



# 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

Tamilyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

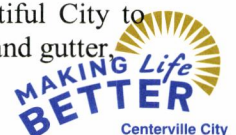
City Manager

Steve H. Thacker

## interoffice MEMORANDUM

**to:** Mayor Cutler  
City Council  
**cc:** Department Heads  
Planning Commission  
**from:** Steve H. Thacker, City Manager *A. Thacker*  
**subject:** City Manager's Summary of September 5, 2017 Council Meetings  
**date:** September 1, 2017

- E.1. **Minutes Review** – The minutes to be approved are available online via NovusAgenda.
- E.2. **Summary Action Calendar** -- All matters under this heading involve the acceptance of easements relating to land development within the city.
- E.3. **Public Hearing—Proposed PDO Amendment—Legacy Crossing at Parrish Lane** – The several actions shown under this heading relate to the request for a modification to the parking requirements within the Legacy Crossing project area. The applicants seek a parking modification for shared use parking and a reduction of the overall required parking due to the condition that peak parking demands for the movie theaters and office buildings do not occur at the same time. In responding to this application, staff also learned there have been several changes in ownership of lots within this project area, but these changes occurred without Assignment & Assumption Agreements being executed by the new property owners. Therefore, item 3.b will correct that condition. See the staff report for an explanation of the justification for modifying the overall parking requirement, supported by a parking study.
- E.4. **Zoning Code Amendments—“Construction Sales and Service, Limited”** – This is a continuation of a matter discussed in the August 1 and August 15 council meetings. A public hearing was held during both earlier meetings, but is not scheduled again for this meeting. The Council is considering whether to amend the Zoning Code to add the use category of “Construction Sales and Service, Limited” to the Commercial-Medium Zone. If approved, this amendment would allow the current fire station to be sold to an electrical contractor. This new category would not allow outside storage.
- E.5. **Repeal of City Fire/EMS Impact Fees** – The South Davis Metro Fire Service Area recently adopted fire/EMS impact fees, effective September 18, 2017, with the intent these fees would replace current fire/EMS impact fees imposed by the cities within the Service Area. Therefore, the cities need to repeal their respective fees established years ago.
- E.6. **County Proposition One Grant Application** – September 8 is the deadline for Davis County cities to submit applications for the County's Proposition One grant program. I recommend the City Council authorize Centerville's participation in a joint application with West Bountiful City to improve 1250 West/640 West. These improvements will widen the road and add curb and gutter.



sidewalks and bike lanes. The application requests \$115,000 in County funds, with the intent that UTA will provide another \$115,000 from their Proposition One funds. The two cities would provide engineering design and construction management services. To enhance the application, the agenda shows the Council inviting public comment about this proposed project.

- E.7. **Bus Stop Improvements on Main Street** – Staff met recently with UTA reps to discuss bus stop improvements on Main Street. UTA would fully fund these improvements. Four locations are recommended for improvement in this first phase:
- 255 N. Main (Post Office) – This would replace two existing bus stops, one further north near Parrish Lane and one further south near 115 North Street. Shelter and a bus pull-out.
  - 26 S. Main (U of U Clinic) – Shelter but no pull-out.
  - 15 S. Main (across street from U of U Clinic) – Shelter but no pull-out.
  - 611 N. Main (south of access road to Pineae residential area) – Shelter but no pull-out.
- E.8. **Mayor's Report** – Mayor Cutler and staff have proposed a work session with the Planning Commission on August 13 to discuss South Main Street.
- E.9. **City Manager's Report** – The Trails Committee would like to meet with the Council to update them on their planning efforts pertaining to a mountain bike trail.
- E.10. **Miscellaneous Business** – The City Council recently approved a change in the name of Founders Park to William R. Smith Park. The idea of fundraising for replacing the park sign was mentioned. This is an opportunity for the Council to discuss whether to encourage fundraising for this purpose and how to proceed.
- E.11. **Closed Meeting, if needed** – I do not know of a need for a closed Council meeting, but the agenda allows for that possibility. A closed meeting, however, is recommended on the RDA meeting agenda.
- E.12. **Appointments to Boards/Committees** – Mayor Cutler may recommend appointments.
- E.13. **Adjourn to RDA Meeting** – The City Council will adjourn into a Redevelopment Agency (RDA) meeting to discuss the potential uses of tax increment for various purposes. A closed meeting is needed to discuss the purchase of property to widen 400 West along the future Quick Quack Car Wash frontage.
- E.14. **Reconvene City Council Meeting** – The Council will reconvene their regular meeting after the RDA meeting to see a demonstration of a mobile reporting application developed by Mike Smith, the City's GIS Specialist. He is not available until 9:15 p.m. or later—thus the reason for reconvening the council meeting.

***Potential Agenda Items for September 19, 2017 City Council meetings (subject to change):***

- *Reactivate discussion re sidewalk and parkstrip trees*
- *Request for Sidewalk deferral agreement*
- *Request for tax increment assistance relating to Legacy Parkway Connector Trail (RDA meeting)*
- *Work Session with Youth Council*
- *Financial Report*
- *Report re Island View Park grant*
- *Continue cemetery discussion*
- *Councilmember liaison report*

## CENTERVILLE CITY COUNCIL AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON SEPTEMBER 5, 2017 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 Jacob Smith, Centerville City Assistant to the City Manager, 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**  
                 Councilwoman Mecham
- 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**
- 7:05      1. Minutes Review and Acceptance

- August 15, 2017 Council meeting minutes
- 7:10 2. Summary Action Calendar
- a. Accept Public Utility Easement for Goodfellow-Tullius single parcel development located at 215 West 1850 North
  - b. Accept Public Utility Easement for Samuelson single parcel development located at 315 East 1825 North
  - c. Accept Public Utility Easement, Storm Drain Easement, and Fire Access Easement for the Canyon Point project located at 347 North 400 East
- 7:10 3. Public Hearing - Proposed Planned Development Overlay Amendment - Legacy Crossing at Parrish Lane - 1250 West Parrish Lane
- a. Consider amending the Planned Development Overlay Approval for the Legacy Crossing at Parrish Lane Planned Development located at 1250 West and Parrish Lane allowing a parking modification for shared use parking and a reduction of the overall required parking for the project - Ordinance No. 2017-24
  - b. Consider Assignment and Assumption Agreement between the City, HCR Legacy, LLC, KEM Holdings, LLC, Teton Office Ventures, LLC, and S&J 5, LLC for various lots within the Legacy Crossing at Parrish Lane Planned Development
  - c. Consider Fourth Amendment to the Development Agreement for the Legacy Crossing at Parrish Lane Planned Development
  - d. Consider Third Amendment to the Declaration of Parking and Cross-Access Easement and other Easements and Restrictions Affecting Land within the Legacy Crossing at Parrish Lane Planned Development
- 7:30 4. Zoning Code Amendments - "Construction Sales and Service, Limited" Definition and Use Table
- TABLED FROM AUGUST 15, 2017 AND AUGUST 1, 2017**
- Consider the proposed Zoning Code Amendments for CZC 12.12.040 (Definitions), CZC 12.34.080 (Special Regulations), and CZC 12.36.040 (Table of Uses for Commerical Uses), regarding the definition, use, and parameters of "Construction Sales and Service, Limited" in Commercial and Industrial Zones - Ordinance No. 2017-21
- 7:45 5. Repeal of City Fire/EMS Impact Fees (to be Replaced with South Davis Metro Fire Service Area Fire/EMS Impact Fees)
- Consider the repeal of the Fire/EMS Impact Fees adopted and assessed by Centerville City to be replaced by the Fire/EMS Impact Fees adopted and assessed by the South Davis Metro Fire Service Area - Ordinance No. 2017-25
- 7:55 6. County Proposition One Grant Application
- a. Staff recommendation
  - b. Public comment
  - c. Council direction
- 8:10 7. Bus Stop Improvements on Main Street
- 8:20 8. Mayor's Report
- a. Work session with Planning Commission re South Main Street Plan
- 8:30 9. City Manager's Report
- a. Proposed work session with Trails Committee on October 3
- 8:35 10. Miscellaneous Business



a. Fund raising for William R. Smith Park signage and plaques

11. 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

12. Possible action following closed meeting, including appointments to boards and committees

8:45 13. Adjourn to RDA meeting

9:15 14. Reconvene City Council meeting

9:15 15. Mike Smith - Demo of mobile reporting application

#### **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**

**9/5/2017**

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 September 5, 2017 Council meetings

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No.

Short Title: Councilwoman Meham

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 1

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:05

**SUBJECT**

August 15, 2017 Council meeting minutes

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ▢ August 15, 2017 City Council meeting minutes

## ***PRELIMINARY DRAFT***

Minutes of the Centerville **City Council** meeting held Wednesday, August 15, 2017 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

### **MEMBERS PRESENT**

Mayor Paul A. Cutler

Council Members William Ince  
Stephanie Ivie  
George McEwan  
Robyn Mecham

**MEMBER ABSENT** Tamilyn Fillmore

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

**VISITORS** Interested citizens (see attached sign-in sheet)

**PLEDGE OF ALLEGIANCE** Ben Rushforth, BSA Troop 3245

**PRAYER OR THOUGHT** Councilman McEwan

### **OPEN SESSION**

Don Olsen – Mr. Olsen stated he lives in the Hidden Acres Development. He commented that the catch basin on 100 South has been a nice public area since it was established. He said it is his understanding that the County will sell three home lots on the south side of the property, which will block pedestrian access to the walking trail on the lower end – where most people typically access the property. Mr. Olsen asked if there is a way to preserve access at the bottom of the property. Mayor Cutler responded that the City has participated in significant negotiations with the County over the last six months. Davis County will deed the north half of the property to the City for public space and provide pedestrian access at the east end of the south half. In return, the County will develop three residential lots on the south portion. Mr. Olsen stated he would like to see access provided at the bottom of the property (the west end).

### **MINUTES REVIEW AND ACCEPTANCE**

The minutes of the August 1, 2017 work session and regular Council meeting, and the August 8, 2017 special meeting were reviewed. Councilman Ince made a **motion** to approve all three sets of minutes. Councilwoman Mecham seconded the motion, which passed by unanimous vote (4-0).

### **INTERLOCAL AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR THE TRANSFER AND DEVELOPMENT OF REAL PROPERTY – 100 SOUTH PROPERTY**

The City and County have been working together for some time to complete the proposed transfer and development of property located at 600 East between 100 South and 200 South (100 South Property). The County desires to develop a portion of the two-acre property



1 to create three new residential building lots adjacent to and facing 200 South. The City desires  
2 to obtain the other portion of the property from the County in exchange for the waiver of certain  
3 development fees and costs associated with subdividing the property. Lisa Romney, City  
4 Attorney, stated that the parties have prepared and negotiated an Interlocal Agreement, and  
5 staff recommends approval. Steve Thacker, City Manager, stated the fees waived will amount  
6 to approximately \$15,000. He recommended any engineering or other out-of-pocket costs  
7 come out of the RAP Tax Fund because the result will be a natural open space park for the City.  
8 Ms. Romney emphasized that the City will retain the right of zoning authority throughout the  
9 process. If the requested rezone is not granted, the Interlocal Agreement becomes void.  
10 Councilman Ince commented that several people have asked him about providing public access  
11 at the bottom of the property. Ms. Romney responded that the concrete spillway in that area  
12 could be a safety hazard to anyone crossing the site at the lower portion. Councilman Ince said  
13 he suspects there will be contention in the early construction phase with people continuing to  
14 walk across the west side of the property. He asked if it would be possible to shave a little off  
15 each of the three lots to provide public access across the west side.  
16

17 Councilwoman Ivie said she is grateful to see something in writing indicating that the  
18 fence can come down. Councilwoman Ivie made a **motion** to adopt Resolution No. 2017-17  
19 approving the Interlocal Agreement between Centerville City and Davis County for the Transfer  
20 and Development of Real Property, and authorize staff to execute any required documents.  
21 Councilman Ince seconded the motion, which passed by unanimous vote (4-0).  
22

23 **PUBLIC HEARING – ZONING CODE AMENDMENTS – “CONSTRUCTION SALES**  
24 **AND SERVICE, LIMITED” DEFINITION AND USE TABLE – TABLED FROM AUGUST 1,**  
25 **2017 MEETING**  
26

27 On July 12, 2017, the Planning Commission reviewed and forwarded a positive  
28 recommendation for approval of the proposed Zoning Code Amendments regarding  
29 “Construction Sales and Service, Limited.” On August 1, 2017, the City Council held a public  
30 hearing and reviewed this matter. The Council tabled action on this item and continued the  
31 public hearing to this meeting. Cory Snyder, Community Development Director, explained that  
32 the proposed limited definition would allow plumbing and electrical contractors within the district,  
33 but would prohibit outdoor storage. Mayor Cutler stated the driving force behind the request is  
34 the need for a new Fire Station in Centerville. The Council has taken the issue seriously in  
35 considering what is best for all of Main Street. Responding to a question from Councilman  
36 McEwan, Mr. Snyder stated he still leans toward recommending denial of the proposed limited  
37 use. Mayor Cutler said he respects Mr. Snyder’s statement that this is not necessarily true to  
38 the original intent of the Main Street Plan. However, he said that as a pragmatic problem solver,  
39 he views this as an opportunity to solve an issue of public safety in a way that would not hurt  
40 Main Street.  
41

42 At 7:25 p.m., Mayor Cutler opened a public hearing.  
43

44 Jeff Cook – Mr. Cook said he is not closely familiar with City ordinances, but he feels  
45 something needs to be changed. He said Main Street has historically been local businesses,  
46 and he feels the local businesses have been under attack in the last few years. He said nearly  
47 every business on Main Street is owned by Centerville residents trying to work in their  
48 hometown. Mr. Cook said he cannot think of a better use of Main Street than the use proposed  
49 by Shupe Electric. He said he knows things change and evolve, and he feels the Council  
50 should be looking for ways to help local residents and businesses to succeed. Mr. Cook said he  
51 cannot think of one reason why Shupe Electric should not be allowed to relocate to Main Street.  
52 He appealed to the Council to think of the people specifically involved with the properties. He  
53 expressed the opinion that Shupe Electric would be one more solid business on Main Street.



1 He said it is his understanding the Fire Station may relocate further south on Main Street, and  
2 he feels that is how Main Street is going to progress. He said the City knows what it will get with  
3 Shupe Electric.  
4

5 Dale Engberson – Mr. Engberson asked what else would be eligible for that property if  
6 Shupe Electric does not purchase. He asked if Shupe Electric would be able to do something to  
7 meet the qualifications. He said he appreciates Mr. Cook's comments, and he agrees that with  
8 Shupe Electric you know what you will get.  
9

10 Kyle Shupe, Shupe Electric – Mr. Shupe stated the existing Fire Station building would fit  
11 Shupe Electric perfectly. He commented that the proposed limited use would restrict any  
12 lumber yard-type service from coming to Main Street. The definition would limit services to  
13 office-type use. He stated Shupe Electric does not have late-night or early-morning deliveries.  
14 Mr. Shupe said he does not see the building being a good fit for anything other than the type of  
15 niche business that would be allowed with Construction Sales and Service, Limited. He stated  
16 that Shupe Electric wants to continue contributing in the community.  
17

18 Dave Bell – Mr. Bell stated that, as a business owner in Centerville for 25 years, he feels  
19 the Council should do everything in its power to allow local business owners to continue within  
20 the City, especially a business that has proven itself in the community. He stated this is what  
21 Centerville is about, and said he thinks this is the type of community the Council members want  
22 to have continued.  
23

24 The Mayor closed the public hearing at 7:40 p.m. Mayor Cutler asked if existing  
25 contractors on Main Street would be able to build a new building with the current zoning. Mr.  
26 Snyder responded that expansion is restricted for nonconforming uses in the C-M Zone. In  
27 addition, under the Main Street Overlay, expansion above 30% requires certain design  
28 elements. Mr. Snyder said that, from his perspective, having Shupe Electric on Main Street  
29 would not necessarily be a bad thing. He said the difficulty as he sees it, is that Shupe Electric  
30 would be handcuffed and limited in what could be done with the building for expansion. Mr.  
31 Snyder said the Council will need to decide if they want to change the Main Street Overlay to  
32 reduce the handcuffing for restricted, nonconforming businesses. Mayor Cutler said he thinks  
33 the Overlay is a good thing for long-term redevelopment. He said he does not see a reason to  
34 deny Construction Sales and Services, Limited as long as the businesses conform to the design  
35 standards in the Overlay. Councilman McEwan said the Overlay would be cost prohibitive for  
36 any long-term expansion on Main Street. He asked if the new Fire Station would be affected by  
37 the Overlay limitations, and Mr. Snyder responded it would. Mayor Cutler commented the  
38 Council was not thinking about a new fire station when they put the Overlay together. Mr.  
39 Snyder responded that the City cannot treat a fire station differently than any other user in the  
40 area. The question is what the City is trying to achieve on Main Street. Mayor Cutler said, in  
41 his opinion, allowing those uses does not conflict with the goals of the Main Street Plan.  
42

43 Councilman McEwan said he feels the Main Street Overlay may have damaged property  
44 values on Main Street. Mayor Cutler responded the City could easily get Family Dollar-type  
45 businesses with cinderblock buildings on Main Street if the Overlay were removed, but the City  
46 has purposely stated that higher-quality buildings are desired. The Mayor cited Matt's Place as  
47 a positive example that desired change can happen. Mr. Snyder commented that Matt's Place  
48 is an example of greenfield development. Redevelopment, constrained by existing structures, is  
49 different. Mr. Snyder said everyone knew from the beginning that it was a long-shot to  
50 redevelop Main Street into the 2008 design. Incentives were originally provided to justify tearing  
51 down a building and moving it to the street, but those incentives have disappeared. He said he  
52 feels the community desire to embrace the original principles of the Plan has changed, making  
53 redevelopment an even longer-shot. Mr. Snyder suggested that Main Street could be viewed as



1 a new redevelopment corridor, and a new redevelopment corridor plan could be put together  
2 that includes desired design elements.  
3

4 Responding to a question from Councilman Ince, Mr. Snyder stated that storage of  
5 contractor equipment, whether indoor or outdoor, is the difference between office-use and  
6 Construction Sales and Service. Mr. Shupe stated that Shupe Electric would give up their  
7 space in the industrial area if they purchase the Main Street property. Councilwoman Mecham  
8 said she feels like the Council keeps getting more information, and suggested tabling the issue  
9 until all Council members are present. Councilman McEwan added that he prefers the Council  
10 not make a decision in the same meeting they have taken public comment. Mayor Cutler said  
11 he does not think it would be fair to stop Shupe Electric from moving forward with plans while  
12 the City reconsiders the whole Main Street Plan.  
13

14 Councilman McEwan made a **motion** to table Ordinance No. 2017-21 until the next  
15 regular Council meeting. Councilwoman Ivie seconded the motion. Councilwoman Ivie asked  
16 Mr. Snyder to estimate a timeframe for reconsidering the Main Street Overlay. Mr. Snyder  
17 responded it would be easiest (although not necessarily best) to remove the Overlay, retain the  
18 C-M Zone, and take time to study the corridor. He commented that some of the public  
19 perception has been negative, and the Council would need to take time to engage the users and  
20 gain public trust. He estimated the process would take at least 4-6 months. Mayor Cutler said  
21 he feels the form-based discussion can be separated from the types-of-uses discussion. Mr.  
22 Snyder commented that the C-M Zone is already restrictive. Councilman McEwan repeated that  
23 he feels the Main Street Overlay is damaging to businesses and business owners. The motion  
24 passed by unanimous vote (4-0).  
25

26 Mr. Shupe expressed concern that reconsideration of the Overlay could take months to  
27 years, and the City would miss out on opportunities while trying to do something different in the  
28 long-term. Shupe Electric has an opportunity right now, and the longer the process drags out,  
29 the less appetizing it becomes for them. He said he does not feel they would disrupt Main  
30 Street in any way. Councilwoman Mecham asked Mr. Shupe if they would be able to have their  
31 offices on Main Street, but store equipment elsewhere to conform to existing zoning. Mr. Shupe  
32 responded that would not make sense. He said all their supplies are little, and most of the  
33 vehicles on the property would be work vans. Deliveries are made by box trucks.  
34

35 **PUBLIC HEARING – PARRISH CREEK SUBDIVISION – FINAL PLAT – 1030 NORTH**  
36 **950 WEST**  
37

38 Mr. Snyder explained the request for Final Subdivision Plat approval for the Parrish  
39 Creek Subdivision located at approximately 1030 North 950 West. Mayor Cutler opened a  
40 public hearing at 8:09 p.m., and closed the public hearing seeing that no one wished to  
41 comment.  
42

43 Responding to a question from Councilman McEwan, Roy Swalberg, applicant, stated  
44 that construction would begin as soon as possible. Councilman McEwan made a **motion** to  
45 approve the Final Subdivision Plat for the Parrish Creek Subdivision, subject to the following  
46 conditions and findings. Councilman Ince seconded the motion, which passed by unanimous  
47 vote (4-0).  
48

49 **Conditions:**  
50

- 51 1. An updated and approved soils and geological survey must be resubmitted to the  
52 City before recording of the Final Plat.



