages Lane on the west side of Main Street. She said she does not want more, and she does  
4 not want to set a precedent. Councilman McEwan stated there is nothing in the approval  
5 standards regarding precedent. The Council cannot be concerned with a precedent set in the  
6 approval process. Councilman McEwan said the “faith” comment disturbs him because the  
7 Council made a zoning decision earlier in the year based on the zoning criteria. If the Council  
8 were to now make a zoning decision based on faith, they could be accused of being capricious.  
9 Councilwoman Fillmore said the question is what is best for the neighborhood and what the  
10 possibilities are. The known possibilities are: (1) the property remains C-H with no redevelopment;  
11 (2) application for R-H is approved with 6-9 units possible; and (3) the property remains  
12 commercial and is sold for another commercial use. She read from the table of approved C-H  
13 uses, with the point that the R-H may make people less uncomfortable. Councilwoman Fillmore  
14 expressed a desire to weigh the risks of the R-H with the possible impacts of other C-H uses.  
15 Councilman McEwan pointed out that according to the code any use shall be designed for minimal  
16 impact on the school. Ms. Romney stated the Zoning Code trumps the General Plan. The  
17 purpose of the General Plan is to give a vision, which is then implemented with the Zoning Code.  
18 Councilwoman Ivie expressed the opinion that the Council has the job to listen, not only to the  
19 property owner, but to the people all around it. Considering the comments she has heard and the  
20 emails she has received, Councilwoman Ivie made a **motion** to reject the R-H Zoning application.  
21 Councilwoman Mecham seconded the motion.  
22

23 Mr. Balling stated he respects what the neighbors want. He said he received approval from  
24 the Planning Commission for the plan ten years ago, but neighbors made it clear they would prefer  
25 the property to not have access from 300 East. He has waited ten years to finish up his  
26 commercial use of the property to be able to design the development with access solely off Pages  
27 Lane. He said his proposal is for 5.8 units per acre. Six units will require a conditional use permit  
28 from the Planning Commission. Mr. Balling said he feels requiring R-M would be capricious, with  
29 no R-M within 600 feet of his property. He said he is trying to do what the neighbors want. He  
30 thinks it is the best option for the property. Mr. Balling said he will build what he intends to build,  
31 and he would like to do it as quickly as possible.  
32

33 Mayor Cutler shared the opinion that it would be wise to take a pragmatic approach with a  
34 local developer with a reputation for integrity trying to improve the area and make the situation  
35 better for the school by removing access on 300 East. Councilman Ince asked if there would be a  
36 way for Mr. Balling to acquire the additional property necessary to qualify for R-M from Mr. Heer’s  
37 adjacent property. Councilman Ince agreed the proposed development is an improvement, but  
38 said he cannot approve R-H. Mr. Thacker pointed out that, if the application comes back  
39 requesting R-M, the tension would still exist between the first and second criteria for zoning. Mr.  
40 Snyder repeated the position of staff that the subject property is not in the southeast residential  
41 area. Ms. Romney explained conditions involved with a reapplication. She also explained that  
42 conditions can only be placed on a conditional use permit to mitigate potential negative impacts.  
43

44 Councilwoman Mecham said she would love to see the project happen, but she cannot  
45 vote in favor of R-H. Councilman McEwan stated it is important to him to be consistent and avoid  
46 any decisions that would make a property owner feel disadvantaged. He said he feels it would be  
47 very hard to argue that residential is not in the vicinity, since R-H is right next door. Referring to  
48 the overall character of the neighborhood, he pointed out there is a blighted area to the south, R-H  
49 to the east, and an elementary school to the west. Therefore, he said he feels the property meets  
50 that particular criterion. Councilman McEwan said, based on the criteria, he cannot find enough  
51 reason to reject the application. Councilwoman Fillmore said she feels they all want what is best  
52 for the neighborhood, and she feels this would be an improvement over other options for the area.

1 She said she also thinks it is important to consider friendliness to positive redevelopment.  
2 Councilwoman Fillmore said she feels the Council is making it too difficult to do reasonable things  
3 that would bring improvement and would benefit citizens, based on whether there is an "H" or an  
4 "M" after the R. Councilwoman Ivie said she thinks the Council is stuck because of the General  
5 Plan. She said the General Plan needs to be fixed so that the Council can pass things it likes  
6 without having conflict. Councilwoman Mecham said she would like to see more options in zoning  
7 so it does not have to be just one or the other. The motion to reject the application to rezone  
8 passed by majority vote (3-2), with Council members Ivie, Ince, and Mecham in favor, and Council  
9 members Fillmore and McEwan dissenting. The following findings were included.

10  
11 Findings:

- 12  
13 1. The City Council believes a vast number of citizens have expressed sincere and  
14 substantial concern about continuing high-density development, and the Council's  
15 hands are tied to keep this from qualifying. Therefore, the Council had no choice but to  
16 reject the application.  
17 2. The City Council feels 300 East does not have the necessary road width to justify R-H.  
18 3. The City Council believes the application is not consistent with the goals and objectives  
19 of the General Plan.  
20

21 **GENERAL PLAN AMENDMENTS – BICYCLE AND NON-MOTORIZED VEHICLE**  
22 **PATHWAYS AND TRAILS MASTER PLAN MAP**

23  
24 Mr. Thacker presented proposed General Plan amendments to Section 12-450-3 regarding  
25 bicycle and non-motorized vehicle pathways in the transportation and circulation element of the  
26 General Plan. Councilman McEwan made a **motion** to adopt Ordinance No. 2016-21 amending  
27 Section 12-450-3 of the Centerville General Plan regarding Bicycle and Non-Motorized Vehicle  
28 Pathways and amendments and updates to the Centerville Trails Master Plan Map as referenced  
29 in Section 12-460-2. Councilman Ince seconded the motion, which passed by unanimous vote (5-  
30 0).  
31

32 At 9:28 p.m. the Council took a break, returning at 9:42 p.m.  
33

34 **ADMINISTRATIVE POLICY – NEWSLETTER, UTILITY BILL INSERTS AND PUBLIC**  
35 **OUTREACH POLICY**

36  
37 At a previous meeting, the City Council requested staff to prepare a written policy  
38 governing the use of City newsletters, utility bill inserts and other public communications. The  
39 Council specifically requested the policy to address the limitations and conditions for the use of  
40 such communications for non-city purposes or entities such as utility bill inserts for advertising  
41 CenterPoint Theatre events and other governmental or nonprofit entity information. Ms. Romney  
42 presented proposed Resolution No. 2016-24. The Council discussed and indicated support for the  
43 Mayor and staff retaining flexibility to deem what material would be in the public interest, guided by  
44 the Policy.  
45

46 Ms. Romney suggested changing the beginning language of Subsection 040(a) to: "The  
47 information is related to a governmental entity or non-profit program deemed to be in the public  
48 interest. . .". Councilwoman Ivie made a **motion** to approve Resolution No. 2016-24 adopting a  
49 new administrative policy regarding Newsletter, Utility Bill Inserts and Public Outreach Policy, with  
50 the change suggested by the City Attorney. Councilman McEwan seconded the motion, which  
51 passed by unanimous vote (5-0).  
52

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 4.

Short Title: Public Hearing - Municipal Code and Zoning Code Amendments - Prohibiting Flag Lot Development

Initiated By: Centerville City Council, Applicant

Scheduled Time: 7:30

**SUBJECT**

Consider Municipal Code and Zoning Code Amendments to prohibit flag lot development within the City and amending and repealing various sections of the Zoning Code and Subdivision Ordinance provisions regarding flag lot provisions - Ordinance No. 2016-29

**RECOMMENDATION**

Consider Ordinance No. 2016-29 amending and repealing various sections of the Zoning Code and Subdivision Ordinance to prohibit flag lot development and to repeal various flag lot provisions. The Planning Commission recommends the flag lot provisions *not* be repealed (see attached staff transmittal report).

**BACKGROUND**

On September 4, 2016, the City 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 28, 2016, the Planning Commission reviewed and held a public hearing on the proposed Municipal Code and Zoning Code Amendments to prohibit flag lot development within the City. After due consideration and discussion, the Planning Commission voted to reject the proposed amendments and to deny adoption of Ordinance No. 2016-29. The Staff Transmittal Report for this matter is attached along with additional background information.