2. Subdivision approval is subject to the payment of bonds and fees as required by the City.
3. Protective Covenants shall be prepared and submitted to protect the architectural integrity of the property and site as a part of Final Subdivision approval by the City Council, and shall be noted on the Final Plat.
4. The subdivision owners association is responsible for maintaining all landscaping in the subdivision, including the landscaped median in public right of way, and all sidewalks per PDO and site plan approval by Centerville City and applicable CC&Rs, and shall be stated on the Final Plat.
5. All property in subdivision is subject to the PDO approval from Centerville City as set forth in Ordinance No. 2017-06 approved March 21, 2017, and shall be noted as such on the Final Plat.
6. Final Subdivision Plat will need approval of the City Council.
7. Boundary line adjustments for the southern boundary line should be approved and recorded before the recording of the Final Plat.

Findings:

- a) The Final subdivision appears to be consistent with the General Plan.
- b) Adequately meets Subdivision Ordinance Standards in the Municipal Code, Title 15.04.
- c) Final Subdivision Plat follows the conditions stated in their Planned Development Overlay, as approved by the City Council on March 21, 2017.

**RECONSIDERATION OF ZONING MAP AMENDMENT – 640 WEST PORTER LANE**

On August 1, 2017, the Council voted (4-1) to deny the requested rezone of property located at 640 West Porter Lane. On August 3, 2017, the applicant and property owner requested the Council to reconsider the denial of the rezone and Ordinance No. 2017-18. Ms. Romney explained that a motion to reconsider action on Ordinance No. 2017-18 would need to be made by a Council member that voted to deny the Ordinance on August 1<sup>st</sup>. If the motion is seconded and passed, the issue would be open for reconsideration.

Dave Bell, applicant, said he thought the application was a no-brainer. He said his property is bounded by Commercial-High (C-H) to the west, and Residential-Medium (R-M) to the east, and he is asking for the same thing the Council approved a year ago for the neighboring property. His property is zoned Agricultural right now, which would allow him to keep eight pigs on the property, but he said he does not think the neighbors would want animals on the property. Mr. Bell said he has spoken to four Council members individually, and got the impression the City is lacking the right zoning “tools” to get what the Council wants. He said he knows the Council would like to keep the property to six units per acre. He said he knows single-family development would not work. Mr. Bell said, now that the Porter-Walton Development is almost done, he thinks it looks like the kind of place he would like to live when he retires. He asked the Council to allow him to do seven units per acre on the property. Mr. Bell said he is willing to help staff come up with options for R-M5, R-M6, R-M7, and R-M8 if the Council cannot grant his request for seven units per acre now. He vowed he would stick to seven units per acre.

Councilwoman Ivie responded that the Council can only use the tools already available in their tool box. The only option for R-M means allowing eight units per acre. Council members Ivie and Mecham said they feel strongly that they need to be consistent, and they have been advised to not make decisions based on applicant promises. Councilwoman Mecham said she would like to see Mr. Bell help the City get the right zoning tools. Mayor



1 Cutler commented that the Council could reduce the property size allowed for a Planned  
2 Development Overlay (PDO). Mr. Snyder cautioned the Council to be careful with the PDO tool.  
3

4 Mr. Bell asked if he could sign a document promising to stick to seven units per acre.  
5 The Council responded that would not be an option. Mr. Bell asked if the Council will be  
6 comfortable approving his development if they have the tools for granularity they are wanting.  
7 Councilman McEwan responded that the decision would be easier with the right tools.  
8

9 Councilman Ince made a **motion** directing staff to vigorously pursue additional zoning  
10 tools for R-M5, R-M6, and R-M7. Councilwoman Ivie seconded the motion, which passed by  
11 unanimous vote (4-0).  
12

13 **CENTERVILLE FEE SCHEDULE – COMPREHENSIVE AMENDMENTS**  
14

15 Ms. Romney introduced Spencer Garn, an intern working with her this summer. Mr.  
16 Garn thanked the Council for the opportunity to work with Ms. Romney. He explained changes  
17 made to update the Centerville Fee Schedule. The Fee Schedule is now searchable on the City  
18 website. Staff recommends approval of the transfer to the online format and amendments to the  
19 Fee Schedule.  
20

21 Councilwoman Ivie suggested the City eliminate the license renewal requirement for  
22 chicken licenses because of the difficulty associated with tracking individual renewal periods.  
23 Ms. Romney suggested all renewals could be put on a calendar-year schedule. The issue  
24 would need to go back to the Community Development Department for consideration.  
25 Councilman McEwan asked about park pavilion reservation fees being different for residents  
26 versus non-residents. Ms. Romney responded that Centerville citizens are the taxpayers  
27 contributing to park maintenance, and staff feels it is legitimate to differentiate the pavilion  
28 reservation fees. She said that overall she feels Centerville fees are very low. Referring to  
29 sport-field reservations and fees, Councilman McEwan suggested differentiating between profit  
30 and non-profit entities. He commented that Salt Lake County gives reservation preference to  
31 residents, and said he would love to see the Fee Schedule include a reservation priority  
32 schedule before the start of the next season. Ms. Romney said staff will bring back  
33 recommendations for field scheduling and fees, chicken license renewal, and fire impact fees.  
34

35 Councilman McEwan made a **motion** to adopt Resolution No. 2017-18 approving the  
36 proposed amendments, renumbering and updating of the Centerville Fee Schedule for online  
37 conversion. Councilwoman Ivie seconded the motion. Staff answered questions from the  
38 Council. Councilman Ince commented that the street cut permit fee seems inadequate. Mr.  
39 Thacker responded that the fee is an administrative fee, not intended to cover the cost of repair.  
40 Staff explained the permit process for street excavation. Mr. Thacker stated the Public Works  
41 Department has a procedure for inspecting excavations, but there is not currently a fee to cover  
42 warranty inspections.  
43

44 Fire impact fees will be repealed by South Davis Metro Fire District member cities when  
45 the Fire District begins directly assessing that fee itself. Councilman Ince asked if the major  
46 increase in water fees in the last year were necessary in part because of inadequate water  
47 impact fees historically. Mr. Thacker responded that impact fees cannot be used to repair and  
48 replace what is already in place. The drainage utility user rate increases two years ago were to  
49 ten-year plan to replace existing drainage pipes. Mr. Thacker stated that all of the City's impact  
50 fees have been reviewed in the last five years. He commented that an impact fee study and  
51 update costs \$10,000-\$20,000, depending on the complexity. Recent user rate increases  
52 occurred to replace existing infrastructure. Councilwoman Ivie asked if the cost to fluoridate



1 water has increased. Ms. Romney suggested Randy Randall, Public Works Director, respond  
2 to that question.  
3

4 Councilman McEwan **restated the motion** to adopt Resolution No. 2017-18, with  
5 recommended revisions and direction to staff to revisit fees as discussed. Councilwoman  
6 Mecham seconded the motion, which passed by unanimous vote (4-0).  
7

8 The Council took a break at 9:19 p.m., and returned at 9:30 p.m.  
9

10 **MAYOR'S REPORT**  
11

- 12
- 13 • UTOPIA and UIA financial reports are available on NovusAgenda. Mayor Cutler  
14 stated there is still intent to bond for additional funds in November of this year, but  
15 said he strongly recommended using funds available before bonding.
  - 16 • Mayor Cutler said the next step for the new Centerville Fire Station is a more detailed  
17 design. The Fire District is working with staff to prepare requests to present to the  
18 City Council. Responding to a question from Councilman Ince, Mayor Cutler  
19 explained that the existing Fire Station property was advertised through local  
20 commercial real estate agents. The appraised value was \$505,000. The Shupe  
21 Electric offer of \$490,000 was the highest offer, and is conditioned on Council  
22 approval of the Construction Sales and Service, Limited.

23 **COUNCIL LIAISON REPORT**  
24

25 Councilman Ince reported on an emergency management activity planned for  
26 September. Centerville CERT members will participate in a CERT team competition on October  
27 7, 2017 at Job Corps.  
28

29 **CITY MANAGER'S REPORT**  
30

- 31 • The Council agreed with scheduling a work session with the Youth Council on  
32 September 19<sup>th</sup>, and the Employee Christmas Dinner on December 6<sup>th</sup>.
- 33 • Mr. Thacker reported that the water main portion of the Main Street project will be  
34 completed in front of the Junior High before school begins next week, but the Deuel  
35 Creek Irrigation portion will still impact the west side of Main Street.
- 36 • Mr. Thacker made the Council aware that, in response to a request from the Woods  
37 Cross Public Works Director, the Centerville Public Works Director has studied and  
38 believes that Centerville water wells have not contributed to the subsidence of  
39 homes in Woods Cross.
- 40 • City Manager Thacker reported that discussion about connecting 1250 West in  
41 Centerville to 650 West in Farmington is occurring again between staff and the  
42 landowner's team.

43  
44 **MISCELLANEOUS BUSINESS**  
45

46 Councilman McEwan reported that locations in North Salt Lake, Woods Cross, and  
47 Farmington have tested positive for West Nile Virus. No human cases have yet been detected  
48 in the State. Mayor Cutler asked if the Mosquito Abatement District is planning a public  
49 information campaign, and Councilman McEwan responded he intends to talk to them about the  
50 need.  
51

**APPOINTMENT**

Mayor Cutler recommended the Council appoint Leslie Flowers to the remainder of Melissa Smith's term on the Parks and Recreation Committee. Councilman McEwan made a **motion** to appoint Leslie Flowers to the Parks and Recreation Committee. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

**ADJOURNMENT**

At 9:52 p.m., Councilwoman Ivie made a **motion** to adjourn the meeting. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

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

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

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



**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 2

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:10

**SUBJECT**

- a. Accept Public Utility Easement for Goodfellow-Tullius single parcel development located at 215 West 1850 North
- b. Accept Public Utility Easement for Samuelson single parcel development located at 315 East 1825 North
- c. Accept Public Utility Easement, Storm Drain Easement, and Fire Access Easement for the Canyon Point project located at 347 North 400 East

**RECOMMENDATION**

- a. Accept Public Utility Easement for Goodfellow-Tullius single parcel development located at 215 West 1850 North. Direct City Recorder to execute and record the Public Utility Easement with the Davis County Recorder's Office.
- b. Accept Public Utility Easement for Samuelson single parcel development located at 315 East 1825 North. Direct City Recorder to execute and record the Public Utility Easement with the Davis County Recorder's Office.
- c. Accept Public Utility Easement, Storm Drain Easement, and Fire Access Easement for the Canyon Point project located at 347 North 400 East. Direct City Recorder to execute and record the easements with the Davis County Recorder's Office.

**BACKGROUND**

- a. On August 23, 2017, the Planning Commission approved the final site plan for an accessory building located at 215 West 1850 North. Since a portion of this property was recently acquired as a parcel and combined with the existing subdivided lot, the applicants are required to provide public utility easements on three sides of the acquired parcel. A public utility easement has been prepared for this purpose and is attached. Staff recommends the City Council accept the easement and direct the City Recorder to submit the same for recording at the Davis County Recorder's Office.
- b. On July 26, 2017, the Planning Commission approved the conceptual site plan for an accessory building located at 315 East 1825 North. This matter is scheduled for final site plan review before the Planning Commission on September 13, 2017. Since a portion of this property was later acquired as a parcel and combined with the existing subdivided lot, the applicants are required to provide public utility easements on three sides of the acquired parcel. A public utility easement has been prepared for this purpose and is attached. Staff recommends the City Council accept the easement and direct the City Recorder to

submit the same for recording at the Davis County Recorder's Office.

c. On March 22, 2017, the Planning Commission approved the final site plan and conditional use permit for the Canyon Point in Centerville, a multi-family residential project, located at 347 North 400 East. As a condition of site plan approval, the applicant is required to provide certain public utility, storm drain, and fire access easements. These easements have been prepared for this purpose and are attached. Staff recommends the City Council accept the easements and direct the City Recorder to submit the same for recording at the Davis County Recorder's Office.

**ATTACHMENTS:**

Description

- ☐ PUE - Goodfellow-Tullius Parcel
- ☐ PUE - Samuelson Parcel
- ☐ PUE - Canyon Point
- ☐ Storm Drain Easement - Canyon Point
- ☐ Fire Access Easement - Canyon Point

**WHEN RECORDED, MAIL TO:**

Centerville City  
Attn: City Recorder  
250 North Main  
Centerville, Utah 84014

Affected Parcel No. 07-139-0032

**PUBLIC UTILITY EASEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantors, **KATHRYN A. GOODFELLOW and MARY L. TULLIUS, OR SUCCESSORS, AS TRUSTEES of THE GOODFELLOW TULLIUS LIVING TRUST, DATED AUGUST 29, 2016**, hereby grant, convey, sell and set over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual right-of-way and easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantors shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantors shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.



IN WITNESS WHEREOF, the Grantors have executed this right-of-way and easement this

\_\_\_\_\_ day of \_\_\_\_\_, 2017.

**"GRANTORS"**

**KATHRYN A. GOODFELLOW and MARY L. TULLIUS, OR SUCCESSORS, AS TRUSTEES of THE GOODFELLOW-TULLIUS LIVING TRUST, DATED AUGUST 29, 2016**

By: \_\_\_\_\_  
Kathryn A. Goodfellow, Trustee

By: \_\_\_\_\_  
Mary L. Tullius, Trustee

**GOODFELLOW-TULLIUS ACKNOWLEDGMENT**

STATE OF UTAH       )  
                              :ss.  
COUNTY OF DAVIS    )

On the \_\_\_\_\_ day of August, 2017, personally appeared before me **KATHRYN A. GOODFELLOW and MARY L. TULLIUS, AS TRUSTEES of THE GOODFELLOW TULLIUS LIVING TRUST, DATED AUGUST 29, 2016**, the signers of the foregoing instrument who duly acknowledged that they executed the same as authorized Trustees of the Trust.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**Accepted for Recordation by Centerville City:**

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

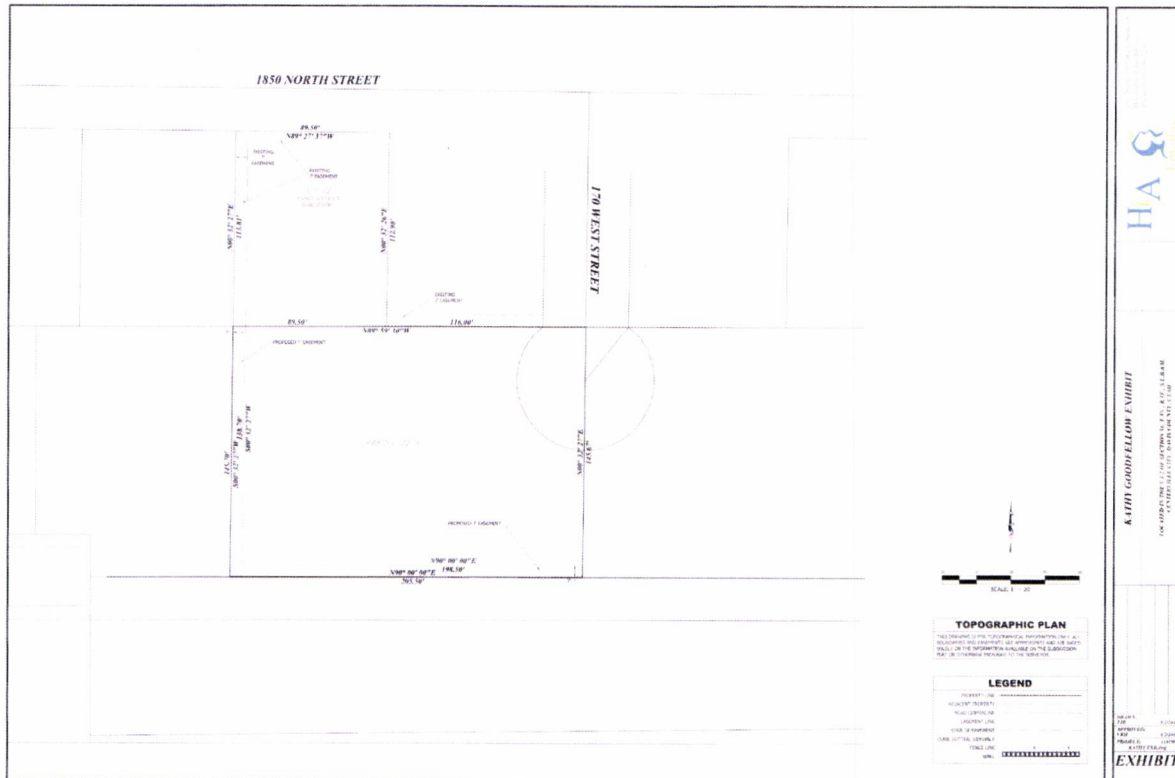
\_\_\_\_\_  
Date

## Exhibit A

### Legal Description of Public Utility Easement

Beginning at the Southwest Corner of Lot 22, France Estates Subdivision located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, Utah and running thence South  $89^{\circ}59'30''$  East 7.00 feet along the rear line of Lot 22; thence South  $0^{\circ}32'27''$  West 138.70 feet; thence North  $90^{\circ}00'00''$  East 198.50 feet to the Grantor's South property line; thence South  $0^{\circ}32'27''$  West 7.00 feet to the Grantor's South property line; thence South  $90^{\circ}00'00''$  West 205.50 feet along said line to the Grantor's West property line; thence North  $0^{\circ}32'27''$  East 145.70 feet to the point of beginning.







**WHEN RECORDED, MAIL TO:**

Centerville City  
Attn: City Recorder  
250 North Main  
Centerville, Utah 84014

Affected Parcel No. 02-013-0138

**PUBLIC UTILITY EASEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantors, **KIM E. SAMUELSON AND REGINA A. SAMUELSON**, hereby grant, convey, sell and set over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual right-of-way and easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantors shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantors shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this right-of-way and easement this

\_\_\_\_\_ day of \_\_\_\_\_, 2017.