Five flag lot applications have been approved by the Planning Commission since the current ordinance was adopted in 2011:

- Roberts/Fisher (2012) -- 535 Rowland Way
- Joan Evans (Pinehills Subdivision, 2013) -- 712 South 300 East
- Paul Cutler (2014) -- 1872 N. Main
- Chad Morris (2016) -- 347 South 400 East; not yet recorded
- Jacob Williams (2016) -- 362 South 400 East; not yet recorded

**ATTACHMENTS:**

Description

- ☐ 10-5-2016-CC Staff Transmittal Report-Flag Lots
- ☐ 09-28-2016 CC Staff Report Flag Lot Repeal
- ☐ Ordinance No. 2016-29-Flag Lot Repeal

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**PLANNING COMMISSION TRANSMITTAL REPORT**

---

**APPLICANT:           CENTERVILLE CITY COUNCIL  
                              C/O PAUL CUTLER  
                              250 NORTH MAIN STREET  
                              CENTERVILLE, UTAH 84014**

**PETITION:            SUBDIVISION AND ZONING ORDINANCE TEXT  
                              AMENDMENTS TO ELIMINATE FLAG LOT TYPE  
                              DEVELOPMENT**

**PC RECOMMENDATION:   THE COMMISSION DOES NOT RECOMMEND  
                                  APPROVAL TO ELIMINATE THE FLAG LOT  
                                  PROVISIONS OF THE ZONING AND SUBDIVISION  
                                  ORDINANCES**

---

**BACKGROUND**

In 2011, the City received a petition from landowners that desired to develop a flag-style lot. Prior to that time, the City had rescinded an earlier Ordinance allowing flag lots. As a result of that particular petition, the City adopted a “new version” of the Flag Lot Ordinance. However, this new Ordinance only allowed the use of flag-style lots, as a last report option for underutilized parcels. The current Ordinance limits the use of flag lots and are limited to the Residential-Low & Medium Zones. Additionally, all development on the flag lot is limited to a single-family home, regardless of the allowed zoning densities. The purposes and limitations of flag lot style development (see Section 15.5.102.9) are as follows:

*“Flag lots are not permitted as part of the conventional subdivision plat review and approval processes. However, flag lot development may be approved by the City, if the following conditions for the creation of a flag lot are present;*

- a. The property involved was and is not part of a previous subdivision plat approval by the City.*
- b. The property involved qualifies for a “small subdivision waiver” in accordance with Section 15.2.107 of the Subdivision Ordinance.*
- c. The approving entity finds that there are no adjacent streets stubbed to and could not eventually be constructed to or through the area to provide proper street frontage to the property as part of a conventional subdivision approval.*
- d. The approving entity finds that integrating the property with adjacent property assemblages would not result in developing a lot layout that could be approved as part of a conventional subdivision plat review and approval.*

- e. *The approving entity finds that leaving the property in its current condition results in an underutilized area that creates an opportunity for the land to become a nuisance to the area in which it is located.*

Nonetheless, on September 4, 2016, the City Council directed staff and Commission to review the flag lot allowance for consideration to rescind or prohibit flag lot configuration in any type of subdivision development.

**SUMMARY OF PLANNING COMMISSION’S ACTIONS, MOTION, AND VOTE**

On September 28, 2016, the Planning Commission reviewed the directive received from the City Council, held a public hearing, debated, and then voted NOT to recommend approval of the directive to eliminate the flag lot provisions, with the following findings:

- a. The Planning Commission finds that the flag lot provisions are consistent with the housing element of the General Plan, which indicates that the primary focus of residential development is for single-family uses.
- b. The Planning Commission finds that the current Zoning Ordinance regulates the lot area, width, and depth and finds that the current dominate single-family R-L and R-M Zoning District require a minimum lot width of 60 feet, which prohibits the use of a narrower corridor and essentially eliminates use of a typical flag lot design for oversized and underutilized parcels scattered throughout the City.
- c. The Planning Commission finds that flag lots are not permitted as part of the conventional subdivision plat review and approval processes are used as a last resort option for oversized and underutilized parcels scattered throughout the City.
- d. The Planning Commission finds that the current flag lot regulations account for the fair application of the City’s gross densities of the zoning districts for oversized and underutilized parcels scattered throughout the City.
- 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).
- g. Given findings listed above, the Planning Commission finds that the current flag lot regulations have been adequately reviewed using the Zoning Ordinance “Factors to be Considered” of Section 12.21.080(e)1-4 and the Subdivision Ordinance “General Decision-Making Standards” of Section 15.1.114(1.2).

**Planning Commission Vote (5-1):**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
Hirschi (Chair)	X		
Hirst			X

Johnson	X		
Kjar	X		
Daley		X	
Hayman	X		
Wright	X		

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

- SEPTEMBER 28, 2016 Planning Commission Meeting

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**PLANNING COMMISSION TRANSMITTAL REPORT**

---

**APPLICANT:           CENTERVILLE CITY COUNCIL  
                              C/O PAUL CUTLER  
                              250 NORTH MAIN STREET  
                              CENTERVILLE, UTAH 84014**

**PETITION:            SUBDIVISION AND ZONING ORDINANCE TEXT  
                              AMENDMENTS TO ELIMINATE FLAG LOT TYPE  
                              DEVELOPMENT**

**PC RECOMMENDATION:   THE COMMISSION DOES NOT RECOMMEND  
                                  APPROVAL TO ELIMINATE THE FLAG LOT  
                                  PROVISIONS OF THE ZONING AND SUBDIVISION  
                                  ORDINANCES**

---

**BACKGROUND**

In 2011, the City received a petition from landowners that desired to develop a flag-style lot. Prior to that time, the City had rescinded an earlier Ordinance allowing flag lots. As a result of that particular petition, the City adopted a “new version” of the Flag Lot Ordinance. However, this new Ordinance only allowed the use of flag-style lots, as a last resort option for underutilized parcels. The current Ordinance limits the use of flag lots and are limited to the Residential-Low & Medium Zones. Additionally, all development on the flag lot is limited to a single-family home, regardless of the allowed zoning densities. The purposes and limitations of flag-lot style development (see Section 15.5.102.9) are as follows:

*“Flag lots are not permitted as part of the conventional subdivision plat review and approval processes. However, flag-lot development may be approved by the City, if the following conditions for the creation of a flag lot are present;*

- a. The property involved was and is not part of a previous subdivision plat approval by the City.*
- b. The property involved qualifies for a “small subdivision waiver” in accordance with Section 15.2.107 of the Subdivision Ordinance.*
- c. The approving entity finds that there are no adjacent streets stubbed to and could not eventually be constructed to or through the area to provide proper street frontage to the property as part of a conventional subdivision approval.*
- d. The approving entity finds that integrating the property with adjacent property assemblages would not result in developing a lot layout that could be approved as part of a conventional subdivision plat review and approval.*

- e. *The approving entity finds that leaving the property in its current condition results in an underutilized area that creates an opportunity for the land to become a nuisance to the area in which it is located.*

Nonetheless, on September 4, 2016, the City Council directed staff and Commission to review the flag-lot allowance for consideration to rescind or prohibit flag-lot configuration in any type of subdivision development.

**SUMMARY OF PLANNING COMMISSION’S ACTIONS, MOTION, AND VOTE**

On September 28, 2016, the Planning Commission reviewed the directive received from the City Council, held a public hearing, debated, and then voted NOT to recommend approval of the directive to eliminate the flag-lot provisions, with the following findings:

- a. The Planning Commission finds that the flag lot provisions are consistent with the housing element of the General Plan, which indicates that the primary focus of residential development is for single-family uses.
- b. The Planning Commission finds that the current Zoning Ordinance regulates the lot area, width, and depth and finds that the current dominate single-family R-L and R-M Zoning District require a minimum lot width of 60 feet, which prohibits the use of a narrower corridor and essentially eliminates use of a typical flag-lot design for oversized and underutilized parcels scattered throughout the city.
- c. The Planning Commission finds that flag lots are not permitted as part of the conventional subdivision plat review and approval processes and are used as a last resort option for oversized and underutilized parcels scattered throughout the city.
- d. The Planning Commission finds that the current flag-lot regulations account for the fair application of the City’s gross densities of the zoning districts for oversized and underutilized parcels scattered throughout the city.
- 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 and 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).
- g. Given findings listed above, the Planning Commission finds that the current flag-lot regulations have been adequately reviewed using the Zoning Ordinance “Factors to be Considered” of Section 12.21.080(e)1-4 and the Subdivision Ordinance “General Decision-Making Standards” of Section 15-1-114(1-2).

**Planning Commission Vote (5-1):**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
Hirschi (Chair)	X		
Hirst			X

Johnson	X		
Kjar	X		
Daley		X	
Hayman	X		
Wright	X		

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

- SEPTEMBER 28, 2016 Planning Commission Meeting

**ORDINANCE NO. 2016-29**

**AN ORDINANCE AMENDING SECTION 15-1-104 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE DEFINITION OF FLAG LOT AND SMALL SUBDIVISION, REPEALING SUBSECTIONS 15-5-102(9) AND 15-5-102(10) OF THE SAME REGARDING FLAG LOT DEVELOPMENT, AND AMENDING SECTION 12.36.020 OF THE CENTERVILLE ZONING CODE REGARDING TABLE OF USES FOR RESIDENTIAL USES TO ELIMINATE FLAG LOT DEVELOPMENT AS A PERMITTED USE IN THE RESIDENTIAL-LOW (R-L) AND RESIDENTIAL-MEDIUM (R-M) ZONES**

**WHEREAS**, the City has previously adopted regulations regarding flag lot development as set forth in the Centerville Subdivision Ordinance and the Centerville Zoning Code permitting flag lot development under limited circumstances in the Residential-Low (R-L) and Residential-Medium (R-M) Zones; and

**WHEREAS**, the City Council desires to repeal the provisions of the Centerville Subdivision Ordinance and the Centerville Zoning Code regarding flag lot development and prohibiting such type of development in all zones; and

**WHEREAS**, the City is authorized to enact, amend or repeal provisions of the Centerville Subdivision Ordinance and Centerville Zoning Code pursuant to specific statutory authority, including, but not limited to Utah Code §§ 10-9a-501, et seq., and Utah Code § 10-8-84; and

**WHEREAS**, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Subdivision Ordinance and the Centerville Zoning Code.

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

**Section 1. Amendment.** Section 15-1-104 of the Centerville Municipal Code is hereby amended to revise the definition of Flag Lot and Small Subdivision to read as follows:

**15-1-104. DEFINITIONS.**

\* \* \*

(21) “Flag Lot” means an L-shaped lot that has been approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single family detached structure. [Flag lots are not permitted within the City.](#)

\* \* \*

(45) “Small Subdivision” means a subdivision of not more than 2 lots ~~or a subdivision which includes the use of flag lots~~ that meets the small subdivision waiver allowance criteria.