**"GRANTORS"**

By: \_\_\_\_\_  
Kim E. Samuelson

By: \_\_\_\_\_  
Regina A. Samuelson

**SAMUELSON ACKNOWLEDGMENT**

STATE OF UTAH       )  
                              :SS.  
COUNTY OF DAVIS    )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me **KIM E. SAMUELSON AND REGINA A. SAMUELSON**, the signers of the foregoing instrument who duly acknowledged that they executed the same as authorized owners of the subject property.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**Accepted for Recordation by Centerville City:**

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

\_\_\_\_\_  
Date

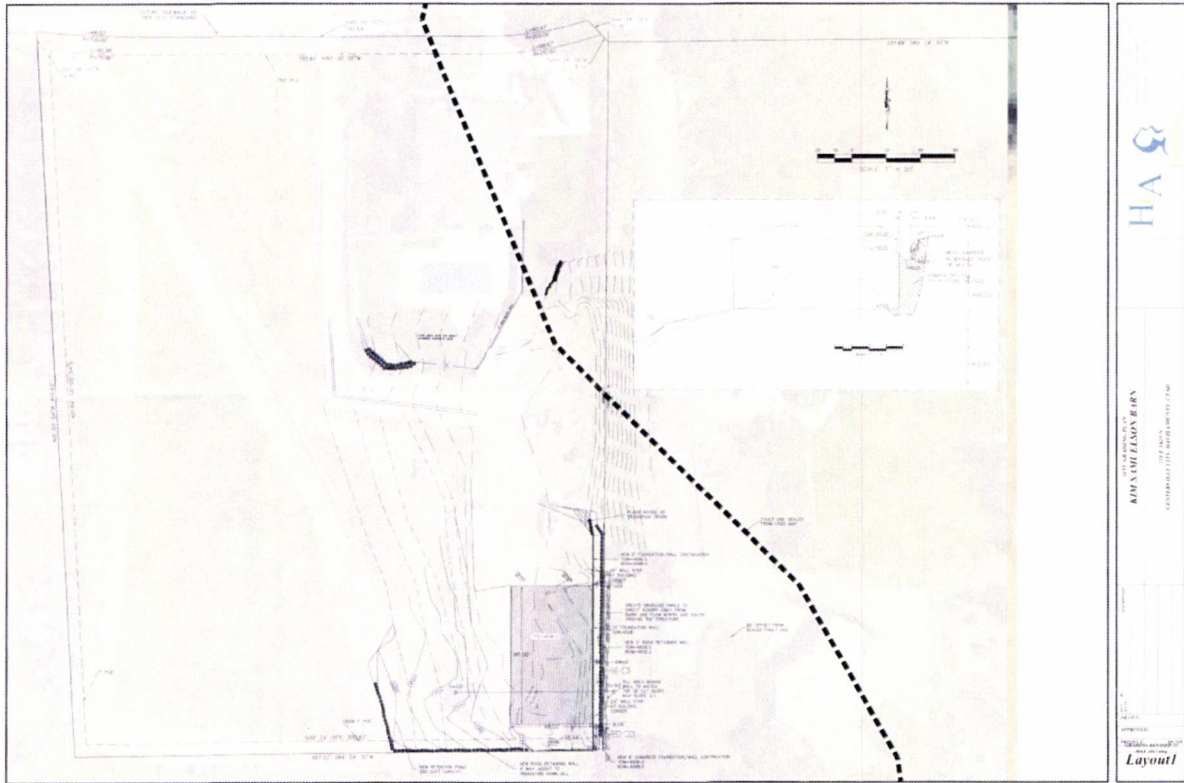
## Exhibit A

### Legal Description of Public Utility Easement

Beginning at a point which is S89°24'30"W 337.69 feet along the section line and N44°24'30"W 6.10 feet from the NE corner of section 6 T2N R1E, SLB&M Davis County Utah and running thence; westerly along the arc of a 210.00 foot radius curve to the right for an arc distance of 68.58 feet central angle = 18°42'36" chord bearing and distance S80°36'55"W 68.27 feet, thence S90°00'00"W 192.64 feet to a point of curvature to a 710.00 foot radius curve to the right thence westerly along the arc of said curve for a distance of 60.38 feet central angle 4°52'21" chord bearing and distance N87°33'49"W 60.36 feet, thence S3°03'04"E 401.69 feet, thence N89°24'30"E 300.63 feet to the grantors East property line thence S0°21'31"W 7.00 feet along said line to the grantors south property line, thence S89°24'30"W 307.22 feet along said line to the grantors westerly property line, thence N3°03'04"W 409.62 along said line thence continuing along said line N2°58'30"W 9.90 feet to the Southerly line of 1825 North Street, thence easterly along said line the following courses and distances; curve to the left radius = 700.00 feet, arc = 67.98, chord bearing and distance = S87°13'04"E 67.97 feet, central angle = 5°33'52", N90°00'00"E 192.64 feet, curve to the left radius = 200.00 feet chord bearing and distance = N81°18'26"E 60.24 feet central angle = 17°19'28" arc = 60.47 to the grantors easterly property line thence S44°24'30"E 11.16 feet along said line to the point of beginning.







**WHEN RECORDED, MAIL TO:**

Centerville City  
Attn: City Recorder  
250 North Main  
Centerville, Utah 84014

Affects Parcel No.: 02-099-0059

**PUBLIC UTILITY EASEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **SOUTH DAVIS HOME RENTALS, LLC**, hereby grant, convey, sell and set over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees, franchisees, and public utilities (collectively referred to as Grantee), a perpetual right-of-way and public utility easement to install, maintain, operate, repair, inspect, protect, remove, replace, and relocate public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns, to enter upon the above described property with such equipment as is necessary to install, maintain, operate, repair, inspect, protect, remove, replace, and relocate said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. Pursuant to Utah law, if the property owner places buildings or improvements to land that interfere with the easement rights granted herein, the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights granted herein.

This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective heirs, representatives, successors and assigns.

**IN WITNESS WHEREOF**, the Grantor have executed this right-of-way and easement this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**"GRANTOR"**

SOUTH DAVIS HOME RENTALS, LLC

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

Its: \_\_\_\_\_

**Accepted for Recordation by Centerville City:**

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

\_\_\_\_\_  
Date

**SOUTH DAVIS HOME RENTALS ACKNOWLEDGMENT**

STATE OF UTAH                    )  
                                          :SS  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that (s)he is the \_\_\_\_\_ of **SOUTH DAVIS HOME RENTALS, LLC**, a Utah limited liability company, that the limited liability company is the legal property owner of record of the property subject to this easement, and that the foregoing instrument was duly authorized by the limited liability company by authority of its operating agreement and signed in behalf of said limited liability company.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_



## **Exhibit A**

### **Legal Description of Public Utility Easement**

#### EXTERIOR PUBLIC UTILITY EASEMENT

AN EASEMENT GENERALLY FOLLOWING ALONG AND PARALLEL TO THE EXTERIOR LINES OF THE GRANTOR'S PARCEL, BEING PART OF THE NORTHEAST QUARTER OF LOT 8, BLOCK "D", BIG CREEK PLAT, CENTERVILLE TOWNSITE SURVEY, ALSO LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7 AND THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE GRANTOR'S NORTHEAST CORNER, SAID POINT BEING SOUTH 00°19'54" WEST 112.00 FEET ALONG THE WEST LINE OF 400 EAST STREET FROM THE NORTHEAST CORNER OF SAID LOT 8, AND RUNNING THENCE NORTH 89°51'34" WEST 200.00 FEET ALONG THE GRANTOR'S NORTH LINE TO A CORNER; THENCE NORTH 00°19'54" EAST 21.00 FEET ALONG THE GRANTOR'S LINE TO A CORNER; THENCE NORTH 89°51'34" WEST 90.00 FEET ALONG THE GRANTOR'S NORTH LINE TO THE GRANTOR'S NORTHWEST CORNER, SAID CORNER BEING NORTH 89°51'34" WEST 290.00 FEET ALONG THE SOUTH LINE OF PARRISH LANE AND SOUTH 00°19'54" WEST 91.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'54" WEST 119.11 FEET ALONG THE GRANTOR'S WEST LINE TO A CORNER; THENCE SOUTH 89°40'06" EAST 290.00 FEET ALONG THE GRANTOR'S SOUTH LINE TO A CORNER ON THE WEST LINE OF 400 EAST STREET; THENCE NORTH 00°19'54" EAST 92.07 FEET ALONG SAID WEST LINE TO A POINT THAT IS SOUTH 00°19'54" WEST 7.00 FROM THE POINT OF BEGINNING; THENCE NORTH 89°51'34" WEST 10.00 FEET; THENCE SOUTH 00°19'54" WEST 85.04 FEET; THENCE NORTH 89°40'06" WEST 183.00 FEET; THENCE NORTH 00°19'54" EAST 84.43 FEET TO A POINT THAT IS 7.00 FEET PERPENDICULARLY DISTANT FROM THE GRANTOR'S NORTH LINE; THENCE NORTH 89°51'34" WEST 7.00 FEET; THENCE SOUTH 00°19'54" WEST 84.41 FEET; THENCE NORTH 89°40'06" WEST 83.00 FEET; THENCE NORTH 00°19'54" EAST 105.13 FEET; THENCE SOUTH 89°51'34" EAST 76.00 FEET; THENCE SOUTH 00°19'54" WEST 21.00 FEET; THENCE SOUTH 89°51'34" EAST 207.00 FEET TO THE WEST LINE OF 400 EAST STREET AT SAID POINT THAT IS SOUTH 00°19'54" WEST 7.00 FROM THE POINT OF BEGINNING; THENCE NORTH 00°19'54" EAST 7.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.



**WHEN RECORDED, MAIL TO:**

Centerville City  
Attn: City Recorder  
250 North Main  
Centerville, Utah 84014

Affects Parcel No.: 02-099-0059

**STORM DRAIN EASEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **SOUTH DAVIS HOME RENTALS, LLC**, hereby grants, conveys, sells and sets over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees, franchisees, and public utilities (collectively referred to as Grantee), a perpetual right-of-way and easement to install, maintain, operate, repair, inspect, protect, remove, replace, and relocate storm drain pipelines and related facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantors' land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns, to enter upon the above described property with such equipment as is necessary to install, maintain, operate, repair, inspect, remove, replace, and relocate said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. Pursuant to Utah law, if the property owner places buildings or improvements to land that interfere with the easement rights granted herein, the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights granted herein.

This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.

**IN WITNESS WHEREOF**, the Grantors have executed this right-of-way and easement this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**"GRANTOR"**

SOUTH DAVIS HOME RENTALS, LLC

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

Its: \_\_\_\_\_

**Accepted for Recordation by Centerville City:**

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

\_\_\_\_\_  
Date



**SOUTH DAVIS HOME RENTALS ACKNOWLEDGMENT**

STATE OF UTAH                    )  
                                              :SS  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that (s)he is the \_\_\_\_\_ of **SOUTH DAVIS HOME RENTALS, LLC**, a Utah limited liability company, that the limited liability company is the legal property owner of record of the property subject to this easement, and that the foregoing instrument was duly authorized by the limited liability company by authority of its operating agreement and signed in behalf of said limited liability company.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

Residing at:  
  
\_\_\_\_\_

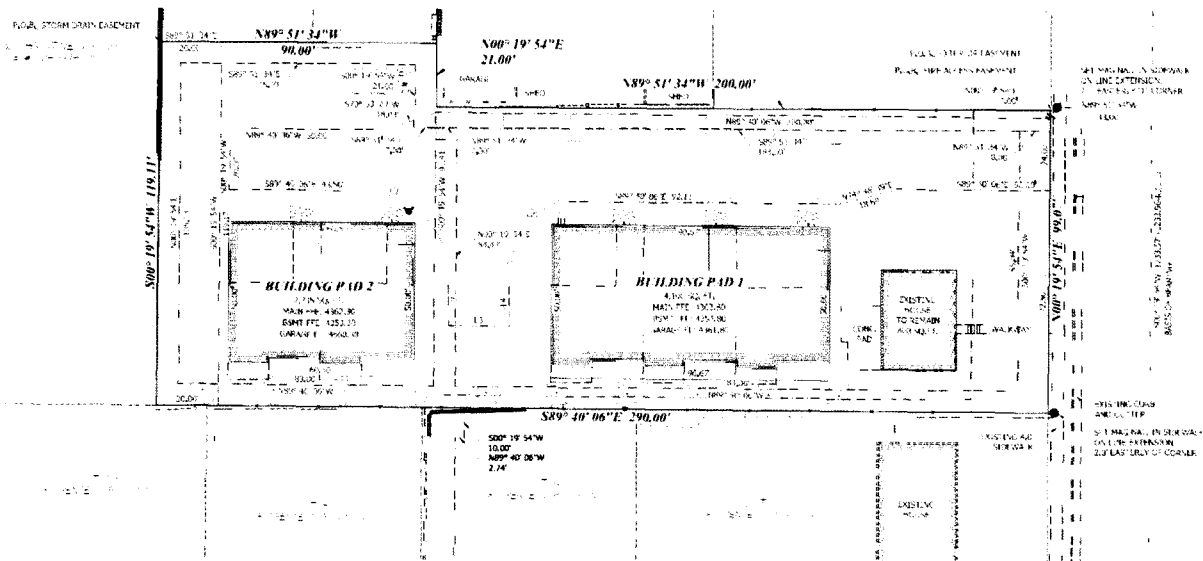
## Exhibit A

### Legal Description of Storm Drain Easement

#### STORM DRAIN EASEMENT

A 20.0-FOOT WIDE EASEMENT BEING PART OF THE NORTHEAST QUARTER OF LOT 8, BLOCK "D", BIG CREEK PLAT, CENTERVILLE TOWNSITE SURVEY, ALSO LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE GRANTOR'S NORTHWEST CORNER, SAID POINT BEING NORTH 89°51'34" WEST 290.00 FEET ALONG THE SOUTH LINE OF PARRISH LANE AND SOUTH 00°19'54" WEST 91.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 8, AND RUNNING THENCE SOUTH 89°51'34" EAST 20.00 FEET ALONG THE GRANTOR'S NORTH LINE; THENCE SOUTH 00°19'54" WEST 119.17 FEET TO THE GRANTOR'S SOUTH LINE; THENCE NORTH 89°40'06" WEST 20.00 FEET ALONG SAID SOUTH LINE TO THE GRANTOR'S SOUTHWEST CORNER; THENCE NORTH 00°19'54" EAST 119.11 FEET ALONG THE WEST LINE TO THE GRANTOR'S NORTHWEST CORNER AND TO THE POINT OF BEGINNING.



**WHEN RECORDED, MAIL TO:**

Centerville City  
Attn: City Recorder  
250 North Main  
Centerville, Utah 84014

Affects Parcel No.: 02-099-0059

**FIRE ACCESS, CULINARY WATERLINE AND  
PUBLIC UTILITY EASEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **SOUTH DAVIS HOME RENTALS, LLC**, hereby grant, convey, sell and set over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees, franchisees, and public utilities (collectively referred to as Grantee), a perpetual right-of-way and fire access, waterline, and public utility easement to install, maintain, operate, repair, inspect, protect, remove, replace, and relocate fire access, culinary waterline, and public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns, to enter upon the above described property with such equipment as is necessary to install, maintain, operate, repair, inspect, protect, remove, replace, and relocate said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. Pursuant to Utah law, if the property owner places buildings or improvements to land that interfere with the easement rights granted

herein, the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights granted herein.

This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective heirs, representatives, successors and assigns.

**IN WITNESS WHEREOF**, the Grantor have executed this right-of-way and easement this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**"GRANTOR"**

SOUTH DAVIS HOME RENTALS, LLC

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

Its: \_\_\_\_\_

**Accepted for Recordation by Centerville City:**

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

\_\_\_\_\_  
Date

**SOUTH DAVIS HOME RENTALS ACKNOWLEDGMENT**

STATE OF UTAH                    )  
                                              :ss  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that (s)he is the \_\_\_\_\_ of **SOUTH DAVIS HOME RENTALS, LLC**, a Utah limited liability company, that the limited liability company is the legal property owner of record of the property subject to this easement, and that the foregoing instrument was duly authorized by the limited liability company by authority of its operating agreement and signed in behalf of said limited liability company.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

Residing at:  
  
\_\_\_\_\_



## Exhibit A

### Legal Description of Fire Access, Culinary Waterline and Public Utility Easement

#### FIRE ACCESS AND PUBLIC UTILITY EASEMENT

AN EASEMENT BEING PART OF THE NORTHEAST QUARTER OF LOT 8, BLOCK "D", BIG CREEK PLAT, CENTERVILLE TOWNSITE SURVEY, ALSO LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7 AND THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS SOUTH 00°19'54" WEST 2.57 FEET FROM THE GRANTOR'S NORTHEAST CORNER, THE GRANTOR'S NORTHEAST CORNER BEING SOUTH 00°19'54" WEST 112.00 FEET ALONG THE WEST LINE OF 400 EAST STREET FROM THE NORTHEAST CORNER OF SAID LOT 8, AND RUNNING THENCE NORTH 89°40'06" WEST 200.00 FEET; THENCE SOUTH 70°53'27" WEST 18.03 FEET; THENCE NORTH 89°40'06" WEST 50.00 FEET; THENCE SOUTH 00°19'54" WEST 20.00 FEET; THENCE SOUTH 89°40'06" EAST 43.50 FEET TO A POINT ON A 28.00-FOOT-RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 43.98 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", CHORD BEARS SOUTH 44°40'06" EAST 39.60 FEET; THENCE SOUTH 00°19'54" WEST 16.00 FEET; THENCE SOUTH 89°40'06" EAST 20.00 FEET; THENCE NORTH 00°19'54" EAST 16.00 FEET TO A POINT ON A 28.00-FOOT-RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 30.90 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63°14'01", CHORD BEARS NORTH 31°56'58" EAST 29.36 FEET; THENCE SOUTH 89°40'06" EAST 92.11 FEET; THENCE NORTH 74°48'39" EAST 18.69 FEET; THENCE SOUTH 89°40'06" EAST 50.00 FEET TO THE WEST LINE OF 400 EAST STREET; THENCE NORTH 00°19'54" EAST 24.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.





**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 3

Short Title: Public Hearing - Proposed Planned Development Overlay Amendment - Legacy Crossing at Parrish Lane  
- 1250 West Parrish Lane

Initiated By: JF Legacy Land, LLC, et al.

Scheduled Time: 7:10

**SUBJECT**

- a. Consider amending the Planned Development Overlay Approval for the Legacy Crossing at Parrish Lane Planned Development located at 1250 West and Parrish Lane allowing a parking modification for shared use parking and a reduction of the overall required parking for the project - Ordinance No. 2017-24
- b. Consider Assignment and Assumption Agreement between the City, HCR Legacy, LLC, KEM Holdings, LLC, Teton Office Ventures, LLC, and S&J 5, LLC for various lots within the Legacy Crossing at Parrish Lane Planned Development
- c. Consider Fourth Amendment to the Development Agreement for the Legacy Crossing at Parrish Lane Planned Development
- d. Consider Third Amendment to the Declaration of Parking and Cross-Access Easement and other Easements and Restrictions Affecting Land within the Legacy Crossing at Parrish Lane Planned Development

**RECOMMENDATION**

- a. Adopt Ordinance No. 2017-24 amending the Planned Development Overlay Approval for the Legacy Crossing at Parrish Lane Planned Development located at 1250 West and Parrish Lane allowing a parking modification for the shared use parking and a reduction of the overall required parking for the project.
- b. Approve Assignment and Assumption Agreement between the City, HCR Legacy, LLC, KEM Holdings, LLC, Teton Office Ventures, LLC, and S&J 5, LLC for various lots within the Legacy Crossing at Parrish Lane Planned Development and require the Assignment Agreement to be recorded against the property prior to further approvals for the subject properties.
- c. Consider Fourth Amendment to the Development Agreement for the Legacy Crossing at Parrish Lane Planned Development implementing the parking modifications and reductions.
- d. Consider Third Amendment to the Declaration of Parking and Cross-Access Easement and other Easements and Restrictions Affecting Land within the Legacy Crossing at Parrish Lane Planned Development implementing the parking modifications and reductions.

**BACKGROUND**

- a. On August 23, 2017, the Planning Commission reviewed and recommended for approval certain amendments to the Planned Development Overlay Approval for the Legacy Crossing at Parrish Lane Planned Development allowing a parking modification for the shared use parking and a reduction of the overall required parking for the project. The Staff Transmittal Report for the proposed PDO Amendments is attached. Also attached is Ordinance No. 2017-24 regarding the proposed amendments.
- b. The City previously entered into a Development Agreement for the Legacy Crossing at Pages Lane Planned Development. Pursuant to Section 60 of the Development Agreement, property owners are prohibited from assigning any of their obligations under the Development Agreement or any rights or interests therein without the prior written consent of the City. In addition, any future assignee is required to consent in writing to be bound by the terms of the Development Agreement by entering into an Assignment and Assumption Agreement. In reviewing the title work for property within the project, in conjunction with the proposed PDO and Development Agreement amendments, it was determined that there are four new owners of property within the project that have not signed and recorded appropriate Assignment Agreements. Before any amendments to the Development Agreement may be approved, these new property owners must sign and fully execute an Assignment Agreement acceptable to the City. The attached Assignment Agreement has been prepared for this purpose. The Assignment Agreement must be recorded against the subject properties prior to recording of any Development Agreement Amendments.
- c. In addition to the PDO Ordinance Approval Amendments, in order to implement the requested parking modifications and reductions, certain amendments to the Development Agreement for the project must be adopted. The attached Fourth Amendment to the Development Agreement for the Legacy Crossing at Parrish Lane Planned Development has been prepared for this purpose. The Fourth Amendment to the Development Agreement amends Sections 22 and 23 and Exhibits C and H to the Development Agreement addressing the parking modification and reduction matters.
- d. In addition to the PDO Ordinance approval amendments and the Development Agreement amendments, certain amendments to the Declaration of Parking and Cross-Access Easement for the project must be adopted. The attached Third Amendment to the Declaration of Parking and Cross-Access Easement for the Legacy Crossing at Parrish Lane Planned Development has been prepared for this purpose. The Third Amendment to the Declaration amends Section 6 addressing the parking modification and reduction matters.