\* \* \*

**Section 2. Repeal.** Section 15-5-102 of the Centerville Municipal Code is hereby amended to repeal Subsections (9) and (10) regarding flag lot development. Such subsections are hereby repealed in their entirety.

**Section 3. Amendment.** Section 12.36.020 of the Centerville Zoning Code regarding the Table of Uses for Residential Uses is hereby amended to eliminate the use of “flag lot subdivision development” as a permitted use in the Residential-Low (R-L) and the Residential-Medium (R-M) Zones and to list such use as “not permitted” in any zone as follows:

**12.36.020 Table of Uses for Residential Uses**

\* \* \*

Zones															
Residential Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Flag Lot Subdivision Development	N	N	<del>NP</del>	<del>NP</del>	N	N	N	N	N	N	N	N	N	N	N

\* \* \*

**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 5. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 18th DAY OF OCTOBER, 2016.**

ATTEST:

CENTERVILLE CITY

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 5.

Short Title: Report from staff re street sweeping frequency, priorities, etc.

Initiated By: City Council

Scheduled Time: 8:00

**SUBJECT**

**RECOMMENDATION**

Allow Dave Walker, Drainage Utility Supervisor, to explain how street sweeping frequency and priorities are determined, and answer questions from the Council.

**BACKGROUND**

Several Council Members have expressed interest in knowing how street sweeping frequency and priorities are determined. The attached emails include their questions and requests to have this matter on a City Council agenda. The attached emails also include an initial explanation from Dave Walker, which can be a beginning point for Dave's report. The FY 2017 Budget includes a total of \$44,000 for street sweeping--\$22,000 in the Streets Division of the General Fund, and \$22,000 in the Drainage Utility Fund.

**ATTACHMENTS:**

Description

- ☐ Emails re street sweeping

## Steve Thacker

---

**From:** Dave Walker  
**Sent:** Friday, September 30, 2016 2:32 PM  
**To:** Steve Thacker  
**Cc:** Randy Randall  
**Subject:** RE: Council's questions re street sweeping

Steve,

I'd be happy to answer any questions regarding street sweeping either independently or as a group.

The contract documents are on file at City Hall if anyone would like to view them.

As mentioned to you before, we have evolved over the past couple of years from doing a standard 5 City wide sweepings, to doing 4 and focusing more on trouble areas (dirt road connections, areas with inadequate drainage, water leak areas) and added focus on 400 west since its adoption as an official bike lane.

Our ideal schedule for City wide sweeps would be

- Late summer to help with grass and dirt from landscape activities throughout the season
- Fall to help with the collection of leaves, supplementing our staff using equipment to collect identified areas with large quantities. This becomes problematic because residents often blow leaves into the gutters expecting the City to collect them. This is not the case and violates our Storm water ordinances. "Catching them in the act" and enforcement are extremely difficult in this instance.
- Early spring to collect debris and dirt pushed aside from snowplows and snowmelt.
- Early summer as routine maintenance expected by our MS4 (Municipal Separate Storm Sewer Systems) permit.

All of the times are contingent on scheduling with the contractor, as well as weather as it is inefficient to sweep during rain or snow.

Let me know if there is anything else I can do.

Dave

---

**From:** Steve Thacker  
**Sent:** Wednesday, September 28, 2016 12:01 PM  
**To:** Randy Randall; Ken Williams; Dave Walker  
**Cc:** Paul Cutler; City Council  
**Subject:** Council's questions re street sweeping

Randy, Ken and Dave:

Please see below emails from council members with questions/concerns about street sweeping. This is the basis for my recent questions to Dave about the frequency of sweeping residential roads versus collectors. The Council would like a report on this matter. Randy, who would you like to assign to speak with the Council in an upcoming meeting—either on October 4 or 18? Considering the unpredictable nature of some of the business on the October 4 agenda, **I suggest October 18 may be better.**

Steve

---

**From:** Robyn Mecham  
**Sent:** Wednesday, September 28, 2016 8:51 AM  
**To:** Stephanie Ivie; Bill Ince  
**Cc:** Steve Thacker; City Council; Paul C  
**Subject:** RE: Cycling issues.

i agree I would also like this information Thanks

---

**From:** Stephanie Ivie  
**Sent:** Tuesday, September 27, 2016 5:36 PM  
**To:** Bill Ince  
**Cc:** Steve Thacker; City Council; Paul C  
**Subject:** Re: Cycling issues.

I would also like to know the specifics of the street sweeping contract. The timing and frequency of the sweeping often appear to be less-effective. (Such as sweeping right before the leaves fall)  
I would appreciate having this added to the Council agenda.

Thanks,  
Stephanie Ivie  
Centerville City Council

On Sep 27, 2016, at 4:54 PM, Bill Ince <[bill.ince@centervilleut.com](mailto:bill.ince@centervilleut.com)> wrote:

During the cycling discussions, following my faux pau, I made the comment about reducing the number of times the street sweeper hits subdivisions, and increasing the maintenance on Main Street and major roads which are bike routes.

The street sweeper was by my house again last week. I know that is twice this summer. I do not know what our contract arrangements are or how often they come. While there are some things on the bike issue, where I am less inclined to be generous with accommodations, this is one where I am. I would like to know how the street sweeping contract works (do we have our own-I think not, so what do we spend, and what do we get, and how often do they sweep what). I would like to see if we can reduce the "obstructions" on the main bike thoroughfares. I see this as a safety issue.

Robyn, George, Stephanie, or Tammy, if one of you could confirm this request to Steve, so it can be put on the agenda either for 10/4 or 10/18, I would be appreciative.

Thanks to all.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 6.

Short Title: Financial report for three-month period ending September 30

Initiated By: Blaine Lutz, Assistant City Manager/Finance Director

Scheduled Time: 8:10

**SUBJECT**

**RECOMMENDATION**

Allow Blaine Lutz--or Steve Thacker in his absence--to explain and answer questions about the financial report for the 3-month period ending September 30, 2016.

**BACKGROUND**

The 3-month report is attached, prepared by Blaine Lutz.

**ATTACHMENTS:**

Description

- ☐ Interim Financial Report 9/2016
- ☐ 1st quarter history



<b>Capital Projects</b> <b>Unaudited Summary</b> <b>September 30, 2016</b>
--

This Month	Year to Date	FY 17 Budget	<u>25%</u> % Budget
---------------	-----------------	-----------------	---------------------------

**Capital Improvement**

**Storm Drain**

Revenues:

Fund Balance				
Impact Fees	\$0	\$4,881	\$25,000	19.52%
Grants	\$0	\$0	\$0	0.00%
Drainage Fees	\$54,015	\$164,275	\$580,871	28.28%
Other	\$106	\$390	\$1,200	32.50%
Total Revenues	<u>\$54,121</u>	<u>\$169,546</u>	<u>\$607,071</u>	<u>27.93%</u>

Expenditures	\$0	\$0	\$653,852	0.00%
--------------	-----	-----	-----------	-------

Fund Balance at Beginning of Year (est.) \$166,706

Fund Balance estimate 9/30/2016 \$336,252

**Park**

Revenues:

Fund Balance				
Impact Fees	\$2,057	\$18,513	\$50,000	37.03%
Transfer	\$0	\$0	\$0	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$500	0.00%
Total Revenues	<u>\$2,057</u>	<u>\$18,513</u>	<u>\$50,500</u>	<u>36.66%</u>

Expenditures	\$0	\$0	\$148,519	0.00%
--------------	-----	-----	-----------	-------

Fund Balance at Beginning of Year (est.) \$276,729

Fund Balance estimate 9/30/2016 \$295,242

**Transportation Projects Fund**

Revenues:

Fund Balance				
Sales Tax	\$23,899	\$76,691	\$315,000	24.35%
Class C	\$0	\$0	\$525,000	0.00%
Other	\$0	\$0	\$1,000	0.00%
Transfers	\$0	\$0	\$210,000	0.00%
Total Revenues	<u>\$23,899</u>	<u>\$76,691</u>	<u>\$1,051,000</u>	<u>0.00%</u>