**ATTACHMENTS:**

**Description**

- ▢ CC Transmittal Report 9-5-2017
- ▢ Ordinance No. 2017-24 - Legacy Crossing PDO Amendment
- ▢ Assignment Agreement - Legacy Crossing PDO - Various Lots
- ▢ Fourth Amendment to Development Agreement - Legacy Crossing PDO
- ▢ Exhibit - Parking Study
- ▢ Exhibit - Master Site Plan
- ▢ Exhibit - Reciprocal Parking and Cross-Access Easement Plan
- ▢ Third Amendment to Declaration of Easement - Legacy Crossing PDO
- ▢ PC Staff Report 8-23-2017
- ▢ August 23, 2017 PC preliminary draft meeting minutes - pgs 5&6

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

**PLANNING COMMISSION TRANSMITTAL REPORT**

---

**PROPERTY OWNERS:** LEGACY CROSSING THEATER, LLC  
JF LEGACY LAND, LLC  
KEM HOLDINGS, LLC  
JENSNT LEGACY, LLC  
TETON OFFICE VENTURES, LLC  
LEGACY OFFICE BUILDING, LLC  
S & J 5, LLC  
LEGACY CROSSING APARTMENT, LC

**AGENT:** LEGACY OFFICE BUILDING, LLC  
OWEN FISHER  
1148 W. LEGACY CROSSING BOULEVARD SUITE 400  
CENTERVILLE, UTAH 84014  
([owen@jfishercom.com](mailto:owen@jfishercom.com))

**PROPERTY:** SOUTHEAST CORNER/ 1250 WEST PARRISH LANE  
(AKA: LEGACY CROSSING AT PARRISH LANE)

**ACREAGE:** 27.40 ACRES

**ZONING:** COMMERCIAL VERY-HIGH/(PD)

**APPLICATION:** PDO ZONE PLAN AMENDMENT FOR A PARKING  
MODIFICATION TO ALLOW SHARED USE PARKING  
(A REDUCTION OF OVERALL PROJECT REQUIRED PARKING)

**PC RECOMMENDATION:** RECOMMEND APPROVAL OF AMENDMENT

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**BACKGROUND**

The applicants desire to amend the approved project's overall parking plan by seeking a "Parking Modification" to modify the number of parking stalls related to this mixed-use development, as outlined in Section 12.52.110.c of the Zoning Ordinance. The desire to exclude Lots 2 and 3 from the project's parking plan by changing from a "flat peak" parking calculation for all uses of the development to sufficient parking demand based on time of day between uses (i.e. sharing of office day use with theater evening use). Also, this modification would allow for the development of the other lots, particularly Lot 4, to be built out completely without the need to



await the installation of the needed “flat peak “parking stalls that are to be constructed as part of Lots 2 and 3.

**PLANNING COMMISSION RECOMMENDATION**

On August 23, 2017, the Planning Commission motioned to **RECOMMEND APPROVAL** of the petition to amend the Legacy Crossing at Parrish Lane Development’s PDO Approval, as follows:

1. Approval of the amended Exhibit “C,” as submitted to the City
2. Approval of the Parking Modification, as prepared by Reeves and Associates, Inc.
3. The final parking counts for Lots 2 and 3 shall be subject to their applicable site plan approvals.
4. The preparation and recording of the necessary Development Agreement amendments, as deemed acceptable by the City Attorney.
5. All other related or associated conditions of the Legacy Crossing at Parrish Lane Development PDO Approval remain in effect with this amendment.

Suggested Reasons for the Action (Findings):

- a) The Planning Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b) The Planning Commission finds that amendments are consistent and compatible with the originally approved expectations of the PDO Plan for the Legacy Crossing at Parrish Lane, as a mixed-use development project.

**Planning Commission Vote (6-0):**

| Commissioner    | Yes | No | Not Present |
|-----------------|-----|----|-------------|
| Hirschi (Chair) | X   |    |             |
| Hirst           | X   |    |             |
| Johnson         | X   |    |             |
| Daly            | X   |    |             |
| Hayman          | X   |    |             |
| Wright          | X   |    |             |
| Helgesen        |     |    | X           |

***PREVIOUS PLANNING COMMISSION MEETINGS***

- ***AUGUST 23, 2017***

## **ORDINANCE NO. 2017-24**

### **AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT OVERLAY ZONE FOR THE LEGACY CROSSING AT PARRISH LANE PLANNED DEVELOPMENT TO ALLOW A PARKING MODIFICATION FOR THE SHARED USE PARKING AND A REDUCTION IN THE OVERALL REQUIRED PARKING FOR THE PROJECT**

**WHEREAS**, the City Council previously approved the rezoning of property for the Legacy Crossing at Parrish Lane Planned Development from Commercial-Very High (C-VH) to Commercial-Very High/Planned Development Overlay (C-VH/PDO) as more particularly provide in Ordinance No. 2010-12; and

**WHEREAS**, the Developer has requested an amendment to the C-VH/PDO zoning for the Legacy Crossing at Parrish Lane Planned Development to allow a parking modification for the shared use parking and a reduction in the overall required parking for the project; and

**WHEREAS**, the Planning Commission has reviewed and recommended approval of the proposed C-VH/PDO zone change subject to designated conditions of approval and all appropriate public hearings have been held in accordance with City Ordinances and State law.

**BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF CENTERVILLE, UTAH, AS FOLLOWS:**

**Section 1.**     **Amendment.** The C-VH/PDO approval for the Legacy Crossing at Parrish Lane Planned Development is hereby amended to allow a parking modification for the shared use parking and a reduction in the overall required parking for the project, subject to all conditions of approval of the City Council as more particularly set forth in Section 2. This rezone amendment is applicable to the property more particularly set forth in Ordinance No. 2010-12, as amended, and all of the property within the Legacy Crossing at Parrish Lane Subdivision.

**Section 2.**     **Conditions.** This rezone is subject to all applicable conditions of approval as set forth in the original rezone Ordinance No. 2010-12, as amended, and to the following additional conditions:

1. Approval of the amended Exhibit "C," to the Development Agreement as submitted to the City.
2. Approval of the Parking Modification, as prepared by Reeves and Associates, Inc.
3. The final parking counts for Lots 2 and 3 shall be subject to their applicable site plan approvals.
4. The preparation and recording of the necessary Development Agreement and Declaration of Parking and Cross-Access Easement amendments, as deemed acceptable by the City Attorney.
5. All other related or associated conditions of the Legacy Crossing at Parrish Lane Development PDO Approval shall remain in effect with this amendment.
6. The developer shall pay all applicable application and professional services fees related to the petition.

**Section 3. Findings.** This amendment to the PDO zoning for the Legacy Crossing Development is based on the following findings:

- a. The City Council finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b. The City Council finds that amendments are consistent and compatible with the originally approved expectations of the PDO Plan for the Legacy Crossing at Parrish Lane, as a mixed-use development project.

**Section 4.** This Ordinance shall take effect immediately upon posting or 30 days after final passage by the City Council, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,  
STATE OF UTAH, ON THIS 5th DAY OF SEPTEMBER, 2017.**

**CENTERVILLE CITY**

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

**ATTEST:**

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

Voting by the City Council:

|                        | <b>“AYE”</b> | <b>“NAY”</b> |
|------------------------|--------------|--------------|
| Councilmember Fillmore | _____        | _____        |
| Councilmember Ince     | _____        | _____        |
| Councilmember Ivie     | _____        | _____        |
| Councilmember McEwan   | _____        | _____        |
| Councilmember Mecham   | _____        | _____        |

**When recorded, return to:**

Centerville City  
ATTN: City Recorder  
250 North Main Street  
Centerville, Utah 84014

Affects Parcels: 06-336-0002, 06-336-0003, 06-368-0401, 06-368-0404, 06-368-0408

**ASSIGNMENT AND ASSUMPTION AGREEMENT  
(LOT 2, LOT 3, LOT 401, LOT 404 and LOT 408)**

**THIS ASSIGNMENT AND ASSUMPTION AGREEMENT** ("Agreement") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between **CENTERVILLE CITY**, a Utah municipal corporation ("City"), **HCR LEGACY, LLC**, a Utah limited liability company, **KEM HOLDINGS, LLC**, a Utah limited liability corporation, **TETON OFFICE VENTURES LLC**, a Utah limited liability company, and **S&J 5, LLC**, a Utah limited liability company (collectively referred to herein as "Developer" or "Parties").

**RECITALS**

A. **WHEREAS**, the City is a party to that certain Legacy Crossing at Parrish Lane Development Agreement & Exhibits, dated July 26, 2010 and recorded on September 28, 2010 as Entry No. 2555652 in the Davis County Recorder's Office, as the same has been or may be amended from time to time (the "Development Agreement"), recorded against and subject to all property within the Legacy Crossing at Parrish Lane Planned Development (the "Legacy Crossing Planned Development").

B. **WHEREAS**, the Parties have purchased property within the Legacy Crossing Planned Development and are required to enter into an Assignment and Assumption Agreement pursuant to Section 60 of the Development Agreement agreeing to be bound by and perform all obligations under the Development Agreement with respect to their subject property as more particularly provided herein.

**AGREEMENT**

**NOW, THEREFORE**, for and in consideration of the premises and the mutual covenants contained herein, and for other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

1. **Assignment.** Effective as of the Assignment Date and subject to the terms and conditions of this Agreement, the Parties hereby agree to be bound by and perform all obligations under the Development Agreement with respect to their subject property (the "Assignment").

2. **Further Actions.** Each of the Parties hereto covenants and agrees, at its own expense, to execute and deliver, at the request of the other Party hereto, such further instruments of transfer and assignment and to take such other action as such other Party may reasonably request to more effectively consummate the assignments and assumptions contemplated by this Agreement.

3. **City Consent.** By executing the Agreement below, the City hereby constitutes this Agreement as sufficient written notice under Section 60 of the Development Agreement, and the City approves the substance and form of this Assignment as included in this Agreement.

4. **Miscellaneous.**

(a) **Successors and Assigns.** This Agreement shall be binding upon, and shall inure to the benefit of, the Parties hereto and their respective successors and assigns.

(b) **Severability.** If any part of any provision of this Agreement is invalid or unenforceable under applicable law, the provision shall be ineffective only to the extent of such invalidity or unenforceability without in any way affecting the remaining parts of the provision or this Agreement.

(c) **Recording.** Upon its full execution, this Agreement shall be promptly recorded in the Davis County Recorder's Office.

(d) **Amendment.** No supplement, modification, waiver, or termination of this Agreement or any provisions hereof shall be binding unless executed in writing by all Parties hereto. No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provisions (whether or not similar) nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.

(e) **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

(f) **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Utah, without respect to the provisions concerning the conflict of laws.

(g) **Attorneys' Fees.** In the event of any suit, action, or proceeding brought by any Party for a breach of any term hereof, or to enforce any provision hereof, the prevailing Party shall be entitled to reasonable attorneys' fees in addition to court costs and other expenses of litigation in said action or proceeding. For purposes of this Agreement, "prevailing party" includes, without limitation, a party who agrees to dismiss an action or proceeding upon the other's payment of the sums allegedly due or performance of the covenants allegedly breached, or who obtains substantially the relief sought.



**IN WITNESS WHEREOF**, the Parties hereto have executed this Assignment and Assumption Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

[SIGNATURE PAGE FOLLOWS]

**“CITY”**

ATTEST:

**CENTERVILLE CITY**

\_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor

**“DEVELOPER”**

**HCR LEGACY, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**KEM HOLDINGS, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**TETON OFFICE VENTURES, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**S & J 5, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

[ACKNOWLEDGEMENT NOTARY SIGNATURES FOLLOW]

### CENTERVILLE CITY ACKNOWLEDGEMENT

STATE OF UTAH )  
 )  
 ) :SS.  
COUNTY OF DAVIS )

On the \_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_, who being duly sworn, did say that he is the Mayor of **CENTERVILLE CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Mayor acknowledged to me that the City executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

### HCR LEGACY, LLC ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
 )  
 ) :SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of **HCR LEGACY, LLC**, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

### KEM HOLDINGS ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of **KEM HOLDINGS, LLC**, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

### TETON OFFICE VENTURES ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of **TETON OFFICE VENTURES, LLC**, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**S & J 5 ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **S & J 5, LLC**, and that the foregoing instrument was signed in  
behalf of said company by authority of its members and they acknowledged to me that said  
company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_



**When recorded, return to:**

Centerville City  
ATTN: City Recorder  
250 North Main Street  
Centerville, Utah 84014

Affects Parcels: 06-336-0001, 06-336-0002, 06-336-0003, 06-336-0007, 06-336-0011,  
06-368-0401, 06-368-0403, 06-368-0404, 06-368-0406, 06-368-0407,  
06-368-0408

**FOURTH AMENDMENT TO  
DEVELOPMENT AGREEMENT BETWEEN CENTERVILLE  
CITY, JF LEGACY LAND, LLC, HCR LEGACY, LLC, KEM HOLDINGS, LLC,  
LEGACY CROSSING THEATRE, LLC, LEGACY CROSSING APARTMENTS, L.C.,  
LEGACY CROSSING OWNERS ASSOCIATION, INC., JENSNT LEGACY, LLC,  
TETON OFFICE VENTURES, LLC, LEGACY OFFICE BUILDING, LLC,  
AND S & J 5, LLC**

**THIS FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT** ("Fourth Amendment") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between **CENTERVILLE CITY**, a Utah municipal corporation ("City"), **JF LEGACY LAND, LLC**, a Utah limited liability company, **HCR LEGACY, LLC**, a Utah limited liability company, **KEM HOLDINGS, LLC**, a Utah limited liability corporation, **LEGACY CROSSING THEATRE, LLC**, a Utah limited liability company, **LEGACY CROSSING APARTMENTS, L.C.**, a Utah limited liability company, **LEGACY CROSSING OWNERS ASSOCIATION, INC.**, a Utah nonprofit corporation, **JENSNT LEGACY, LLC**, a Utah limited liability company, **TETON OFFICE VENTURES LLC**, a Utah limited liability company, **LEGACY OFFICE BUILDING, LLC**, a Utah limited liability company, **S & J 5, LLC**, a Utah limited liability company (collectively referred to herein as "Developer").

**RECITALS:**

**WHEREAS**, the City, Parrish Land Holdings, LLC and Legacy Crossing, LLC, previously entered into that certain Development Agreement dated September 21, 2010 and recorded at the Davis County Recorder's Office on September 28, 2010, Entry No. 2555652, Book No. 5118, Pages 526-622 ("Development Agreement"), regarding the development of the Legacy Crossing at Parrish Lane project consisting of approximately 28.70 acres of real property located at the southeast corner of 1250 West and Parrish Lane in Centerville City, Davis County,

State of Utah, as more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, the other parties to this Fourth Amendment became parties to the Development Agreement by such certain Assignment and Assumption Agreements subsequently entered into and recorded against the Property at the Davis County Recorder's Office; and

**WHEREAS**, the parties desire to amend the Development Agreement to revise the parking layout and related requirements in connection with the opinion of a commissioned parking study (the "Parking Study") attached as Exhibit 2, which Parking Study supports a shared parking arrangement (the "Shared Parking Arrangement") between the property subject to the Development Agreement and the amended Master Site Plan for the Planned Development.

**WHEREAS**, the City is willing to amend the Development Agreement to make the requested changes to the Development Agreement and related exhibits;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Amendment.

2. **Amendment.** Section 22 of the Agreement is hereby amended and shall be read in its entirety as follows:

Except as otherwise set forth herein, all parking for the Planned Development shall be provided in accordance with the Master Site Plan set forth in **Exhibit C**. All parking for the Planned Development shall comply with the parking, parking lot, traffic circulation, landscaping, design, and lighting provisions of the Parrish Lane Gateway Design Standards and applicable City Ordinances. Pursuant to the findings of the Parking Study, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 are hereby authorized to utilize the excess parking spaces located on each respective Lot as indicated in the Parking Study, which Shared Parking Arrangement will satisfy the Developer's obligations for the minimum number of required parking spaces for each Lot and each Lot's use, provided however, in no event shall cross-access for parking be provided or permitted from Lot 1, Lot 2, Lot 3, or Lot 4 onto, over, or across or through Lot 5 or Lot 6. Lot 2 and Lot 3 have not been included in the time-dependent analysis of parking required for Lots 1 and 4-6, but are included in the shared parking and cross-access obligations for the Planned Development. Lot 2 and Lot 3 shall be required to comply with and provide the minimum off-street parking stalls in accordance with City Ordinances applicable for the development of Lot 2 and Lot 3 to be analyzed with final site

plan approval for such lots. Lot 2 and Lot 3 must preserve the drive aisle and circulation patterns as shown on the Master Site Plan set forth in **Exhibit C**.

3. **Amendment**. Section 23 of the Agreement is hereby amended insofar as all parking ratios for individual phases, or lots, within the Planned Development shall be calculated in a manner consistent with the Parking Study. Accordingly, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 are hereby authorized to utilize the excess parking spaces located on each respective Lot as indicated in the Parking Study, which Shared Parking Arrangement will satisfy the Developer's obligations for the minimum number of required parking spaces for each Lot and each Lot's use, provided however, in no event shall cross-access for parking be provided or permitted from Lot 1, Lot 2, Lot 3, or Lot 4 onto, over, or across or through Lot 5 or Lot 6. Concurrent herewith, the parties hereto have executed and recorded, or will soon record, that certain third amendment to declaration of parking and cross-access easement and other easements and restrictions affecting land, which amendment will allow for the Shared Parking Arrangement described herein. Notwithstanding the foregoing, it is acknowledged that Lot 2 and Lot 3 have not been included in the time-dependent analysis of parking required for Lots 1 and 4-6, but are included in the shared parking and cross-access obligations for the Planned Development. Lot 2 and Lot 3 shall be required to comply with and provide the minimum off-street parking stalls in accordance with City Ordinances applicable for the development of Lot 2 and Lot 3 to be analyzed with final site plan approval for such lots. Lot 2 and Lot 3 must preserve the drive aisle and circulation patterns as shown on the Master Site Plan set forth in **Exhibit C**.

4. **Amendment**. Exhibit C to the Development Agreement regarding the Master Site Plan and internal parking and building locations within the Planned Development is hereby amended to read in its entirety set forth in **Exhibit 3**, attached hereto and incorporated by this reference.

5. **Amendment**. Exhibit H to the Development Agreement regarding the Reciprocal Parking and Cross-Access Easements Plan for the Planned Development is hereby amended to read in its entirety set forth in **Exhibit 4**, attached hereto and incorporated by this reference.

6. **Counterparts**. This Fourth Amendment may be executed in counterparts each of which shall be deemed an original and all of which shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the parties hereto have executed this Fourth Amendment by and through their respective, duly authorized representatives as of the day and year first above written.