Expenditures	\$0	\$5,123	\$1,101,000	0.47%
--------------	-----	---------	-------------	-------

Fund Balance at Beginning of Year (est.) \$0

Fund Balance estimate 9/30/2016 \$71,568

**UTOPIA Project Fund**

Revenues:

Fund Balance				
Transfers - General	\$38,579	\$115,737	\$267,953	43.19%
RDA additional increment	\$0	\$0	\$195,000	0.00%
Other	\$0	\$0	\$0	0.00%
Total Revenues	<u>\$38,579</u>	<u>\$115,737</u>	<u>\$462,953</u>	<u>25.00%</u>

Expenditures

UTOPIA Pledge	\$38,579	\$115,737	\$462,953	25.00%
Total Expenditures	<u>\$38,579</u>	<u>\$115,737</u>	<u>\$462,953</u>	<u>25.00%</u>

Fund Balance at Beginning of Year (est.) \$0

Fund Balance estimate 9/30/2016 \$0

<b>RDA/Special Revenue Unaudited Summary September 30, 2016</b>
---

	This Month	Year to Date	FY 16 Budget	<u>25%</u> % Budget
<b><u>RDA</u></b>				
Revenues	\$6,282	\$12,796	\$1,918,000	0.67%
Expenditures	\$56,406	\$71,004	\$1,918,000	3.70%
Fund Balance at Beginning of Year (est.)		\$408,210		
Fund Balance estimate 9/30/2016		\$350,002		
Theater reserve balance	\$450,965			

<b><u>Recreation</u></b>				
<b><u>Revenues</u></b>				
Recreation	\$0	\$1,220	\$79,000	1.54%
Youth Baseball	\$1,080	\$11,835	\$36,000	32.88%
Concession Sales	\$0	\$2,847	\$20,000	14.24%
Other	\$0	\$41,000	\$41,000	100.00%
Total Revenues	\$1,080	\$56,902	\$176,000	32.33%

<b><u>Expenditures</u></b>				
Recreation	\$11,113	\$48,234	\$120,000	40.20%
Concessions	\$493	\$2,116	\$20,000	10.58%
Youth Baseball/Softball	\$0	\$1,875	\$36,000	5.21%
Total Expenditures	\$11,606	\$52,225	\$176,000	29.67%

Revenue Over/Under Expend \$ (10,526) \$ 4,677 \$ -

Balance at Beginning of Year (est.) \$81,101  
Fund Balance estimate 9/30/2016 \$85,778

<b><u>Sales Tax Debt Service (DCAC)</u></b>				
Revenues	\$0	\$0	\$593,012	0.00%
Expenditures	\$0	\$0	\$593,012	0.00%
Reserved Fund Balance		\$0		
Fund Balance estimate 9/30/2016		\$0		

<b><u>Whitaker Trust</u></b>				
Beginning fund balance				
Revenues	\$697	\$31,521	\$61,675	51.11%
Expenditures	\$2,725	\$12,496	\$65,056	19.21%
Fund Balance at Beginning of Year (est.)		\$17,993		
Fund Balance estimate 9/30/2016		\$37,018		

<b><u>RAP Tax Fund</u></b>				
RAP tax	\$29,375	\$93,352	\$442,500	21.10%
Parks	\$0	\$0	\$0	0.00%
Whitaker	\$0	\$0	\$8,800	0.00%
DCPA	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$433,700	0.00%
Total expenditures	\$0	\$0	\$442,500	0.00%

Fund Balance at Beginning of Year \$0  
Fund Balance estimate 9/30/2016 \$93,352

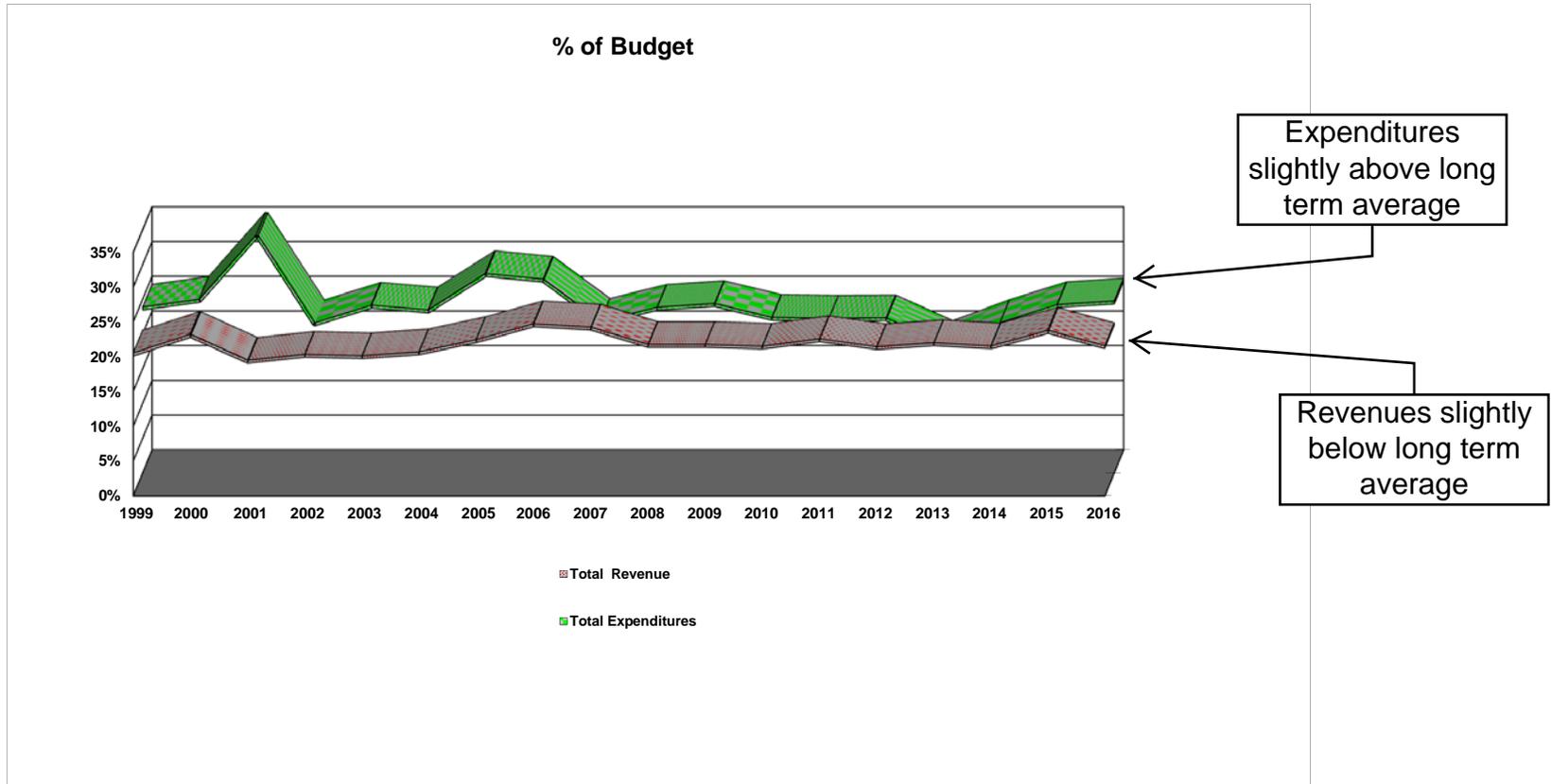
<b><u>Perpetual Care</u></b>				
Revenues	\$0	\$2,350		
Balance		\$339,600		

<b>Enterprise Funds</b> <b>Unaudited Summary</b> <b>September 30, 2016</b>
--

	This Month	Year to Date	FY 15 Budget	25% % Budget
<b><u>Water</u></b>				
Revenues:				
Impact/construction Fees	\$1,013	\$20,814	\$275,000	7.57%
Water Sales	\$203,662	\$616,850	\$2,222,000	27.76%
Other	\$2,070	\$6,047	\$61,000	9.91%
Total Revenues	\$206,745	\$643,711	\$2,558,000	25.16%
Expenditures				
Operating/Dep/Debt	\$85,149	\$635,333	\$2,192,167	28.98%
Capital Improvement	\$42,022	\$44,963	\$640,900	7.02%
Total Expenditures	\$127,171	\$680,296	\$2,833,067	24.01%
Current Net Position - beginning of year	\$240,419			
Current Net Position	\$203,834			
<b><u>Sanitation</u></b>				
Revenues:				
Collection Fees	\$58,136	\$174,628	\$700,000	24.95%
Recycling fees	\$14,875	\$44,536	\$176,000	25.30%
Green Waste fees	\$9,209	\$27,622	\$106,750	25.88%
Other	\$187	\$877	\$11,000	7.97%
Total Revenues	\$82,407	\$247,663	\$993,750	24.92%
Expenditures:				
Disposal	\$28,492	\$56,922	\$250,000	22.77%
Collection	\$21,040	\$42,079	\$303,000	13.89%
Recycling	\$12,536	\$24,460	\$174,000	14.06%
Green Waste Disposal	\$5,183	\$5,179	\$31,000	16.71%
Other	\$7,910	\$18,482	\$212,000	8.72%
Total Expenditures	\$75,161	\$147,122	\$970,000	15.17%
Current Net Position - beginning of year	\$7,588			
Current Net Position	\$108,129			
<b><u>Drainage</u></b>				
Revenues	\$103,503	\$310,400	\$1,246,500	24.90%
Operating Expenditures	\$27,826	\$234,412	\$1,326,625	17.67%
Capital Expenditures	\$4,922	\$4,922	\$4,500	109.38%
Total Expenditures	\$32,748	\$239,334	\$1,331,125	17.98%
Current Net Position - beginning of year	\$182,253			
Current Net Position	\$253,319			
<b><u>Telecommunications</u></b>				
Revenues:				
Connection Fees	\$23,560	\$68,370	\$210,000	32.56%
Total Revenues	\$23,560	\$68,370	\$210,000	32.56%
Expenditures:				
Utility Service charges	\$21,775	\$57,803	\$199,500	28.97%
Operating service charge	\$1,146	\$2,241	\$10,500	21.34%
Total Expenditures	\$22,921	\$60,044	\$210,000	28.59%
Current Net Position - beginning of year	\$18,234			
Current Net Position	\$26,560			

**General Fund  
Quarterly Summary History  
September 2016  
(25% Fiscal Year)**

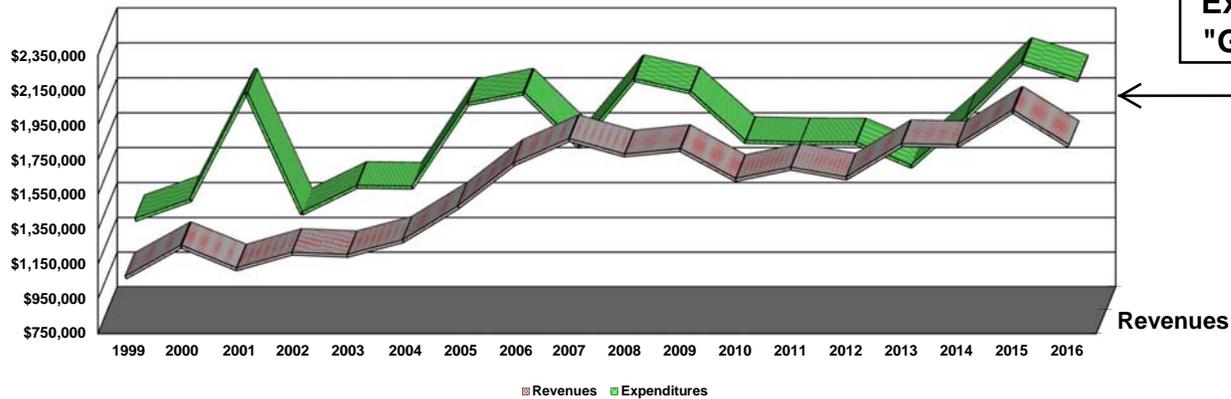
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
<b>Revenues</b>																			
Property Tax	0.69%	0.89%	1.15%	1.23%	1.10%	0.71%	1.63%	0.68%	0.62%	1.36%	2.79%	1.51%	2.31%	1.65%	2.85%	4.72%	4.67%	7.06%	2.09%
Fee in Lieu	25.18%	27.57%	29.24%	20.24%	25.39%	24.74%	27.22%	28.76%	22.82%	25.62%	21.63%	23.54%	28.40%	28.74%	27.00%	29.54%	29.18%	27.21%	26.22%
Sales Tax	25.13%	24.57%	22.63%	23.86%	22.47%	25.11%	25.29%	26.49%	22.86%	24.11%	21.93%	23.34%	22.80%	23.48%	24.17%	23.90%	24.39%	23.51%	23.89%
Franchise Taxes	17.58%	24.53%	24.02%	30.96%	23.82%	21.78%	25.63%	24.05%	24.69%	24.90%	22.53%	23.65%	20.53%	23.09%	20.36%	24.97%	23.21%	25.53%	23.66%
Licenses & Permits	20.53%	43.29%	20.09%	16.67%	30.36%	26.46%	29.32%	63.64%	68.38%	33.31%	16.59%	12.22%	82.95%	21.19%	39.78%	13.86%	62.12%	15.51%	34.24%
Intergovernmental	25.69%	27.97%	19.18%	19.66%	20.70%	24.84%	24.82%	32.43%	35.46%	28.61%	30.09%	25.33%	28.34%	31.84%	25.58%	19.20%	17.95%	4.15%	24.55%
Charges for Serv.	24.48%	36.07%	14.83%	44.43%	28.20%	23.05%	42.23%	26.41%	35.09%	21.11%	32.19%	32.36%	24.36%	27.90%	26.53%	25.26%	21.93%	26.61%	28.50%
Fines	26.30%	27.18%	23.46%	28.03%	25.83%	25.47%	25.56%	25.87%	23.62%	28.04%	31.67%	22.15%	19.55%	24.73%	28.17%	29.99%	22.27%	21.08%	25.50%
Miscellaneous	11.68%	65.24%	24.96%	90.52%	14.37%	26.65%	20.05%	36.69%	15.59%	15.75%	9.95%	12.40%	18.92%	13.24%	6.68%	16.75%	4.39%	15.29%	23.28%
Transfers/Contributio	17.19%	17.47%	19.51%	19.62%	19.31%	15.71%	20.45%	0.00%	0.00%	8.44%	54.62%	22.56%	0.00%	0.00%	4.84%	6.15%	100.00%	962.25%	71.56%
<b>Total</b>	<b>20.30%</b>	<b>22.98%</b>	<b>19.24%</b>	<b>20.10%</b>	<b>19.90%</b>	<b>20.47%</b>	<b>22.23%</b>	<b>24.49%</b>	<b>24.03%</b>	<b>21.53%</b>	<b>21.53%</b>	<b>21.27%</b>	<b>22.35%</b>	<b>21.21%</b>	<b>21.77%</b>	<b>21.31%</b>	<b>23.56%</b>	<b>21.34%</b>	<b>21.65%</b>
<b>Expenditures</b>																			
<b>Total</b>	<b>23.63%</b>	<b>24.74%</b>	<b>34.07%</b>	<b>21.33%</b>	<b>23.89%</b>	<b>23.21%</b>	<b>28.44%</b>	<b>27.66%</b>	<b>21.56%</b>	<b>23.60%</b>	<b>24.13%</b>	<b>22.14%</b>	<b>22.01%</b>	<b>22.06%</b>	<b>18.37%</b>	<b>21.41%</b>	<b>23.98%</b>	<b>24.49%</b>	<b>23.93%</b>