[SIGNATURE PAGE FOLLOWS]

**“CITY”**

ATTEST:

**CENTERVILLE CITY**

\_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor

**“DEVELOPER”**

**JF LEGACY LAND, LLC**

By: JF Capital, LLC

By: Jack Fisher Group, LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**HCR LEGACY, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**KEM HOLDINGS, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY CROSSING THEATRE, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY CROSSING APARTMENTS, LC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY CROSSING OWNERS  
ASSOCIATION, INC.**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**JENSNT LEGACY, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**TETON OFFICE VENTURES, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY OFFICE BUILDING, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**S & J 5, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

[ACKNOWLEDGEMENT NOTARY SIGNATURES FOLLOW]

STATE OF UTAH )  
 )  
 ) :SS.  
COUNTY OF DAVIS )

Notary Public

Residing at:

STATE OF \_\_\_\_\_ )  
 )SS.  
COUNTY OF \_\_\_\_\_ )

Notary Public

Residing at:



### HCR LEGACY, LLC ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **HCR LEGACY, LLC**, and that the foregoing instrument was  
signed in behalf of said company by authority of its members and they acknowledged to me that  
said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

### KEM HOLDINGS ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **KEM HOLDINGS, LLC**, and that the foregoing instrument was  
signed in behalf of said company by authority of its members and they acknowledged to me that  
said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY CROSSING THEATRE ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **LEGACY CROSSING THEATRE, LLC**, and that the foregoing  
instrument was signed in behalf of said company by authority of its members and they  
acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY CROSSING APARTMENT ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **LEGACY CROSSING APARTMENT, LC**, and that the foregoing  
instrument was signed in behalf of said company by authority of its members and they  
acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY CROSSING OWNERS ASSOCIATION ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **LEGACY CROSSING OWNERS ASSOCIATION, INC.**, a Utah  
corporation, and that the foregoing instrument was signed in behalf of said corporation by  
authority of its Board and they acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**JENSNT LEGACY ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **JENSNT LEGACY, LLC**, and that the foregoing instrument was  
signed in behalf of said company by authority of its members and they acknowledged to me that  
said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**TETON OFFICE VENTURES ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **TETON OFFICE VENTURES, LLC**, and that the foregoing  
instrument was signed in behalf of said company by authority of its members and they  
acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY OFFICE BUILDING ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **LEGACY OFFICE BUILDING, LLC**, and that the foregoing  
instrument was signed in behalf of said company by authority of its members and they  
acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**S & J 5 ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of **S & J 5, LLC**, and that the foregoing instrument was signed in  
behalf of said company by authority of its members and they acknowledged to me that said  
company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

## **EXHIBIT 1**

### **PROPERTY DESCRIPTION**

All of the Legacy Crossing at Parrish Lane Subdivision Plat located in Centerville, Utah, as filed at the Davis County Recorder's Office, State of Utah

And

All of the Legacy Crossing at Parrish Lane Lot 4 Amended Subdivision Plat located in Centerville, Utah, as filed at the Davis County Recorder's Office, State of Utah.

Consisting of the following Parcel Numbers and Current Owners of Record:

06-336-0001 – Legacy Crossing Theatre LLC  
06-336-0002 – JF Legacy Land LLC and HCR Legacy LLC  
06-336-0003 - JF Legacy Land LLC and HCR Legacy LLC  
06-336-0007 – Legacy Crossing Owners Association Inc.  
06-336-0011 – Legacy Crossing Apartments LC  
06-368-0401 – KEM Holdings LLC  
06-368-0403 – Jensnt Legacy LLC  
06-368-0404 – Teton Office Ventures LLC  
06-368-0406 – Legacy Crossing Owners Association Inc.  
06-368-0407 – Legacy Office Building LLC  
06-368-0408 – S&J 5 LLC



**EXHIBIT 2**  
**PARKING STUDY**

**EXHIBIT 3**

**AMENDED EXHIBIT TO THE DEVELOPMENT AGREEMENT**

Exhibit C – Master Site Plan

**EXHIBIT 4**

**AMENDED EXHIBIT TO THE DEVELOPMENT AGREEMENT**

Exhibit H – Reciprocal Parking and Cross-Access Easement Plan



July 31, 2017

*Project: Legacy Crossing at Parrish Lane*

*Re: Parking requirements*

Due to a change in land use for Legacy Crossing at Parrish Lane from the original land agreement and phases 2 and 3 being excluded, there is a need for a parking requirements study. The original agreement had more retail instead of office space and phases 2 & 3 were to be built. With land use changes and based on the peak parking requirements of the city the developer wants to see if there is sufficient parking based on time of day demand requirements rather than a flat number for peak use only.

The analysis was conducted using data from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 9<sup>th</sup> Edition, Volumes 2 & 3, published in 2012. The attached master site plan (exhibit B) with the outlines drawn shows total parking stalls for each area as planned. There is a total of 1,471 stalls: 750 for the theater area, 204 for the first office area, 279 for the second office and retail area, and 238 for the residential area. The areas were arbitrarily highlighted as parking is intended to be shared in the mixed-use area. Phases 2 and 3 have been omitted from the calculations, but it should be noted if it is constructed as previously planned, the areas will have excess parking for the purposes proposed.

The methodology used was to apply the average rate of a given land use multiplied by its basis as provided by ITE. If a particular use fell under multiple categories, the average of the combined land uses was taken as the average rate. For a conservative value, the Peak Hour of Adjacent Street Traffic or the Peak Hour of Generator was used for more than the single hour it was based upon for its respective time of day as provided by ITE. It was determined Friday has the most traffic and least parking spaces available and is therefore shown indicating traffic movement for each use on a per hour basis (exhibit C-E).

The basis for apartments was 206 total units, the theater has 14 screens and 3266 seats. There is 15,990 sq. ft. of medical office space, 78,157 sq. ft. of general office space, and planned 11,250 sq. ft. of additional office space. On-street parking, mass-transit, and other traffic reducing options were neglected for the calculations. The required parking stalls for the apartments was calculated at the original city rate totaling 354 parking spaces.

*Solutions You Can Build On™*  
*Civil Engineering / Land Planning / Structural Engineering / Landscape Architecture / Land Surveying*

5160 South 1500 West • Riverdale, Utah 84405 • Tel: 801-621-3100 • Fax: 801-621-2666

Email: [ogden@reeve-assoc.com](mailto:ogden@reeve-assoc.com) • Website: [www.reeve-assoc.com](http://www.reeve-assoc.com)

# Reeve & Associates, Inc.



In summary, the parking demand for office space occurs during the daytime and early afternoon hours, which is asynchronous with theater parking demand occurring in late afternoon and evening. The maximum required parking stalls in a given hour on the busiest day, being Friday, was 1177 stalls at 9:00 P.M., leaving 294 stalls unoccupied for the area of the study at full build out (1471 stalls) and 116 extra under current conditions (1293 stalls built as of July 2017). It is highly unlikely the peak demands would coincide since the greatest parking demand is for the theater from 6:00-10:00 P.M. during which time offices spaces are mostly vacant.

If you have any questions, or we can be of further assistance, please contact us.

Sincerely,

Nate Reeve, P.E.  
Principal Engineer  
Reeve & Associates, Inc.  
[nreeve@reeve-assoc.com](mailto:nreeve@reeve-assoc.com)

Eldon Fisher, E.I.T  
Project Engineer  
Reeve & Associates  
[efisher@reeve-assoc.com](mailto:efisher@reeve-assoc.com)

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Email: [ogden@reeve-assoc.com](mailto:ogden@reeve-assoc.com) • Website: [www.reeve-assoc.com](http://www.reeve-assoc.com)



## Exhibit A

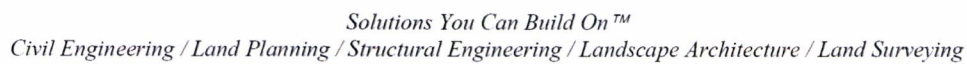
### Peak Parking Required by Zoning Ordinance Formulas Without Time-of-Day Demand Analysis

| Phase        | Use                             | Unit Criteria | Qty.  | Required    | Provided    | Surplus     |
|--------------|---------------------------------|---------------|-------|-------------|-------------|-------------|
| 1            | Theater                         | 1/4.5 seats   | 3266  | 726         | 738         | 12          |
| 2 & 3        | Omitted for evaluation purposes |               |       |             |             |             |
| 4            | Office                          | 5/1000 sf     | 94147 | 471         | 320         | -151        |
|              | Additional                      |               |       |             |             |             |
| 4            | Office                          | 5/1000 sf     | 11250 | 57          | 175         | 118         |
| 5            | Apartment                       | 1.5/1 bed     | 68    | 102         | 218         | 116         |
| 5            | "                               | 2.0/2 bed     | 90    | 180         |             | -180        |
| 6            | Apartment                       | 1.5/1 bed     | 48    | 72          | 20          | -52         |
| <b>Total</b> |                                 |               |       | <b>1607</b> | <b>1471</b> | <b>-136</b> |





## PARRISH LANE



Email: [ogden@reeve-assoc.com](mailto:ogden@reeve-assoc.com) • Website: [www.reeve-assoc.com](http://www.reeve-assoc.com)





## Exhibit C

| Time of day<br>(weekday<br>Friday) | Apartment<br>Spaces<br>Required | Retail<br>Spaces<br>Required | Office<br>Spaces<br>Required | Theater<br>Spaces<br>Required | Total<br>Spaces<br>Required | Excess<br>Parking<br>Spaces | Apt<br>In | Apt<br>out | Retail<br>In | Retail<br>Out | Office<br>In | Office<br>Out | Theater<br>In | Theater<br>Out |
|------------------------------------|---------------------------------|------------------------------|------------------------------|-------------------------------|-----------------------------|-----------------------------|-----------|------------|--------------|---------------|--------------|---------------|---------------|----------------|
| 6:00 AM                            | 354                             | 0                            | 0                            | 0                             | 354                         | 1117                        | 28        | 21         | 0            | 0             | 8            | 8             | 0             | 0              |
| 7:00 AM                            | 361                             | 0                            | 0                            | 0                             | 361                         | 1110                        | 25        | 89         | 0            | 0             | 227          | 41            | 0             | 0              |
| 8:00 AM                            | 297                             | 0                            | 186                          | 0                             | 483                         | 988                         | 21        | 68         | 0            | 0             | 227          | 41            | 0             | 0              |
| 9:00 AM                            | 250                             | 0                            | 372                          | 0                             | 622                         | 849                         | 25        | 69         | 0            | 0             | 227          | 41            | 0             | 0              |
| 10:00 AM                           | 206                             | 0                            | 558                          | 0                             | 764                         | 707                         | 28        | 69         | 0            | 0             | 8            | 16            | 119           | 0              |
| 11:00 AM                           | 165                             | 0                            | 550                          | 119                           | 834                         | 637                         | 28        | 21         | 0            | 0             | 8            | 16            | 125           | 94             |
| 12:00 PM                           | 172                             | 0                            | 542                          | 150                           | 864                         | 607                         | 28        | 21         | 0            | 0             | 8            | 16            | 131           | 135            |
| 1:00 PM                            | 179                             | 0                            | 534                          | 146                           | 859                         | 612                         | 28        | 21         | 0            | 0             | 8            | 16            | 138           | 139            |
| 2:00 PM                            | 186                             | 0                            | 526                          | 145                           | 857                         | 614                         | 28        | 21         | 0            | 0             | 8            | 16            | 147           | 144            |
| 3:00 PM                            | 193                             | 0                            | 518                          | 148                           | 859                         | 612                         | 81        | 54         | 0            | 0             | 8            | 16            | 156           | 149            |
| 4:00 PM                            | 220                             | 0                            | 510                          | 155                           | 885                         | 586                         | 82        | 51         | 0            | 0             | 65           | 224           | 238           | 162            |
| 5:00 PM                            | 251                             | 0                            | 351                          | 231                           | 833                         | 638                         | 82        | 49         | 0            | 0             | 65           | 224           | 238           | 162            |
| 6:00 PM                            | 284                             | 0                            | 192                          | 307                           | 783                         | 688                         | 82        | 51         | 0            | 0             | 65           | 224           | 553           | 321            |
| 7:00 PM                            | 315                             | 0                            | 33                           | 539                           | 887                         | 584                         | 28        | 21         | 0            | 0             | 8            | 16            | 553           | 401            |
| 8:00 PM                            | 322                             | 0                            | 25                           | 691                           | 1038                        | 433                         | 28        | 21         | 0            | 0             | 8            | 16            | 553           | 413            |
| 9:00 PM                            | 329                             | 0                            | 17                           | 831                           | 1177                        | 294                         | 28        | 21         | 0            | 0             | 8            | 16            | 396           | 413            |
| 10:00 PM                           | 336                             | 0                            | 9                            | 814                           | 1159                        | 312                         | 31        | 20         | 0            | 0             | 0            | 9             | 198           | 413            |
| 11:00 PM                           | 347                             | 0                            | 0                            | 599                           | 946                         | 525                         | 28        | 21         | 0            | 0             | 0            | 0             | 0             | 599            |
| Max/use:                           | 361                             | 0                            | 558                          | 831                           | 1177                        | Total/day:                  | 709       | 709        | 0            | 0             | 956          | 956           | 3545          | 3545           |

Total Spaces (1471) - Total Required = Excess Spaces

Minimum Excess Spaces: **294**



Exhibit D

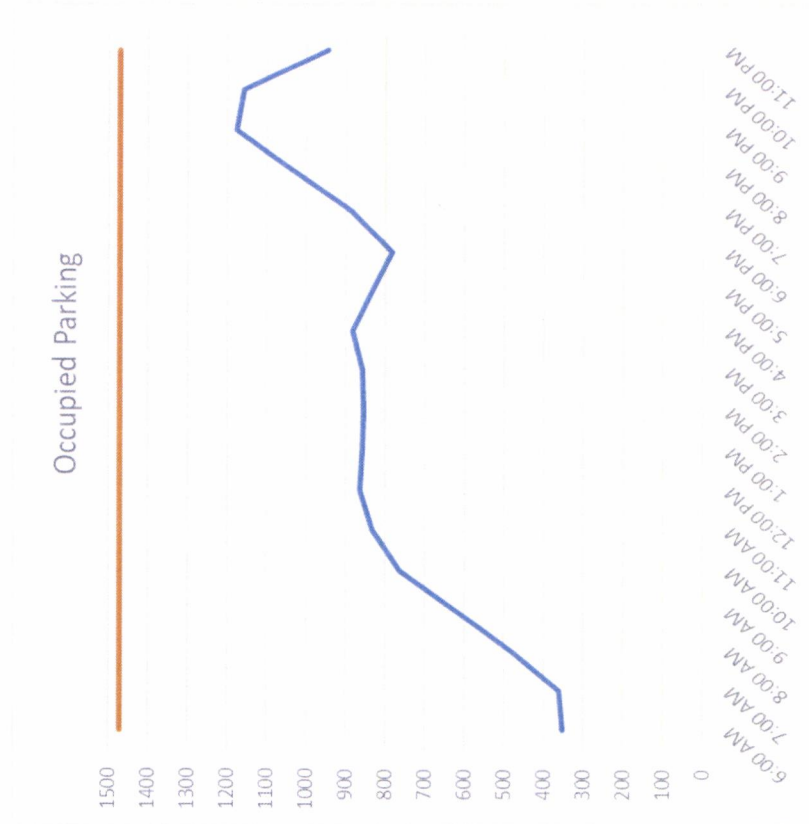
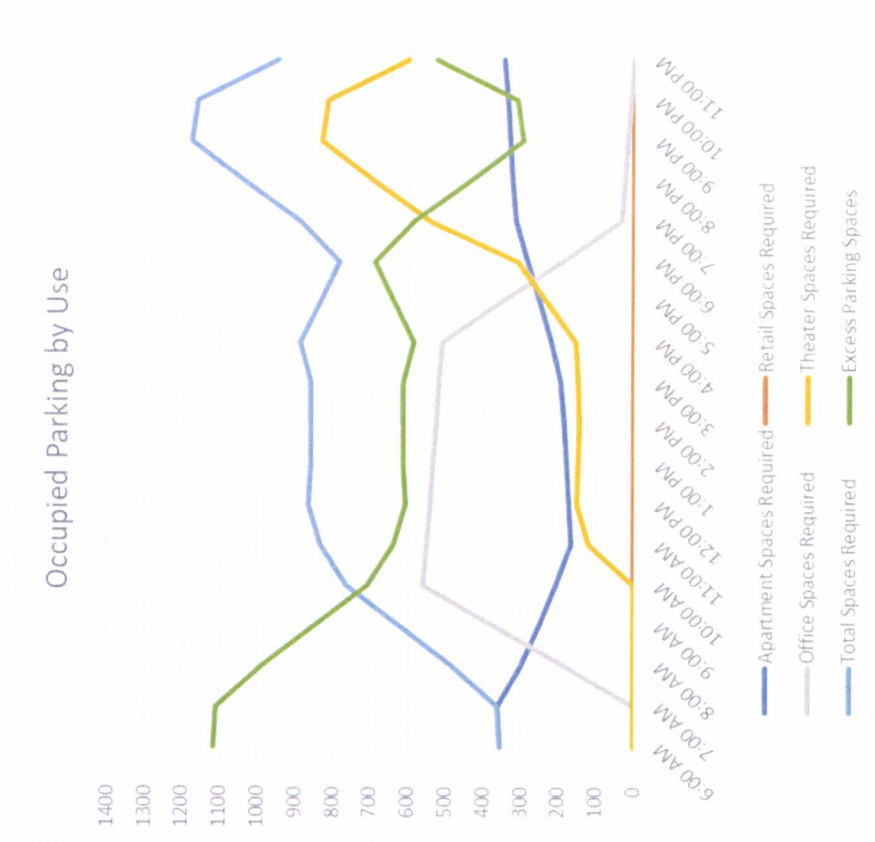
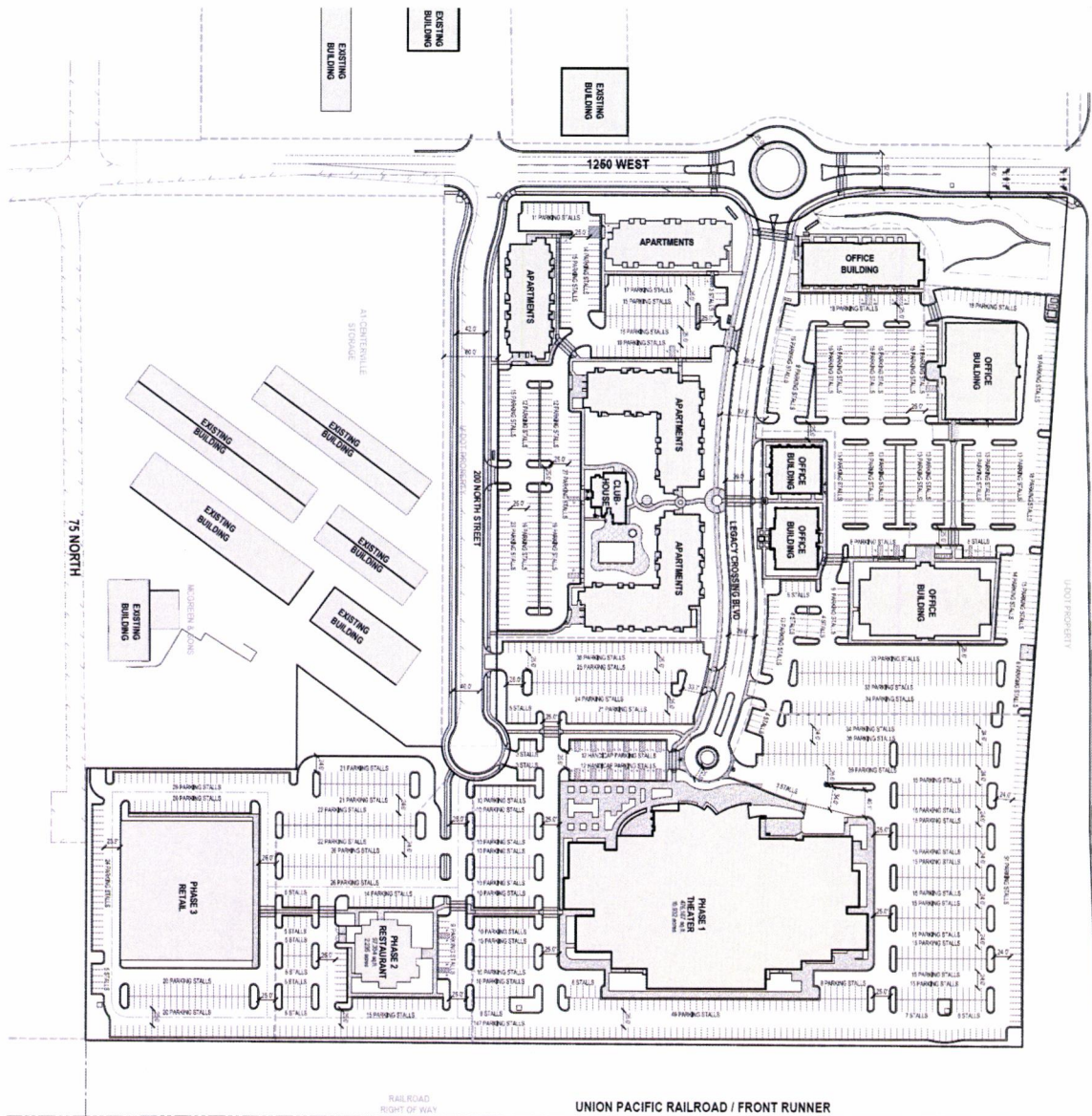