**General Fund  
Quarterly Summary History  
September 2016  
(25% Fiscal Year)**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>Revenues</b>																		
Property Tax	\$4,968	\$6,612	\$9,373	\$10,034	\$9,043	\$5,940	\$13,502	\$6,172	\$5,403	\$12,205	\$25,909	\$14,175	\$22,021	\$16,269	\$28,343	\$47,568	\$48,214	\$74,633
Fee in Lieu	\$38,521	\$38,809	\$42,860	\$32,389	\$41,227	\$40,818	\$42,193	\$42,572	\$33,775	\$35,864	\$31,367	\$31,778	\$28,403	\$27,303	\$34,304	\$27,471	\$27,723	\$27,209
Sales Tax	\$542,679	\$563,585	\$560,285	\$557,680	\$538,265	\$612,403	\$654,267	\$746,280	\$771,382	\$850,398	\$727,957	\$707,168	\$711,358	\$765,463	\$835,165	\$875,205	\$914,853	\$935,276
Franchise Taxes	\$76,266	\$125,734	\$153,694	\$200,129	\$173,455	\$162,386	\$207,340	\$218,863	\$239,760	\$243,914	\$234,792	\$248,343	\$221,673	\$258,154	\$270,802	\$332,160	\$308,697	\$318,042
Licenses & Permits	\$50,031	\$101,463	\$45,089	\$36,230	\$63,874	\$64,792	\$87,259	\$193,160	\$218,549	\$106,787	\$39,120	\$28,311	\$267,954	\$71,456	\$141,762	\$49,395	\$222,436	\$55,985
Intergovernmental	\$165,888	\$143,979	\$100,052	\$103,572	\$112,067	\$127,807	\$156,103	\$175,670	\$174,771	\$182,813	\$198,884	\$158,883	\$140,988	\$160,658	\$154,110	\$99,398	\$98,669	\$2,000
Charges for Serv.	\$32,467	\$53,262	\$15,519	\$39,847	\$37,150	\$27,586	\$58,831	\$181,748	\$273,653	\$142,228	\$190,318	\$261,165	\$178,861	\$219,298	\$221,619	\$231,434	\$218,684	\$282,421
Fines	\$88,120	\$105,172	\$90,799	\$112,941	\$108,769	\$114,602	\$125,232	\$131,933	\$128,707	\$152,791	\$182,119	\$134,034	\$114,343	\$117,477	\$136,647	\$147,570	\$119,130	\$108,538
Miscellaneous	\$11,286	\$40,871	\$15,332	\$28,065	\$9,333	\$19,044	\$15,357	\$27,189	\$17,591	\$26,714	\$10,555	\$10,885	\$14,862	\$7,447	\$3,557	\$8,500	\$2,226	\$6,611
Transfers/Contr.	\$63,249	\$72,123	\$88,518	\$91,080	\$106,169	\$107,762	\$117,834	\$0	\$0	\$21,861	\$166,266	\$40,250	\$0	\$0	\$8,829	\$9,500	\$65,828	\$19,245
<b>Total</b>	<b>\$1,073,475</b>	<b>\$1,251,610</b>	<b>\$1,121,521</b>	<b>\$1,211,967</b>	<b>\$1,199,352</b>	<b>\$1,283,140</b>	<b>\$1,477,918</b>	<b>\$1,723,587</b>	<b>\$1,863,591</b>	<b>\$1,775,575</b>	<b>\$1,807,287</b>	<b>\$1,634,992</b>	<b>\$1,700,463</b>	<b>\$1,643,525</b>	<b>\$1,835,138</b>	<b>\$1,828,201</b>	<b>\$2,026,460</b>	<b>\$1,829,960</b>
<b>Expenditures</b>																		
Total	\$1,271,049	\$1,383,201	\$1,999,096	\$1,305,996	\$1,460,333	\$1,456,143	\$1,934,799	\$1,994,826	\$1,687,664	\$2,072,419	\$2,002,464	\$1,717,906	\$1,710,689	\$1,709,714	\$1,576,140	\$1,855,323	\$2,171,089	\$2,070,660
Revenue/Exp.	-\$197,574	-\$131,591	-\$877,575	-\$94,029	-\$260,981	-\$173,003	-\$456,881	-\$271,239	\$175,927	-\$296,844	-\$195,177	-\$82,914	-\$10,226	-\$66,189	\$258,998	-\$27,122	-\$144,629	-\$240,700

**Dollar Comparison**



**Revenues and  
Expenditures down.  
"Gap" has widened.**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 7.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 8:20

**SUBJECT**

- a. Fire Service Area reports

**RECOMMENDATION**

**BACKGROUND**

- a. Excerpts from the latest monthly reports for the South Davis Metro Fire Service Area will be attached--when available.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 8.

Short Title: City Council Liaison Report - Councilwoman Mecham - Trails Committee and Davis County Transportation Committee

Initiated By:

Scheduled Time: 8:30

**SUBJECT**

**RECOMMENDATION**

Allow Councilwoman Robyn Mecham to report on the issues and activities of the Centerville Trails Committee and Davis County Transportation Committee.

**BACKGROUND**

Councilwoman Mecham is the City Council's liaison to the Trails Committee and also serves on the County Transportation Committee as a Centerville representative.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 9.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:40

**SUBJECT**

- a. Main Street crosswalks update
- b. Federal funding application
- c. Update re sidewalk replacement project

**RECOMMENDATION**

**BACKGROUND**

- a. In an earlier meeting the City Council expressed a desire to enhance the safety of three crosswalks on Main Street between Parrish Lane and Pages Lane and authorized spending up to \$2000 for such enhancements. Since this is a State road, Mayor Cutler and staff met with Darin Fristrup of UDOT Region One to discuss the desired enhancements. Based on that meeting, a letter was sent to UDOT formally requesting the City be allowed to install vertical curb markers and pedestrian flags at these three crosswalks. In response, UDOT sent the attached letter, which delays implementation at two crosswalks and raises the possibility that the third crosswalk may have to be removed if not justified by a pedestrian study.
- b. The City Manager will report on the federal transportation funding application deadlines over the next few months and his recommendation of projects to include in the City's applications.
- c. The City Manager will update the Council regarding the sidewalk replacement project that was authorized in an earlier Council meeting.

**ATTACHMENTS:**

Description

- ☐ UDOT Letter re Crosswalks

cc ST  
Paul Child



DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.  
Executive Director

SHANE M. MARSHALL, P.E. )  
Deputy Director

RECEIVED  
OCT - 3 2016  
CENTERVILLE CITY CORP.

State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

September 28, 2016

Mayor Paul A. Cutler  
Centerville City  
250 North Main  
Centerville, UT 84014-1824

RE: Marked Crosswalks on SR-106 (Main St)

Dear Mayor Cutler:

I am in receipt of your letter dated September 20, 2016, regarding the three existing crosswalks on SR-106 (Main St) between Pages Lane and Parrish Lane. Currently, the three existing crosswalks on Main St are school crosswalks. Before safety improvements are made at the three crosswalks, I have to verify that the crosswalks are part of the Student Neighborhood Access Program (SNAP) plan for the nearby schools. If the crosswalks are part of a school's SNAP plan, we can discuss the options of additional improvements at the crosswalks, such as vertical markers and pedestrian flags. However, if any of the crosswalks are not on a school's SNAP plan, a pedestrian study is required to be performed to determine if the crosswalk meets the necessary requirements to maintain a standard marked crosswalk. If it meets the requirements, the crosswalk will be allowed to remain; but if it does not meet the requirements, the crosswalk will have to be removed. I will have the Region Traffic & Safety division review the nearby schools' SNAP plan and then if necessary, schedule a pedestrian study for the crosswalks. Until such time, please do not install any additional enhancements at the crosswalks. If you have any questions regarding this issue, please contact me at 801-620-1607.

Sincerely,

Darin K. Fristrup, P.E.  
Region Traffic Operations Engineer

Cc: Kris T. Peterson, Region One Director  
File

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 10.

Short Title: City Attorney Training - Role of Planning Commission

Initiated By: City Attorney

Scheduled Time: 8:50

**SUBJECT**

Training by City Attorney Lisa Romney regarding the role of the Planning Commission

**RECOMMENDATION**

**BACKGROUND**

The City Attorney recently provided training to the Planning Commission regarding the roles and responsibilities of the Planning Commission. The City Attorney would like to have a similar discussion and training session with the City Council regarding the role of the Planning Commission and the relationship between the Council and the Commission. Attached are two documents that were provided to the Planning Commission for discussion. Also attached is a short PowerPoint presentation that will be reviewed.

**ATTACHMENTS:**

Description

- Role of Planning Commission-David Church
- Role of Planning Commission-ULCT Handbook
- Roles and Responsibilities-PowerPoint

THE PLANNING COMMISSION  
ONE ATTORNEY'S VIEW

BY DAVID L. CHURCH

One of the most important required committees in Utah municipalities is the planning commission. Membership of planning commissions consists, by in large, of dedicated volunteers who perform this service out of love for their community and interest in the subject. However, for some reason some planning commissions and planning commissioners are continually in dispute with their city or town council or with the land owners who have to deal with them. This is unfortunate and in my view is a product of misunderstanding the role of the planning commission and its members.

Every Utah municipality is required to pass an ordinance establishing a planning commission<sup>1</sup>. The ordinance is required to define the number and terms of the members of the planning commission and alternate members if any. This can and does change from city to city. There is no required number on a planning commission nor a magic or best number. In theory a planning commission could consist of one or fifty. In addition the ordinance must indicate the mode of appointment. This implies that perhaps someone other than the mayor (or the city manager in the city manager optional form of government) could be given the right to appoint planning commission members by the ordinance. I do not believe this would be a proper interpretation. Mayors or city managers, depending on the form of government in the city, clearly have the statutory authority to appoint, with the advice and consent of councils, persons to the city commissions including the planning commission.<sup>2</sup> To be consistent with the other provisions of the Utah Municipal Code, the mode of appointment of planning commissioners in the ordinance would have to be limited to things other than the power of appointment. The ordinance must also contain the procedures for filling vacancies and removal from office. This has been an overlooked provision in most ordinances and the source of some contention and even law suits. The best practice is to make this section fairly specific and have definite standards of conduct and attendance for commission members. Without these specifics it may be difficult to remove members from a commission prior to the expiration of their term in office.

The ordinance should also detail the authority of the planning commission. Every planning commission is required, by state law, to have a role in the municipality's establishment of its basic land use control policy. This authority given by state law cannot be taken from the planning commission by the city or town council. This minimum role consists of making recommendations to the city or town council for a general plan and amendments to the general plan and recommendations to the city or town council land use ordinances, zoning maps, official maps, and amendments. The planning commission must also be involved in making recommendations on proposed subdivision plats.

---

<sup>1</sup> Utah Code 10-9a-301

<sup>2</sup> Utah Code sections 10-3-809(2)(h), 10-3-1219(d), and 10-9-1226(2)(7)

No other powers or duties need be given to the planning commission by the city or town and the planning commission does not have any other inherent powers. Many commissions try to involve themselves in matters such as business licensing, animal regulations and nuisance enforcement. This is appropriate only if the city or town ordinances specifically delegate these responsibilities to them.

The city and town land use ordinances, which the planning commission has made recommendations on, must identify a land use authority and an appeal authority for every land use decision applying the adopted city or town land use ordinances.<sup>3</sup> The planning commission may be designated in the land use ordinances as the land use authority in the city for making land use decisions or they may be designated as the appeal authority for appeals from land use decisions, but the planning commission cannot be the deciding authority and the appeal authority on the same issues. For example if the planning commission is given by the city or town ordinance the authority to review and approve site plans then some other person or body must be given the authority to appeal the decisions of the planning commission on site plans.

The ordinance setting up the planning commission should also establish the details of how the commission operates and the rules of procedure of the planning commission. The ordinance may also fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended. This section of state law should be read to say that planning commissioners may be reimbursed for their services but it is not paid employment.

It is not uncommon for members of a planning commission to get “cross wise” with the city or town council. This is understandable since the primary purpose of the planning commission is to make reasoned recommendations to the council about the general plan and the land use ordinances, but the city or town council is under no obligation to take the recommendations of the planning commission. It is not a rare occurrence for members of a planning commission to become invested in their recommendations. These recommendations are the product of long public processes and hard decision making. It can appear disrespectful to the process and the efforts of the planning commission when the council ignores the recommendations of the planning commission and goes off on its own. There is no solution to this source of conflict. Decisions regarding the general plan and the adoption of land use ordinances are legislative acts that are intended to be made by elected policy makers and not by appointed commissioners. Council members should respect the recommendation of the planning commissions, but in the end they need to vote for their own constituents according to their own consciences.

It is also not uncommon for city and town councils to become frustrated with their own planning commissions. This is generally not because of any recommendation made by the planning commission, but when the commission is acting as a land use authority and granting or denying permits and approvals. The principle source of this frustration is

---

<sup>3</sup> Utah Code section 10-9a-302.

a planning commission's attempt to exercise discretion in granting or denying these permits. Utah law is very clear that a landowner is entitled to approval of a land use application if the application complies with the city or town's ordinance.<sup>4</sup> It is specifically stated in Utah law that a land use authority cannot impose any requirement on an applicant for a land use permit that is not specifically expressed in either state law or local ordinances.<sup>5</sup> In addition the law states that if a proposed subdivision, with limited exceptions, complies with the city or town ordinances, it must be approved.<sup>6</sup> What this means is that the planning commission, when acting as a land use authority, has very little discretion on whether or not to grant or deny the permit. If the land owner's application complies with the ordinances, the commission (or any other appointed land use authority) must approve it, and if it does not comply then the planning commission must deny the application. This is regardless of whether or not the planning commission, or the public, thinks that the application is a good or bad idea. In addition if the city or town ordinances are ambiguous they must be interpreted by the city or town in favor of the land owner.<sup>7</sup> When a planning commission ignores the law and approves (or denies) a land use application in violation of the city or town ordinances it creates trouble and unnecessary conflict for the city or town council. This, no matter how well intentioned, is never in the public interest.

There are, I believe, some basic rules for members of a planning commission to follow that will help the planning process and avoid conflict between the planning commissions and the city or town councils.

First, planning commissioners must understand and appreciate the dual role that they may play. When they are making a recommendation on a general plan or on a land use ordinance they are a part of the political, legislative process. They have broad discretion in what their recommendation can be. They can listen to the public even if it is just uneducated clamor. When the planning commission is acting as a land use authority it has little discretion. The land owner's application either complies with the ordinances or it does not. An individual planning commissioner's opinion of the merits of a proposed land use application is not relevant to the process. Any individual commissioner's opinion, and any of the public's comments and concerns, are relevant only to the extent that they speak to issue of compliance with the existing law.

Second, planning commissioners must understand that the planning commission is intended to shape policy not make policy. It is not a representative body and has no constituency. Commissioners do not represent neighborhoods or points of view. The role is not to act as a gate keeper. Their role is to be experts in planning and the local ordinances. They are to make reasoned recommendations and apply the ordinances as written. If a planning commissioner wants to be a policy maker he or she just needs to

---

4 Utah Code section 10-9a-509(1)(a)

5 Utah Code section 10-9a-509(1)(e)

6 Utah Code section 10-9a-603(2)

7 *Brown v. Sandy City Bd. of Adjustment*, 957 P.2d 207, 210 (Utah Ct. App. 1998) and *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (Utah Ct.App.1995).

put their names on a ballot and win an election. Until they do so they should not attempt to make policy. They should be content with just shaping policy and administering the ordinances as written.

Third, planning commissioners should respect the public process and the due process rights of the land owners. All meetings of the planning commission must comply with the Utah Open and Public Meetings Act.<sup>8</sup> This means that both decisions and deliberations of a planning commission must be public. A public hearing is required by law for many of the things that a planning commission may be involved in and can be held by many planning commissions on other matters as a matter or routine. The purpose of a public hearing is to receive information from, and give information to the public. It is not to seek the public's approval or permission to do something. In my opinion it is never appropriate to poll the members of the public in attendance at a meeting to see what they think. The people in attendance at any meeting are not necessarily representative of the residents of the city or town as a whole. They are at the meeting because they have a position that is so strongly held that they will leave their TV's and come to a meeting. While what they say matters, the volume and number of repetitions does not. A public hearing should be a time that the planning commission listens and learns. It is not a time to convince or argue with the public. Procedural due process requires that an applicant for any permit be given notice of any meeting regarding his or her application; the right to be heard; and a fair hearing or decision. Utah law requires that the applicant be given specific notice of the date, time and place of any meeting where the application is being considered and also be given copies of any staff reports regarding the application at least three days before the meeting or hearing.<sup>9</sup>

Lastly, it is important to remember that being on a planning commission is about public service. One of the primary roles of a planning commission is to help the landowner accomplish with his land what the landowner desires in a manner consistent with the city's plans and ordinances. Many planning commissioners seem to enjoy frustrating the plans of the landowner. They take delight in telling people no—instead of how. Some planning commissioners feel that it is their role to force an applicant to do what the commissioner would do if the commissioner owned the property. These attitudes do not serve the public.

A planning commission fulfills its purpose when it acts in a manner supportive of the policy and policy makers. It is not intended to be adversarial to the council. It is not a check or balance to the council. It is not there to slow growth or frustrate land owners. It is there to add professionalism, fairness and common sense to the planning and land use control process. It only serves this valuable function when it works within the constraints of the law and without regard to public prejudice and the clamor of the crowd.

---

<sup>8</sup> Utah Code sections 52-4-1 et. seq.

<sup>9</sup> Utah Code sections 10-9a-202.



Handbook for New Planning Commissioners

Utah League of Cities and Towns  
State Institutional Trust Lands  
2003

## II - The Responsibilities of the Planning Commission

### Legal Responsibilities

Section 10-9-204, U.C.A., defines the powers and duties of the Planning Commission. They are:

- Prepare and recommend a General Plan, or amendments to the General Plan, to the legislative body;
- Recommend zoning ordinances, or amendments to a zoning ordinance, to the legislative body;
- Administer the zoning ordinance once it has become law;
- Recommend subdivision ordinances, and amendments, to the legislative body;
- Recommend approval or denial of subdivision applications;
- Write and recommend an annexation policy plan if requested to do so by the legislative body;
- Give advice on other planning and land use matters to the legislative body when asked;
- Publicly hear and decide any other matters designated by the legislative body, such as conditional uses, status or expansion of nonconforming uses, building permits, historical designation, long-term planning, open-space designation, etc.

### "Political" Responsibilities

The "softer" responsibilities of the Planning Commission, assumed but not quoted in the state code, require that the Commission:

- Represent the "public good";
- Strike a balance between private property rights and the good of the community;
- Allow citizens to have an active role in the planning processes of their community;
- Ensure that planning is done in a reasonable, legal fashion;
- Protect Constitutional rights, such as "due process", property rights, and fair and equal treatment.

### III - The Role of the Individual Commissioner

There are no absolute rules that are written any place about how you should act as a Commissioner. There are, however, a lot of suggestions from many different sources.

Here are some very basic rules that apply:

- Remember that you are a member of a Commission that has power, but the power lies in the majority vote - not with the individual.
- Remember that you are not there representing a specific neighborhood, business, or interest. Your responsibility is to protect "the public good" which has hopefully been defined by the General Plan and the development ordinances.
- You are subject to the same rules of ethics and procedures as elected officials.

Perhaps the easiest way of defining the role of a Planning Commissioner is to look at a list of "shalts" and "shalt nots".