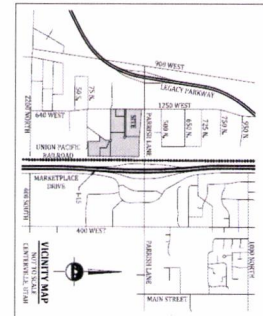
Exhibit E







1-15 SOUTH BOUND RAMP



LEGEND

- 1. EXISTING BUILDING
- 2. NEW BUILDING
- 3. EXISTING PARKING
- 4. NEW PARKING
- 5. EXISTING DRIVEWAY
- 6. NEW DRIVEWAY
- 7. EXISTING SIDEWALK
- 8. NEW SIDEWALK
- 9. EXISTING STREET
- 10. NEW STREET
- 11. EXISTING RAMP
- 12. NEW RAMP
- 13. EXISTING FENCE
- 14. NEW FENCE
- 15. EXISTING SIGN
- 16. NEW SIGN
- 17. EXISTING LIGHT
- 18. NEW LIGHT
- 19. EXISTING TREE
- 20. NEW TREE

| THE OREIGNANT PARKING ANALYSIS PHASES 1, 4 & 5 |                 |                |                |            |            |            |            |            |            |
|------------------------------------------------|-----------------|----------------|----------------|------------|------------|------------|------------|------------|------------|
| PHASE                                          | TYPE            | AREA (SQ. FT.) | AREA (SQ. YD.) | AREA (AC.) | AREA (AC.) | AREA (AC.) | AREA (AC.) | AREA (AC.) | AREA (AC.) |
| 1                                              | OFFICE BUILDING | 10,000         | 230            | 0.23       | 0.23       | 0.23       | 0.23       | 0.23       | 0.23       |
| 2                                              | APARTMENTS      | 20,000         | 460            | 0.46       | 0.46       | 0.46       | 0.46       | 0.46       | 0.46       |
| 3                                              | CLUB            | 5,000          | 115            | 0.11       | 0.11       | 0.11       | 0.11       | 0.11       | 0.11       |
| 4                                              | THEATER         | 15,000         | 345            | 0.34       | 0.34       | 0.34       | 0.34       | 0.34       | 0.34       |
| 5                                              | RESTAURANT      | 3,000          | 69             | 0.06       | 0.06       | 0.06       | 0.06       | 0.06       | 0.06       |
| TOTAL                                          |                 | 43,000         | 980            | 0.99       | 0.99       | 0.99       | 0.99       | 0.99       | 0.99       |

| THE OREIGNANT PARKING ANALYSIS PHASES 1, 4 & 5 |                 |                |                |            |            |            |            |            |            |
|------------------------------------------------|-----------------|----------------|----------------|------------|------------|------------|------------|------------|------------|
| PHASE                                          | TYPE            | AREA (SQ. FT.) | AREA (SQ. YD.) | AREA (AC.) | AREA (AC.) | AREA (AC.) | AREA (AC.) | AREA (AC.) | AREA (AC.) |
| 1                                              | OFFICE BUILDING | 10,000         | 230            | 0.23       | 0.23       | 0.23       | 0.23       | 0.23       | 0.23       |
| 2                                              | APARTMENTS      | 20,000         | 460            | 0.46       | 0.46       | 0.46       | 0.46       | 0.46       | 0.46       |
| 3                                              | CLUB            | 5,000          | 115            | 0.11       | 0.11       | 0.11       | 0.11       | 0.11       | 0.11       |
| 4                                              | THEATER         | 15,000         | 345            | 0.34       | 0.34       | 0.34       | 0.34       | 0.34       | 0.34       |
| 5                                              | RESTAURANT      | 3,000          | 69             | 0.06       | 0.06       | 0.06       | 0.06       | 0.06       | 0.06       |
| TOTAL                                          |                 | 43,000         | 980            | 0.99       | 0.99       | 0.99       | 0.99       | 0.99       | 0.99       |

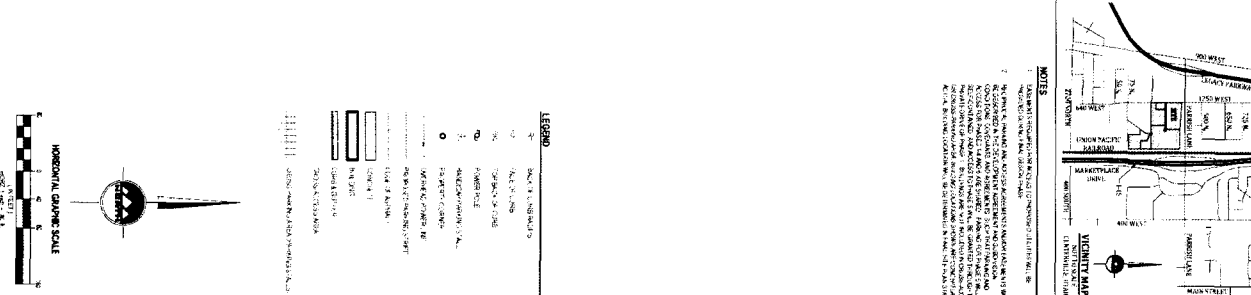
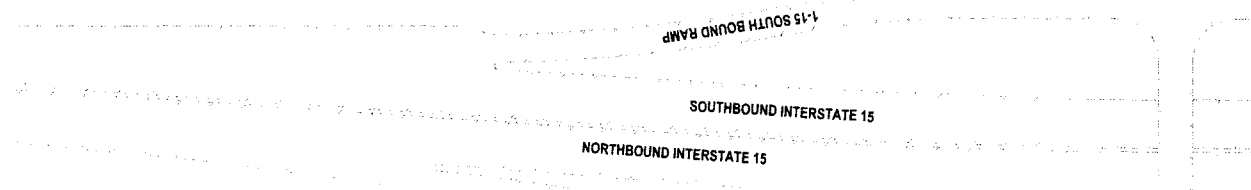
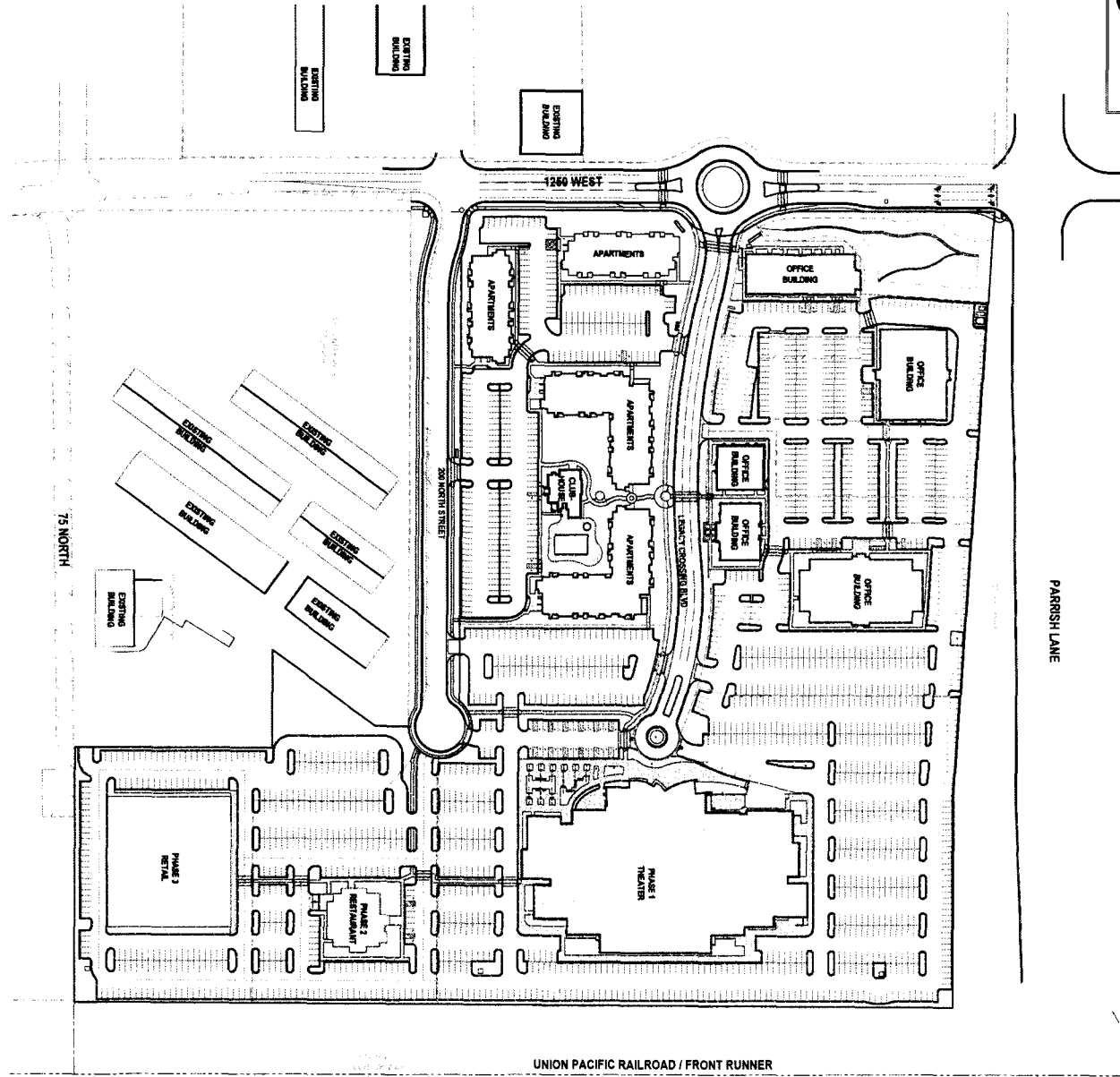
LATON  
1260 West Street  
Suite 204  
Salt Lake City, UT 84119  
Phone: (801) 555-0000  
Fax: (801) 555-0001

SALT LAKE CITY  
Phone: (801) 255-0000  
Fax: (801) 255-0001

LEGACY CROSSING  
1250 WEST STREET  
CENTERVILLE CITY, UTAH

MASTER  
SITE  
PLAN

1" = 100'



**LEGACY CROSSING  
AT PARRISH LANE**  
1250 WEST STREET  
CENTERVILLE CITY, UTAH

**LEGACY CROSSING**  
1250 WEST STREET  
CENTERVILLE CITY, UTAH  
801.555.5555  
WWW.LEGACYCROSSING.COM

**LEGACY CROSSING**  
1250 WEST STREET  
CENTERVILLE CITY, UTAH  
801.555.5555  
WWW.LEGACYCROSSING.COM

**When recorded return to:**

Legacy Crossing, LLC  
Attn: Dan Bridenstine  
1513 North Hillfield Rd. Ste. 2  
Layton, Utah 84041

Affects Parcels: 06-336-0001, 06-336-0002, 06-336-0003, 06-336-0007, 06-336-0011,  
06-368-0401, 06-368-0403, 06-368-0404, 06-368-0406, 06-368-0407,  
06-368-0408

**THIRD AMENDMENT TO  
DECLARATION OF PARKING AND CROSS-ACCESS EASEMENT  
AND OTHER EASEMENTS AND RESTRICTIONS AFFECTING LAND**

**THIS THIRD AMENDMENT TO DECLARATION OF PARKING AND CROSS-ACCESS EASEMENT AND OTHER EASEMENTS AND RESTRICTIONS AFFECTING LAND** ("Third Amendment") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between **JF LEGACY LAND, LLC**, a Utah limited liability company, **HCR LEGACY, LLC**, a Utah limited liability company, **KEM HOLDINGS, LLC**, a Utah limited liability corporation, **LEGACY CROSSING THEATRE, LLC**, a Utah limited liability company, **LEGACY CROSSING APARTMENTS, L.C.**, a Utah limited liability company, **LEGACY CROSSING OWNERS ASSOCIATION, INC.**, a Utah nonprofit corporation, **JENSNT LEGACY, LLC**, a Utah limited liability company, **TETON OFFICE VENTURES, LLC**, a Utah non-profit corporation, **LEGACY OFFICE BUILDING, LLC**, a Utah limited liability company, and **S&J 5, LLC**, A Utah limited liability company (collectively referred to herein as "Declarants").

**RECITALS:**

**WHEREAS**, Declarants are the owners of certain real property located within the Centerville Legacy Crossing at Parrish Lane Subdivision, Davis County, State of Utah, as more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, Declarants previously recorded against the Property that certain Declaration of Parking and Cross-Access Easement and other Easements and Restrictions affecting Land, as recorded at the Davis County Recorder's Office, and as amended by that First Amendment to the Declaration and Second Amendment to the Declaration (hereinafter collectively referred to as the "Declaration of Parking and Cross-Access Easement"); and

**WHEREAS**, Declarants desire to amend the Declaration of Parking and Cross-Access Easement regarding a use of excess parking spaces located on Lot 1 (“Shared Parking Arrangement”) as suggested by a parking study (“Parking Study”) commissioned by Declarants, described in Exhibit 2 attached hereto and incorporated herein by this reference.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Incorporation of Recitals**. The above Recitals are hereby incorporated into this Amendment.

2. **Amendment**. Section 6 of the Parking and Cross-Access Easement is hereby amended and shall be read in its entirety as follows:

Except as otherwise set forth herein, each lot shall at all times maintain the minimum number of parking spaces required for the lot and use thereof pursuant to Centerville City Ordinances and the Development Agreement. The owners of the lots may provide parking in excess of that required by Centerville City Ordinances, provided that all other landscaping and site related improvements required by Centerville City Ordinances have been satisfied and approved by Centerville City. Pursuant to the findings of the Parking Study, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 are hereby authorized to utilize the excess parking spaces located on each respective Lot as indicated in the Parking Study, which Shared Parking Arrangement will satisfy the Developer’s obligations for the minimum number of required parking spaces for each Lot and each Lot’s use, provided however, in no event shall cross-access for parking be provided or permitted from Lot 1, Lot 2, Lot 3, or Lot 4 onto, over, or across or through Lot 5 or Lot 6. Lot 2 and Lot 3 have not been included in the time-dependent analysis of parking required for Lots 1 and 4-6, but are included in the shared parking and cross-access obligations for the Planned Center. Lot 2 and Lot 3 shall be required to comply with and provide the minimum off-street parking stalls in accordance with City Ordinances applicable for the development of Lot 2 and Lot 3 to be analyzed with final site plan approval for such lots. Lot 2 and Lot 3 must preserve the drive aisle and circulation patterns as shown on the Master Site Plan set forth in **Exhibit C**. Except as otherwise set forth herein, all parking for the Planned Development shall comply with the parking, parking lot, traffic circulation, landscaping, design, and lighting provisions of the Parrish Lane Gateway Design Standards and applicable City Ordinances. Except as otherwise provided herein, no private agreements or arrangements shall be entered into or made by any lot owners, their agents, successors or assigns, that would encumber or restrict available parking for any given lot to less than the minimum number of parking

spaces required for such Lot or use of the Lot in accordance with applicable Centerville City Ordinances.

3. **Full Force and Effect.** The terms and conditions of the Third Amendment are hereby incorporated as part of the Declaration. All other terms and conditions of the Declaration not modified by this Third Amendment shall remain in full force and effect and are hereby ratified and affirmed.

4. **Binding Effect.** This Third Amendment shall run with the Property at law as an equitable servitude and shall be binding upon the Property, the owners of the Property and their respective successors and assigns. This Third Amendment shall inure to the benefit and be binding upon every part of the Property and every interest therein.

5. **Counterparts.** This Third Amendment may be executed in one or more counterparts, each of which in the aggregate shall constitute one and the same instrument.

6. **Subordination.** This Third Amendment shall be subject and subordinate to any and all public utility easements, rights-of-way, and other easements of record.

[SIGNATURE PAGE FOLLOWS]



**IN WITNESS WHEREOF**, the parties hereto have executed this Third Amendment by and through their respective, duly authorized representatives as of the day and year first above written.

**“DECLARANTS”**

**JF LEGACY LAND, LLC**

By: JF Capital, LLC

By: Jack Fisher Group, LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**HCR LEGACY, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**KEM HOLDINGS, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY CROSSING THEATRE, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY CROSSING APARTMENTS, LC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY CROSSING OWNERS  
ASSOCIATION, INC.**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**JENSNT LEGACY, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**TETON OFFICE VENTURES, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**LEGACY OFFICE BUILDING, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**S & J 5, LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**JF LEGACY LAND ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of JF LEGACY LAND, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**HCR LEGACY, LLC ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of HCR LEGACY, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**KEM HOLDINGS ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of KEM HOLDINGS, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY CROSSING THEATRE ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of LEGACY CROSSING THEATRE, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY CROSSING APARTMENTS ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of LEGACY CROSSING APARTMENTS, LC, and that the foregoing  
instrument was signed in behalf of said company by authority of its members and they  
acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**LEGACY CROSSING OWNERS ASSOCIATION ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of LEGACY CROSSING OWNERS ASSOCIATION, INC., a Utah  
corporation, and that the foregoing instrument was signed in behalf of said corporation by  
authority of its Board and they acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**JENSNT LEGACY ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of JENSNT LEGACY, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**TETON OFFICE VENTURES ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of TETON OFFICE VENTURES, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_



**LEGACY OFFICE BUILDING ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of LEGACY OFFICE BUILDING, LLC, and that the foregoing  
instrument was signed in behalf of said company by authority of its members and they  
acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**S & J 5 ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
:SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me  
\_\_\_\_\_ who being by me duly sworn did say that (s)he is the  
\_\_\_\_\_ of S & J 5, LLC, and that the foregoing instrument was signed in behalf  
of said company by authority of its members and they acknowledged to me that said company  
executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

## **EXHIBIT 1**

### **PROPERTY DESCRIPTION**

All of the Legacy Crossing at Parrish Lane Subdivision Plat located in Centerville, Utah, as filed at the Davis County Recorder's Office, State of Utah

And

All of the Legacy Crossing at Parrish Lane Lot 4 Amended Subdivision Plat located in Centerville, Utah, as filed at the Davis County Recorder's Office, State of Utah.

Consisting of the following Parcel Numbers and Current Owners of Record:

06-336-0001 – Legacy Crossing Theatre LLC  
06-336-0002 – JF Legacy Land LLC and HCR Legacy LLC  
06-336-0003 - JF Legacy Land LLC and HCR Legacy LLC  
06-336-0007 – Legacy Crossing Owners Association Inc.  
06-336-0011 – Legacy Crossing Apartments LC  
06-368-0401 – KEM Holdings LLC  
06-368-0403 – Jents Legacy LLC  
06-368-0404 – Teton Office Ventures LLC  
06-368-0406 – Legacy Crossing Owners Association Inc.  
06-368-0407 – Legacy Office Building LLC  
06-368-0408 – S&J 5 LLC

**EXHIBIT 2**  
**PARKING STUDY**

**EXHIBIT 3**

**SHARED PARKING ARRANGEMENT**

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

**STAFF REPORT  
AGENDA: ITEM 3**

---

**PROPERTY OWNERS:** LEGACY CROSSING THEATER, LLC  
JF LEGACY LAND, LLC  
KEM HOLDINGS, LLC  
JENSNT LEGACY, LLC  
TETON OFFICE VENTURES, LLC  
LEGACY OFFICE BUILDING, LLC  
S & J 5, LLC  
LEGACY CROSSING APARTMENT, LC

**AGENT:** LEGACY OFFICE BUILDING, LLC  
OWEN FISHER  
1148 W. LEGACY CROSSING BOULEVARD SUITE 400  
CENTERVILLE, UTAH 84014  
([owen@jfishercom.com](mailto:owen@jfishercom.com))

**PROPERTY:** SOUTHEAST CORNER/ 1250 WEST PARRISH LANE  
(AKA: LEGACY CROSSING AT PARRISH LANE)

**ACREAGE:** 27.40 ACRES

**ZONING:** COMMERCIAL VERY-HIGH/(PD)

**APPLICATION:** PDO ZONE PLAN AMENDMENT FOR A PARKING  
MODIFICATION TO ALLOW SHARED USE PARKING  
(A REDUCTION OF OVERALL PROJECT REQUIRED PARKING)

**RECOMMENDATION:** CONSIDER APPROVING THE PROPOSED  
AMENDMENT FOR PARKING

---

**BACKGROUND**

The applicants desire to amend the approved project's overall parking plan by seeking a "Parking Modification" to modify the number of parking stalls related to this mixed use development, as outlined in Section 12.52.110.c of the Zoning Ordinance. The desire to exclude Lots 2 and 3 from the project's parking plan by changing from a "flat peak" parking calculation for all uses of the development to sufficient parking demand based on time of day between uses (i.e. sharing of office day use with theater evening use). Also, this modification would allow

for the development of the other lots, particularly Lot 4, to be built out completely without the need to await the installation of the needed "flat peak" parking stalls that are to be constructed as part of Lots 2 and 3.

## **STAFF REVIEW AND ANALYSIS**

### *PDO Amendment Procedure, Section 12-41-080(g)*

Amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary plan approval (*i.e. conceptual approval associated with the PDO rezone*), as stated in Section 12-41-080.g. Thus, the process to amend the PDO Conceptual Plan (*i.e. preliminary plan*) is to review the changes, notice and hold a public hearing, debate the merits of the request, and make a recommendation to the City Council, whom repeats the same decision-making process.

### **Propose Parking Amendments:**

#### *Original PDO Approval – Parking Layout*

The original PDO Plan and associated Development Agreement was recorded on September 28, 2010. Exhibit "C" depicted the approved project parking expectations to be developed. The total ordinance required parking count was 1723 parking stalls and the project layout was providing 1816 parking stalls. Thus, the project was overparked by 93 stalls.

#### *Amendment Requested by Applicants – Reeves & Associates, Inc.*

At the request of the applicants, a consultant performed a parking study based on the time of day demand for the development project's uses currently and to be developed, excluding Lots 2 and 3. The parking study determined that, based on the share use analysis (*Exhibit "C"*), there would be 1471 stalls at build out, the peak demand hour for parking would occur at 9:00 p.m., and there would be an excess of 294 stalls at this peak demand time.

#### *Parking and Cross-Access Easement – Agreement Modification*

As part of the amendment, a revised agreement will be recorded to reflect the new parking study elements. However, Lot 2 & 3 will remain subject to the PDO Approval and Development Agreement for any future development. However, the final parking counts for these two (2) lots will be determined at the time of their respective site plan approvals.

### **Parking Modification Factors, 12.52.110.c:**

The Planning Commission may modify the number of parking spaces required or allowed for commercial, office, or mixed-use development after considering the following factors and finding that adequate parking will be provided:

1. Total number of spaces that would otherwise be required for each individual establishment in the development; (*see above section*)
2. Hours of operation for each business establishment located in the development, including peak business hours; (*see parking study Exhibit "C"*)
3. Estimated trade-off between businesses which are open when others are closed; (*see parking study Exhibit "C"*)
4. Availability of on-street or shared parking; (*see parking study Exhibit "C"*)
5. Transportation alternatives, including proximity to transit stations; (*Not Applicable*) and
6. Car or van pooling programs available to users of the development (*Not Applicable*)

**PLANNING STAFF RECOMMENDATION**

*(Suggested Motion for the amendments with regards to the original PDO Approval).* I hereby make a motion for the Planning Commission to recommend to the City Council to approve the petition to amend the Legacy Crossing at Parrish Lane Development's PDO Approval, as follows:

1. Approval of the amended Exhibit "C," as submitted to the City
2. Approval of the Parking Modification, as prepared by Reeves and Associates, Inc.
3. The final parking counts for Lots 2 and 3 shall be subject to their applicable site plan approvals.
4. The preparation and recording of the necessary Development Agreement amendments, as deemed acceptable by the City Attorney.
5. All other related or associated conditions of the Legacy Crossing at Parrish Lane Development PDO Approval remain in effect with this amendment.

**Suggested Reasons for the Action (Findings):**

- a) The Planning Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b) The Planning Commission finds that amendments are consistent and compatible with the originally approved expectations of the PDO Plan for the Legacy Crossing at Parrish Lane, as a mixed use development project.



| PHASE          | PARCEL NUMBER | OWNER                             | SIZE (ACRES) |
|----------------|---------------|-----------------------------------|--------------|
| 1              | 06-336-0001   | Legacy Crossing<br>Theatre, LLC   | 9.62         |
| 2              | 06-336-0002   | JF Legacy Land, LLC               | 2.24         |
| 3              | 06-336-0003   | JF Legacy Land, LLC               | 3.40         |
| 4              | 06-368-0401   | KEM Holdings, LLC                 | .70          |
| 4              | 06-368-0403   | JENSNTLEGACY,<br>LLC              | .26          |
| 4              | 06-368-0404   | Teton Office<br>Ventures, LLC     | .28          |
| 4              | 06-368-0406   | Water Basin                       | .81          |
| 4              | 06-368-0407   | Legacy Office<br>Building, LLC    | 2.32         |
| 4              | 06-368-0408   | S & J S, LLC                      | 2.79         |
| 5              | 06-336-0011   | Legacy Crossing<br>Apartments, LC | 4.98         |
| TOTAL ACREAGE: |               |                                   | 27.40        |

84-0110-11 06-336-001

Reeve  
& Associates, Inc.



July 31, 2013

Project: Legacy Crossing at Parish Lane

Re: Parking requirements

Due to a change in land use for Legacy Crossing at Parish Lane from the original land agreement and phases 2 and 3 being excluded, there is a need for a parking requirements study. The original agreement had more retail instead of office space and phases 2 & 3 were to be built. With land use changes and based on the peak parking requirements of the site, the developer wants to see if there is sufficient parking based on time of day demand requirements rather than a flat number for peak use only.

The analysis was conducted using data from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 9<sup>th</sup> Edition, Volumes 2 & 3, published in 2012. The attached master site plan (exhibit B) with the outlines drawn shows total parking stalls for each area as planned. There is a total of 1,471 stalls: 750 for the theater area, 204 for the first office area, 259 for the second office and retail area, and 258 for the residential area. The areas were arbitrarily highlighted as parking is intended to be shared in the mixed use area. Phases 2 and 3 have been omitted from the calculations, but it should be noted if it is constructed as previously planned, the areas will have excess parking for the purposes proposed.

The methodology used was to apply the average rate of a given land use multiplied by its basis as provided by ITE. If a particular use fell under multiple categories, the average of the combined land uses was taken as the average rate. For a conservative value, the Peak Hour of Adjacent Street

Traffic or the Peak Hour of Circulator was used for more than the single hour it was based upon for its respective time of day as provided by ITE. It was determined Friday has the most traffic and least parking spaces available and is therefore shown indicating traffic movement for each use on a per hour basis (exhibit C-1).

The basis for apartments was 306 total units, the theater has 14 screens and 3366 seats. There is 15,990 sq. ft. of medical office space, 78,137 sq. ft. of general office space, and planned 11,250 sq. ft. of additional office space. On-street parking, mass transit, and other traffic reducing options were neglected for the calculations. The required parking stalls for the apartments was calculated at the original city rate totaling 354 parking spaces.

*City of Lansing Land Planning Services and Engineering*  
Solutions, Inc. Can Build On™  
5160 South 1500 West • Rockdale, Illinois 60410 • Tel: 801.631.1000 • Fax: 801.631.9466  
Email: [info@canbuildon.com](mailto:info@canbuildon.com) • Website: [www.canbuildon.com](http://www.canbuildon.com)

RETURN TO: 07-030

Peak Parking Required by Zoning Ordinance Formulas  
Without Time-of-Day Demand Analysis

| Phase | Use                             | Unit Criteria | Qty.  | Required | Provided | Surplus |
|-------|---------------------------------|---------------|-------|----------|----------|---------|
| 1     | Theater                         | 1/4-5 seats   | 1266  | 776      | 738      | 17      |
| 2 & 3 | Omitted for evaluation purposes |               |       |          |          |         |
| 4     | Office                          | 5/1000 sf     | 94147 | 471      | 320      | 151     |
| 4     | Additional Office               | 5/1000 sf     | 11250 | 57       | 175      | 118     |
| 5     | Apartment                       | 1.5/1 bed     | 68    | 102      | 218      | 116     |
| 5     | "                               | 2.0/2 bed     | 90    | 180      |          | 180     |
| 6     | Apartment                       | 1.5/1 bed     | 48    | 72       | 20       | 52      |
| Total |                                 |               |       | 1607     | 1471     | 136     |



Exhibit C

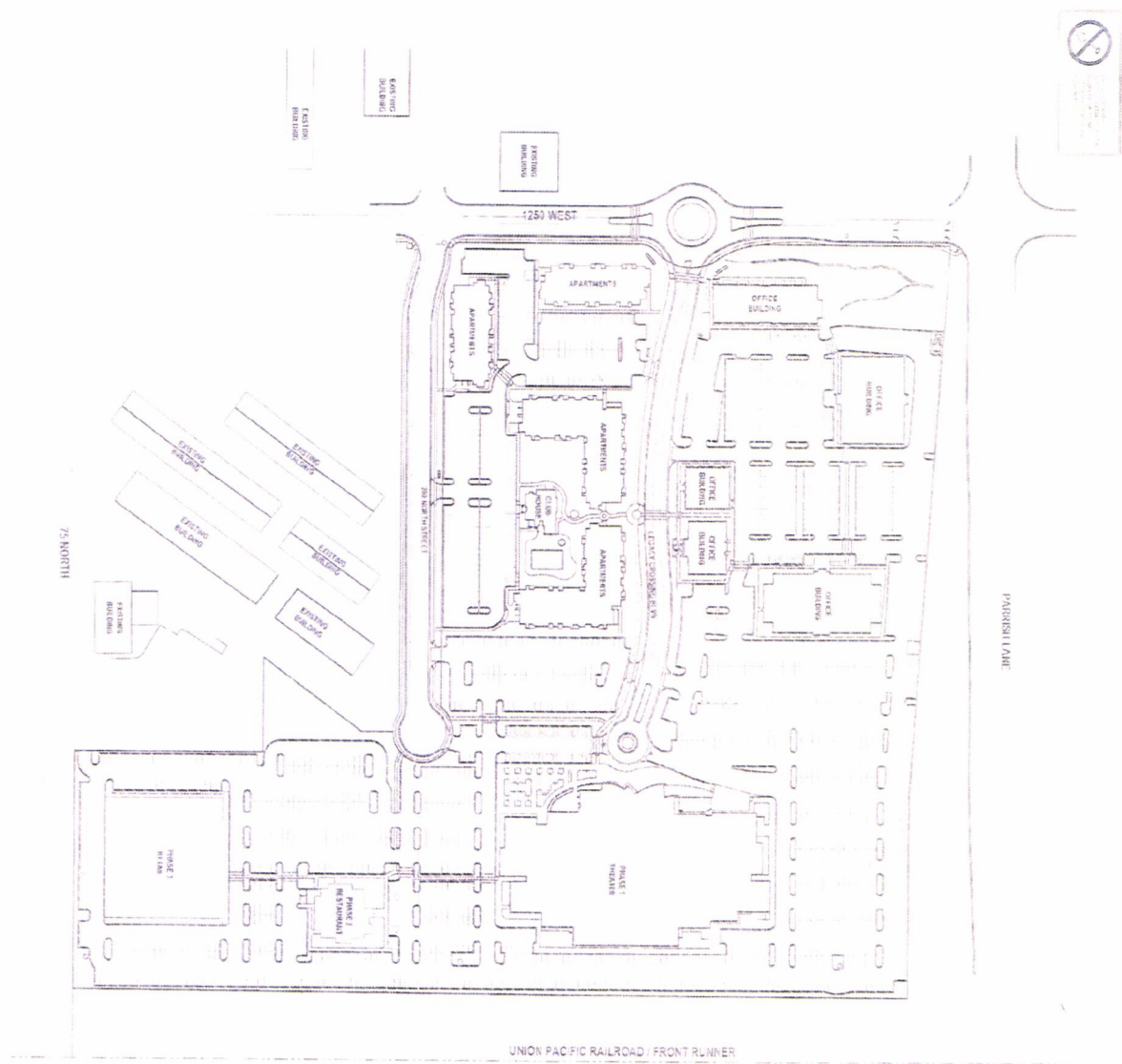
| Time of Day          | Apartment                      | Relay    | Office   | Trainer  | Total    | Excess   | Appt     | Relay    | Office   | Trainer  | Trainer  |
|----------------------|--------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Weekday              | Spares                         | Spares   | Spares   | Spares   | Spares   | Spares   | Spares   | Spares   | Spares   | Spares   | Spares   |
| Friday               | Required                       | Required | Required | Required | Required | Required | Required | Required | Required | Required | Required |
| 6:00 AM              | 154                            | 0        | 0        | 0        | 154      | 1117     | 28       | 21       | 0        | 0        | 0        |
| 7:00 AM              | 161                            | 0        | 0        | 0        | 161      | 1110     | 25       | 89       | 0        | 0        | 0        |
| 8:00 AM              | 197                            | 0        | 136      | 0        | 333      | 988      | 23       | 68       | 0        | 0        | 0        |
| 9:00 AM              | 750                            | 0        | 377      | 0        | 1127     | 849      | 25       | 59       | 0        | 0        | 0        |
| 10:00 AM             | 386                            | 0        | 758      | 0        | 1144     | 707      | 28       | 69       | 0        | 0        | 0        |
| 11:00 AM             | 265                            | 0        | 550      | 129      | 944      | 617      | 28       | 21       | 0        | 0        | 0        |
| 12:00 PM             | 177                            | 0        | 543      | 146      | 866      | 617      | 28       | 21       | 0        | 0        | 0        |
| 1:00 PM              | 179                            | 0        | 548      | 146      | 873      | 617      | 28       | 21       | 0        | 0        | 0        |
| 2:00 PM              | 186                            | 0        | 528      | 145      | 859      | 612      | 28       | 21       | 0        | 0        | 0        |
| 3:00 PM              | 193                            | 0        | 548      | 148      | 889      | 612      | 28       | 21       | 0        | 0        | 0        |
| 4:00 PM              | 270                            | 0        | 510      | 155      | 835      | 586      | 32       | 51       | 0        | 0        | 0        |
| 5:00 PM              | 251                            | 0        | 351      | 231      | 533      | 136      | 32       | 49       | 0        | 0        | 0        |
| 6:00 PM              | 284                            | 0        | 102      | 397      | 783      | 636      | 32       | 51       | 0        | 0        | 0        |
| 7:00 PM              | 315                            | 0        | 33       | 579      | 927      | 584      | 28       | 21       | 0        | 0        | 0        |
| 8:00 PM              | 322                            | 0        | 25       | 691      | 1038     | 433      | 28       | 21       | 0        | 0        | 0        |
| 9:00 PM              | 329                            | 0        | 17       | 831      | 1177     | 284      | 28       | 21       | 0        | 0        | 0        |
| 10:00 PM             | 336                            | 0        | 9        | 814      | 1159     | 312      | 31       | 20       | 0        | 0        | 0        |
| 11:00 PM             | 347                            | 0        | 0        | 589      | 946      | 525      | 24       | 21       | 0        | 0        | 0        |
| Monday               | 361                            | 0        | 538      | 811      | 1177     | 1046     | 278      | 209      | 0        | 0        | 0        |
| Total Spares (all 7) | Total Required - Excess Spares |          |          |          |          |          |          |          |          |          |          |

Reeve & Associates, Inc.

Exhibit C

Reeve & Associates, Inc. 10000 Highway 100, Suite 100, Dallas, Texas 75243-1000  
 Phone: (214) 343-1000 Fax: (214) 343-1001  
 Website: www.reeveandassociates.com





1250 WEST

75 NORTH

UNION PACIFIC RAILROAD / FRONT RUNNER

1515 SOUTH BOUND RAMP

SOUTHBOUND INTERSTATE 15

NORTHBOUND INTERSTATE 15



**LEGEND**

- APARTMENT 1
- APARTMENT 2
- APARTMENT 3
- APARTMENT 4
- APARTMENT 5
- OFFICE BUILDING
- CLUB
- POOL
- TENNIS
- TRAILER
- PARK 1
- PARK 2
- PARK 3
- PARK 4
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**LEGACY CROSSING  
AT PARRISH LANE**

1250 WEST STREET  
CENTERVILLE CITY, UTAH

**ENSIGN**

1250 West Street, Suite 100  
Centerville, UT 84304  
Phone: 360.537.1100  
Fax: 360.537.1101  
SALE & LEASE CITY  
CENTERVILLE, UTAH



5. On-street parking for the use is prohibited on 1250 West, unless otherwise approved in the future by the City.

Reasons for Action:

- a. The Planning Commission finds that a "Church or Place of Worship," is allowed in the Industrial-High (I-H) Zone with an approval of a conditional use permit (see 12.12.040).
- b. The Planning Commission finds that the City previously reviewed and subsequently approved a zoning text amendment to allow churches or places of worship in the I-H Zone, as also proposed previously by the applicant. Therefore, the request to allow the proposed church use has been deemed consistent with the City's General Plan.
- c. The Planning Commission finds that the reuse of the building for a church is a different use than office/warehouse, the needed assembly space is likely feasible for the existing building with mitigating conditions of approval for the use.
- d. Although there is sufficient onsite parking, as deemed required by Zoning Code, the Planning Commission finds that in the petitioner's submittal, it indicates that there may at times be a need to accommodate overflow parking.
- e. The Planning Commission finds that petitioner has secured agreements from surrounding development to utilize the parking areas on adjacent properties to meet the demand for overflow parking.
- f. The Planning Commission finds that it is the Public Works Director's position at this time that until the east side of 1250 West is completed, there is inadequate space to allow any on-street parking for that roadway.
- g. Therefore, given the findings above, the Planning Commission finds that the conditions imposed adequately mitigate impacts of the proposed use to meet the CUP approval criteria of Section 12.21.100 of the Zoning Code.

**PUBLIC HEARING – PDO AMENDMENT AND CONCEPTUAL SITE PLAN  
AMENDMENT TO LEGACY CROSSING – 1222 LEGACY CROSSING BLD**

The applicants desire to amend the approved project's overall parking plan by seeking a "Parking Modification" to modify the number of parking stalls related to this mixed use development. Mr. Snyder explained the request to exclude Lots 2 and 3 from the project's parking plan, and change from a "flat rate" count to a "cross-use" count (i.e. sharing of office day use with theater evening use). This modification would allow for development of the other lots, particularly Lot 4, without the need to await the installation of the needed "flat rate" parking stalls that are to be constructed as part of Lots 2 and 3.

A traffic study done by Reeve & Associates showed the highest demand for parking to be at 9:00 p.m., and that the development, without Lots 2 and 3, would still have over 200 stalls available in a cross-hour use. Mr. Snyder pointed out that, although sufficient parking is provided, it is not necessarily provided in the places



people prefer to park. Mr. Snyder said he has confidence in the ability of Reeve & Associates to provide a professional, reliable analysis. Staff recommends approval of the proposed amendment. Glenn Girsberger, applicant, commented that everyone would benefit from determining cross-parking by use versus peak demand.

At 8:04 p.m., Chair Hirschi opened a public hearing, and closed the public hearing seeing that no one wished to comment. Responding to a question from Commissioner Wright, Mr. Snyder explained that office uses in the development have changed from the original configuration. Commissioner Hayman asked if staff is concerned about on-street parking. Mr. Snyder responded that the apartment units were marketed as having a second parking stall. The intended site for the second stalls has become preferred parking for theater patrons, causing conflict. He stated on-street parking on Legacy Boulevard is not problematic from a planning perspective since congestion helps control traffic speeds. Problems arise with parking in winter when snow removal is necessary. Mr. Snyder commented that the development was originally designed with transit-oriented development in mind. He said that, in his opinion, a Front-Runner stop may be a possibility at that location in 20 years or more with further development.

Commissioner Daly made a **motion** to recommend the City Council approve the petition to amend the Legacy Crossing at Parrish Lane Development's PDO Approval, as follows:

1. Approval of the amended Exhibit "C", as submitted to the City.
2. Approval of the Parking Modification, as prepared by Reeves and Associate, Inc.
3. The final parking counts for Lots 2 and 3 shall be subject to their applicable site plan approvals.
4. The preparation and recording of the necessary Development Agreement amendments, as deemed acceptable by the City Attorney.
5. All other related or associated conditions of the Legacy Crossing at Parrish Lane Development PDO Approval remain in effect with this amendment.