The Shalts:

- attend meetings and vote;
- preview materials for cases and take field trips when appropriate;
- pay attention to the information that is presented by all parties in the meetings of the Commission;
- ask questions if you need to;
- represent the good of the community rather than the good of the few;
- be knowledgeable and respectful of Constitutional Rights;
- become an advocate of the city, its General Plan, and its development ordinances;
- become familiar with and respect the laws of the Country, the State, and the City or Town in which you live;
- treat others with dignity, regardless of how you may view their issue or point of view;
- be able to say "no" when it is appropriate;
- make decisions based on the law, and good planning, rather than on public sentiment or pressure;
- become knowledgeable about planning, both in theory and practice;

The Shalt Nots:

- be afraid to make difficult decisions even though they may be unpopular;
- have meetings one-on-one with petitioners;
- have a closed mind to arguments or new ideas;
- make up your mind before hearing all the available information;
- represent a single point of view or base your vote on a single personal experience;
- violate the open meetings law or the ethics act of the State of Utah or of the municipality in which you live;
- use your position, or information given to you as a result of your position, to benefit yourself, friends, or family.

# **ROLES AND RESPONSIBILITIES**

PLANNING COMMISSION TRAINING

Excerpted from “The Planning Commission –  
One Attorney’s View” by David L. Church

Presented by City Attorney  
September 28, 2016

# **PLANNING COMMISSION IS NECESSARY ELEMENT OF MUNICIPAL LAND USE AND PLANNING**

**Every municipality in the State of Utah is require to adopt an ordinance establishing a planning commission.**

**The Planning Commission is require by law to have a role in the City's establishment of basic land use policy.**

**UCA 10-9a-301 and CMC 12.20.050**

**CITY IS REQUIRED BY LAW TO CREATE A PLANNING COMMISSION**

# STATUTORY DUTIES OF THE PLANNING COMMISSION

The Planning Commission is required by law to make ***a recommendation*** to the City Council on the following matters:

- General Plan
- Zoning Code
- Zoning Map
- Subdivision Ordinance

**RECOMMENDING AUTHORITY ON LEGISLATIVE DECISIONS**

# CITY ORDINANCE DUTIES OF THE PLANNING COMMISSION

Under City Ordinances, the Planning Commission is also tasked with acting as *the land use authority* for the following:

- Conditional Use Permits
- Site Plans
- Preliminary Subdivision Plats

**DECISION-MAKING AUTHORITY ON CERTAIN ADMINISTRATIVE DECISIONS**

# POTENTIAL TO GET CROSS-WISE WITH THE CITY COUNCIL

- **Planning Commission makes recommendation to the City Council on legislative matter.**
- **Planning Commission holds many meetings and works hard on recommendation.**
- **Planning Commission becomes invested in their recommendation on policy.**
- **Council goes a different direction with final decision.**

**PLANNING COMMISSION IS RECOMMENDING BODY ON LEGISLATIVE DECISIONS.  
CITY COUNCIL ULTIMATELY MAKES THE LEGISLATIVE POLICY DECISION.**

# POTENTIAL FOR COUNCIL TO BECOME FRUSTRATED WITH PLANNING COMMISSION

- **Planning Commission makes decision acting as a land use authority in granting or denying permits and approvals; i.e. conditional use permit and site plan approval.**
- **Planning commission has very little discretion in these types of decisions.**
- **City Council may get frustrated when Planning Commission ignores the law or enforces the law.**

**BOTH COUNCIL AND COMMISSION MUST UNDERSTAND LEGAL  
FRAMEWORK FOR ADMINISTRATIVE DECISIONS**

# LEGAL FRAMEWORK FOR ADMINISTRATIVE DECISIONS

- **A landowner is entitled to approval of land use application if the application complies with City ordinances.**
- **The Planning Commission cannot impose any requirement on an applicant that is not specifically expressed in state law or city ordinance.**
- **If application meets ordinances, it must be approved. If it does not meet ordinances, it must be denied.**
- **Regardless of whether or not the Planning Commission thinks the application is a good or bad idea.**
- **If ordinances are ambiguous, they must be interpreted by the city in favor of the land owner.**

**APPROVE IF MEETS THE ORDINANCES.  
DENY IF FAILS TO COMPLY.**

# BASIC RULE #1

**“Planning Commissioners must understand and appreciate the dual role they play.”**

- **Various approval standards apply depending upon whether the Planning Commission is:**
  - (1) making a recommendation on legislative policy decision; or
  - (2) acting as a land use authority on administrative decisions.

**ADMINISTRATIVE / LEGISLATIVE DECISION DISTINCTION**

# BASIC RULE #2

**“Planning Commissioners must understand that the planning commission is intended to shape policy not make policy.”**

- **Commissioners do not represent neighborhoods or points of view**
- **The Commissioner’s role is to make reasoned recommendations and apply the ordinances as written**
- **If a commissioner wants to be a policy maker he or she should run for elected office**
- **Commissioners should be content with shaping policy and administering ordinances as written**

**SHAPE LEGISLATIVE POLICY.  
ADMINISTER ORDINANCES AS WRITTEN.**

# BASIC RULE #3

**“Planning Commissioners should respect the public process and the due process rights of the land owner.”**

- **Meetings, hearings and decisions must comply with the Utah Open Meetings Act**
- **Decisions and deliberations must be made in public**
- **Procedural due process should be given to all applicants, including notice of meetings, right to be heard, and a fair hearing and decision**
- **Applicants must be given notice of the meeting and copies of the staff report at least three days before the meeting**

**UNDERSTAND THE RULES AND PURPOSES FOR PUBLIC HEARINGS**

# BASIC RULE #4

**“It is important to remember that being on a planning commission is about public service.”**

- **The Planning Commission fulfills its purpose when it acts in a manner supportive of the policy and policy makers.**
- **The Commission is not intended to adversarial to the Council or to act as a check and balance to the Council.**
- **It is not the Commission’s role to slow growth or frustrate land owners.**
- **Role of the Commission is to add professionalism, fairness and common sense to the planning and land use control process.**
- **The Commission serves this valuable function best when it works within the constraints of the law and without regard to public prejudice and the clamor of the crowd.**

# SUMMARY

- **Dual role with Legislative or Administrative Decisions**
- **Shape policy not make policy**
- **Administer the ordinances as written**
- **Comply with Open Meetings Act**
- **Provide due process to applicants and land owners**
- **Add professionalism and fairness to land use control**
- **Consider valuable function**

**THE END**

**As always, thank you for your  
commitment and service to the public good.**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 11.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:05

**SUBJECT**

**RECOMMENDATION**

No topics are currently identified under this heading on the agenda.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 12.

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

Initiated By:

Scheduled Time: 9:10

**SUBJECT**

**RECOMMENDATION**

At this time staff are not aware of a need for a closed meeting, but the agenda allows for that possibility.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No. 13.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
10/18/2016**

Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ Monthly Building Report for September 2016



Steve Thacker  
City Manager

**Centerville City**  
**Building & Safety Department**

655 North 1250 West, Centerville, Utah 84014

**Monthly Building Report for September 2016**

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	1	23	23	23		295,843.00	398,008.00	6,804,397.00
Duplexes / Town Homes	0	19	19	4			-	3,915,224.00
Apartments	0	3	72	3			-	8,063,441.00
Addition/Alteration/Repair	3	27					26,300.00	928,010.00
Power/Mech	6	56					-	4,253.00
Signage	1	11					1,700.00	79,695.00
Commercial/Tenant Finish	1	19					169,000.00	2,997,619.00
Detached Structure/Gar	0	4					-	67,114.00
Demolition	0	2					-	-
Pool	0	2					-	55,000.00
Miscellaneous	15	82					345,991.00	1,548,346.00
<b>Total Permits Issued:</b>	<b>27</b>	<b>248</b>					<b>Total Permitted Valuation:</b>	<b>940,999.00 24,463,099.00</b>

Building Permit Related Revenues	Monthly		YTD Comparison	
	September 2016	YTD 2016	September 2015	YTD 2015
BUILDING	8,488.96	193,147.39	36,795.44	161,011.68
PLAN CHECK	1,985.73	63,930.25	20,844.67	78,087.74
ELECTRICAL	132.00	1,452.00	66.00	1,122.00
PLUMBING		-	-	-
MECHANICAL	264.00	2,244.00	132.00	2,564.00
GRADING		-	-	-
STATE SURCHARGE	88.85	1,941.14	369.95	1,646.46
WATER DEV.	1,013.00	95,250.00	23,309.00	74,486.00
WATER CONNECTION		24,959.79	-	16,132.94
WATER METER	235.00	16,055.00	3,605.00	12,405.00
STORM DRAIN		4,880.93	-	-
FIRE IMPACT	471.00	54,699.35	12,655.86	52,101.51
PARK IMPACT	2,057.00	230,384.00	47,311.00	218,042.00
DRIVE APPROACH	35.00	1,535.00	105.00	660.00
BOND	1,000.00	48,000.00	4,000.00	30,000.00
SPECIAL IMP DIST/REC		36.00	-	12.00
ENGINEERING		5,348.77	500.00	1,000.00
TV INSPECT DRAINS		1,056.00	-	-
LANDSCAPING BOND		-	-	-
<b>Total Permits Related Revenue:</b>	<b>\$15,770.54</b>	<b>\$744,919.62</b>	<b>\$149,693.92</b>	<b>\$649,271.33</b>