Reasons for the Action (Findings):

- a) The Planning Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b) The Planning Commission finds that amendments are consistent and compatible with the originally approved expectations of the PDO Plan for the Legacy Crossing at Parrish Lane, as a mixed use development project.

Commissioner Hayman seconded the motion, which passed by unanimous vote (6-0).

**PUBLIC MEETING - FINAL SITE PLAN – QUICK QUACK CARE WASH – 518  
NORTH 400 WEST**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 4

Short Title: Zoning Code Amendments - "Construction Sales and Service, Limited" Definition and Use Table

Initiated By: City Council

Scheduled Time: 7:30

**SUBJECT**

**TABLED FROM AUGUST 15, 2017 AND AUGUST 1, 2017**

Consider the proposed Zoning Code Amendments for CZC 12.12.040 (Definitions), CZC 12.34.080 (Special Regulations), and CZC 12.36.040 (Table of Uses for Commerical Uses), regarding the definition, use, and parameters of "Construction Sales and Service, Limited" in Commercial and Industrial Zones - Ordinance No. 2017-21

**RECOMMENDATION**

Approve Ordinance No. 2017-21 amending CZC 12.12.040 (Definitions), CZC 12.34.080 (Special Regulations), and CZC 12.36.040 (Table of Uses for Commerical Uses), regarding the definition, use, and parameters of "Construction Sales and Service, Limited" in Commercial and Industrial Zones

**BACKGROUND**

On July 12, 2017, the Planning Commission reviewed and forwarded a positive recommendation for approval of the proposed Zoning Code Amendments regarding "Construction Sales and Service, Limited." The Staff Transmittal Report for this matter is attached.

On August 1, 2017, the City Council held a public hearing and reviewed this matter. The City Council tabled action and continued the public hearing to August 15, 2017 to obtain further public input.

On August 15, 2017, the City Council held a public hearing as continued from the August 1 meeting. After considering the public comments, the City Council closed the public hearing and tabled this matter to the September 5, 2017 meeting for further consideration.

**ATTACHMENTS:**

**Description**

- ☐ 08-01-17 CC Staff Report - Construction Sales Service Text Amendment
- ☐ Ordinance No. 2017-21 - Construction Services
- ☐ PC Staff Report - Construction Sales and Service in CM Zones
- ☐ June 14, 2017 PC minutes pgs 5&6
- ☐ June 28, 2017 PC minutes pg 7
- ☐ July 11, 2017 PC meeting minutes - pgs 1-4

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

**STAFF REPORT**

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

**APPLICATION:** **ZONING ORDINANCE TEXT AMENDMENT**

**APPLICANT REQUEST:** **AMEND THE ZONING CODE TO ALLOW  
“CONSTRUCTION SALES AND SERVICE” IN THE  
COMMERCIAL MEDIUM (C-M) ZONE, AS A  
PERMITTED OR CONDITIONAL USE**

**PC RECOMMENDATION:** **RECOMMENDS APPROVAL OF THE TEXT  
AMENDMENTS, AS DRAFTED BY THE  
COMMISSION**

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**BACKGROUND**

The City Council recently directed staff and the Planning Commission to consider and evaluate whether “Construction Sales and Services” ought to be allowed in the Commercial-Medium (C-M) Zones. It is staff’s understanding that the current Fire Station, located on South Main Street (*located in a C-M District*) may be moved to another location and that a potential construction contractor business desires to acquire the existing station and reuse the facility for their business. Nonetheless, the Planning Commission was advised to primarily focus on whether this type of use is consistent with the City’s General Plan, the neighborhood plans where the C-M Zone exists, and also whether it is consistent with the purpose of the C-M Zone. Furthermore, at the Planning Commission Meeting of June 14<sup>th</sup>, the Commission tabled any action and directed the staff to prepare modifications to address the following:

- Create a new definition for Construction Sales & Service, Limited
- Revise the “Outdoor Storage” allowance within the C-M Zone
- Add the new use definition to the C-M Zone , Table of Uses

On July 12, 2017, the Planning Commission received the proposed newly drafted revisions and forwarded a recommendation to the City Council

**PLANNING COMMISSION RECOMENDATION**

On July 12, 2017, the Planning Commission RECOMMENDED to the City Council, the following amendments (*in red*) to the Centerville City Zoning Ordinance:



✓ **12.12.040 Definitions**

***[ADD] Construction Sales and Service, Limited:** An establishment engaged in the retail or wholesale of various small materials, supplies, and services used in the construction of buildings or other structures with activities which are conducted within an enclosed building, but not including outdoor storage of large construction equipment or materials yards on lot or parcel other than a construction site. Typical uses include, electrical, plumbing, air conditioning and heating supply stores, swimming pool contract sales and supplies, construction and trade contractors' offices including small equipment and supplies.*

✓ **12.34.080 Special Regulations**

3. Use Within an Enclosed Building. Each use in a commercial zone specified on the Table of Uses shall be conducted within a fully-enclosed building except:  
***[ADD] C-M Zone Restrictions for South Main Street Corridor: Except for uses allowed with a "Temporary Use Permit" outdoor storage is prohibited.***

✓ **12.36.020 Table Of Uses For Residential Uses**

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted

| Commercial<br>Uses                                                      | Zones |     |     |     |     |      |      |      |       |     |     |      |     |     |      |
|-------------------------------------------------------------------------|-------|-----|-----|-----|-----|------|------|------|-------|-----|-----|------|-----|-----|------|
|                                                                         | 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 |
| <i><b>[Add]</b></i><br>Construction<br>sales and<br>service,<br>limited | N     | N   | N   | N   | N   | N    | N    | N    | N     | P   | P   | P    | P   | P   | P    |

*Suggested Reasons for the Action (Findings):*

- The Planning Commission finds that the "decision to amend the...zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B.
- The Planning Commission finds that the current use of C-M Zoning is limited to the South Main Street Corridor, from Parrish Lane to Porter Lane
- The Planning Commission finds that Main Street been regarded as the traditional commercial center of Centerville.
- The Planning Commission finds that historically, vocational trades businesses have been or are currently located along Main Street. Examples such as a black smith shop (see photo at City Hall), Tingey Construction, Larsen Electric, and Cook Builders.

- e. The Planning Commission finds that the Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years.
- f. The Planning Commission finds that the General Plan objective to redevelop or revitalize the Main Street Commercial area may continue to be difficult and slow, despite the South Main Street Overlay incentives.
- g. Therefore, the Planning Commission finds that opportunities to encourage restoration or revitalization ought to be permissible.

**Planning Commission Vote (7-0):**

| Commissioner    | Yes | No | Not Present |
|-----------------|-----|----|-------------|
| Hirschi (Chair) | X   |    |             |
| Hirst           | X   |    |             |
| Johnson         | X   |    |             |
| Daly            | X   |    |             |
| Hayman          | X   |    |             |
| Wright          | X   |    |             |
| Helgesen        | X   |    |             |

**PREVIOUS PLANNING COMMISSION MEETINGS**

- ✓ JUNE 14, 2017
- ✓ JULY 12, 2017

## ORDINANCE NO. 2017-21

**AN ORDINANCE AMENDING SECTION 12.12.040 OF THE CENTERVILLE ZONING CODE TO ADD A NEW DEFINITION FOR "CONSTRUCTION SALES AND SERVICE, LIMITED," AMENDING SECTION 12.34.080 OF THE SAME REGARDING SPECIAL REGULATIONS, AND AMENDING SECTION 12.36.040 OF THE SAME REGARDING TABLE OF USES**

**WHEREAS**, the City Council requested amendments to the Zoning Code regarding construction sales and service uses and to allow such uses within the Commercial-Medium (C-M) Zone; and

**WHEREAS**, the proposed amendments to the Zoning Code regarding construction sales and service uses within the Commercial-Medium (C-M) Zone were reviewed and revised by the Planning Commission with a positive recommendation to create a new use known as "Construction Sales and Service, Limited," and to allow such use as a permitted use in commercial and industrial zones; and

**WHEREAS**, City Council has determined that the proposed amendments to the Zoning Code to create a new definition for "Construction Sales and Service, Limited" and to allow such use in the commercial and industrial zones are in the best interest of the City and the public to encourage additional uses within the City; and

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

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

**Section 1. Amendment.** Section 12.12.040 of the Centerville Zoning Code regarding Definitions is hereby amended to add a new definition for "Construction Sales and Service, Limited" as more particularly provided as follows:

### **12.12.040 Definitions**

\* \* \*

**Construction Sales and Service, Limited:** An establishment engaged in the retail or wholesale of various small materials, supplies, and services used in the construction of buildings or other structures, but not including outdoor storage of large construction equipment or materials yards on lot or parcel other than a construction site. Typical uses include, electrical, plumbing, air conditioning and heating supply stores, swimming pool contract sales and supplies, construction and trade contractors' offices including small equipment and supplies.



**Section 2. Amendment.** Section 12.34.080 of the Centerville Zoning Code regarding Special Regulations for commercial zones is hereby amended to prohibit outdoor storage in the South Main Street Overlay Zone as more particularly provided as follows:

**12.34.080 Special Regulations**

- (a) Increased Height. Notwithstanding the height limitations shown in Section 12.34.300, a greater building height may be allowed in commercial zones pursuant to a conditional use permit.
- (b) Larger Accessory Buildings. Notwithstanding the maximum building size limitation shown in Section 12.34.300, the maximum size of an accessory building may be increased pursuant to a conditional use permit.
- (c) New Development. New development in a commercial zone which is larger than 10,000 square feet shall occur only within a planned center as provided in CZC 12.21.110(h).
- (d) Use Within an Enclosed Building. Each use in a commercial zone specified on the Table of Uses shall be conducted within a fully-enclosed building except:
  - (1) Parking of motor vehicles; ~~and~~
  - (2) Outside activities authorized by a provision of this Title, or a permit or plan approved pursuant to this Title. When such outdoor storage is authorized, such storage shall be located at least 50 feet from any residential zone boundary; and
  - (3) Commercial-Medium (C-M) Zone Restrictions for South Main Street Corridor: Except for uses allowed with a "Temporary Use Permit," outdoor storage is prohibited.

**Section 3. Amendment.** Section 12.36.040 of the Centerville Zoning Code regarding Table of Uses for Commercial Uses is hereby amended to allow "Construction Sales and Services, Limited" as a permitted use in commercial and industrial zones as more particularly provided as follows:

**12.36.040 Table of Uses for Commercial Uses**

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted



| Commercial Uses                          | Zones |     |     |     |     |      |      |      |       |     |     |      |     |     |      |
|------------------------------------------|-------|-----|-----|-----|-----|------|------|------|-------|-----|-----|------|-----|-----|------|
|                                          | 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 |
| Construction Sales and Services, Limited | N     | N   | N   | N   | N   | N    | N    | N    | N     | P   | P   | P    | P   | P   | P    |

\* \* \*

**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, ON THIS 1<sup>st</sup> DAY OF AUGUST, 2017.**

**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 \_\_\_\_\_, 2017.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 2017.

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

**STAFF REPORT  
AGENDA: ITEM 1**

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

**APPLICATION:**               **ZONING ORDINANCE TEXT AMENDMENT**

**APPLICANT REQUEST:** **AMEND THE ZONING CODE TO ALLOW  
“CONSTRUCTION SALES AND SERVICE” IN THE  
COMMERCIAL MEDIUM (C-M) ZONE, AS A  
PERMITTED OR CONDITIONAL USE**

**RECOMMENDATION:**   **A “NONALIGNED” STAFF RECOMMENDATION**

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**BACKGROUND**

The City Council recently directed staff and the Planning Commission to consider and evaluate whether “Construction Sales and Services” ought to be allowed in the Commercial-Medium (C-M) Zones. It is staff’s understanding that the current Fire Station, located on South Main Street (*located in a C-M District*) may be moved to another location and that a potential construction contractor business desires to acquire the existing station and reuse the facility for their business. Nonetheless, the Planning Commission ought to primarily focus on whether this type of use is consistent with the City’s General Plan, the neighborhood plans where the C-M Zone exists, and also whether it is consistent with the purpose of the C-M Zone. Furthermore, at the Planning Commission Meeting of June 14<sup>th</sup>, the Commission tabled any action and directed the staff to prepare modifications to address the following:

- Create a new definition for Construction Sales & Service, Limited
- Revise the “Outdoor Storage” allowance within the C-M Zone
- Add the new use definition to the C-M Zone , Table of Uses

**DRAFT EDITS REQUESTED BY PLANNING COMMISSION AND STAFF  
COMMENT**

✓ **12.12.040 Definitions**

As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not

included herein but defined in the Construction Codes or the Utah Land Use Development and Management Act shall be construed as defined therein.

***[ADD] Construction Sales and Service, Limited:*** *An establishment engaged in the retail or wholesale of various small materials, supplies, and services used in the construction of buildings or other structures, but not including outdoor storage of large construction equipment or materials yards on lot or parcel other than a construction site. Typical uses include, electrical, plumbing, air conditioning and heating supply stores, swimming pool contract sales and supplies, construction and trade contractors' offices including small equipment and supplies.*

### ✓ **12.34.080 Special Regulations**

1. Increased Height. Notwithstanding the height limitations shown in Section 12.34.300, a greater building height may be allowed in commercial zones pursuant to a conditional use permit.
2. Larger Accessory Buildings. Notwithstanding the maximum building size limitation shown in Section 12.34.300, the maximum size of an accessory building may be increased pursuant to a conditional use permit.
3. New Development. New development in a commercial zone which is larger than 10,000 square feet shall occur only within a planned center as provided in CZC 12.21.110(h).
4. Use Within an Enclosed Building. Each use in a commercial zone specified on the Table of Uses shall be conducted within a fully-enclosed building except:
  1. Parking of motor vehicles; and
  2. Outside activities authorized by a provision of this Title, or a permit or plan approved pursuant to this Title. When such outdoor storage is authorized, such storage shall be located at least 50 feet from any residential zone boundary
  3. ***[ADD] C-M Zone Restrictions for South Main Street Corridor: Except for uses allowed with a "Temporary Use Permit" outdoor storage is prohibited.***

### ✓ **12.36.020 Table Of Uses For Residential Uses**

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted

| Commercial<br>Uses                                                          | Zones    |          |          |          |          |          |          |          |          |          |          |          |          |          |          |
|-----------------------------------------------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
|                                                                             | 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     |
| <b><i>[Add]<br/>Construction<br/>sales and<br/>service,<br/>limited</i></b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>P</b> | <b>P</b> | <b>P</b> | <b>P</b> | <b>P</b> | <b>P</b> |



**DRAFT MOTION AND RECOMMENDATION FOR COMMISSION**

Suggested Motion for an amendment to the Centerville City Zoning Ordinance in regards to Chapter 12-36 – Tables of Uses Allowed – I hereby make a motion for the Planning Commission to recommend to the City Council, the following amendments (*in red*) to the Centerville City Zoning Ordinance:

✓ **12.12.040 Definitions**

*[ADD] Construction Sales and Service, Limited: An establishment engaged in the retail or wholesale of various small materials, supplies, and services used in the construction of buildings or other structures with activities which are conducted within an enclosed building, but not including outdoor storage of large construction equipment or materials yards on lot or parcel other than a construction site. Typical uses include, electrical, plumbing, air conditioning and heating supply stores, swimming pool contract sales and supplies, construction and trade contractors' offices including small equipment and supplies.*

✓ **12.34.080 Special Regulations**

3. Use Within an Enclosed Building. Each use in a commercial zone specified on the Table of Uses shall be conducted within a fully-enclosed building except:  
*[ADD] C-M Zone Restrictions for South Main Street Corridor: Except for uses allowed with a "Temporary Use Permit" outdoor storage is prohibited.*

✓ **12.36.020 Table Of Uses For Residential Uses**

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted

| Commercial Uses                                      | Zones |     |     |     |     |      |      |      |       |     |     |      |     |     |      |
|------------------------------------------------------|-------|-----|-----|-----|-----|------|------|------|-------|-----|-----|------|-----|-----|------|
|                                                      | 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 |
| <i>[Add] Construction sales and service, limited</i> | N     | N   | N   | N   | N   | N    | N    | N    | N     | P   | P   | P    | P   | P   | P    |

Suggested Reasons for the Action (Findings):

- The Planning Commission finds that the "decision to amend the...zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B.
- The Planning Commission finds that the current use of C-M Zoning is limited to the South Main Street Corridor, from Parrish Lane to Porter Lane
- The Planning Commission finds that Main Street been regarded as the traditional commercial center of Centerville.

- d. The Planning Commission finds that historically, vocational trades businesses have been or are currently located along Main Street. Examples such as a black smith shop (*see photo at City Hall*), Tingey Construction, Larsen Electric, and Cook Builders.
- e. The Planning Commission finds that the Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years.
- f. The Planning Commission finds that the General Plan objective to redevelop or revitalize the Main Street Commercial area may continue to be difficult and slow, despite the South Main Street Overlay incentives.
- g. Therefore, the Planning Commission finds that opportunities to encourage restoration or revitalization ought to be permissible.



1 City Attorney Romney suggested amending the conditions of approval for the  
2 Preliminary Subdivision to specify that the developer/property owners will be required to  
3 maintain the landscaped median and wooden sidewalks as part of the final subdivision approval.  
4

5 Commissioner Daly made a **MOTION** for the Planning Commission to approve the  
6 Preliminary Subdivision Plat for the Parrish Creek Business Park, located at 1030 North 950  
7 West, subject to the conditions 1-2, condition 3 as amended, conditions 4-6 and Reasons for the  
8 Action (a-c) from the Staff Report. The motion was seconded by Commissioner Johnson and it  
9 passed unanimously (5-0).  
10

11 **CONDITIONS:**

- 12 1. An updated soils report and geological survey must be resubmitted to the City before  
13 the review of the Final Subdivision Plat.
- 14 2. Subdivision approval is subject to the payment of bonds and fees as required by the  
15 City.
- 16 3. Protective Covenants and/or plat notes shall be prepared and submitted by the  
17 applicant to protect the architectural integrity of the property and site and to address  
18 the obligation of the developer/property owners of the business park to maintain the  
19 landscaped median and the wooden sidewalks as part of the Final Subdivision  
20 approval.
- 21 4. Final Subdivision Plans must be submitted in accordance with Municipal Code Title  
22 15.
- 23 5. Final Subdivision Plans will need approval of the City Council.
- 24 6. Final Subdivision Plat should note the conditions of the Planned Development  
25 Overlay as approved by the City Council on March 21, 2017.  
26

27 **REASONS FOR THE ACTION (FINDINGS):**

- 28 a) The Preliminary subdivision appears to be consistent with the General Plan.
- 29 b) Adequately meets Subdivision Ordinance Standards in the Municipal Code, Title 15-  
30 03. The applicable review standards of the Subdivision Ordinance pertaining to a  
31 Preliminary Subdivision application have been reviewed and directives established to  
32 allow the proposal to proceed to preliminary subdivision plan submittal.
- 33 c) Preliminary Subdivision Plat follows the conditions stated in the Planned  
34 Development Overlay as approved by the City Council on March 21, 2017.  
35

36 **PUBLIC HEARING – ZONE TEXT AMENDMENT, LEGISLATIVE DECISION,**  
37 **Consider the proposed zone text amendment to allow "Construction Sales and Service" as**  
38 **a Permitted Use in Commercial-Medium (C-M) Zones. City Council, Applicant**  
39

40 Commissioner Johnson was excused from the meeting.  
41

42 Community Development Director Snyder said Staff is giving a nonaligned  
43 recommendation on this application, but leans toward denial. The application, that was initiated  
44 by the City Council at their last meeting, is to amend the Commercial-Medium (C-M) Zone to  
45 allow "Construction Sales and Service" to its table of uses.

46 Mr. Snyder said he looked to the General Plan for guidance. He said the City's only C-M  
47 Zone is on Main Street. He said it is a narrow zone used to balance out uses with nearby  
48 residential neighborhoods. He said it contains a restriction on outdoor storage. He said the C-M  
49 Zone no longer allows construction-related use or car dealerships.

1 Chair Hirschi invited the applicant to speak. Kyle Shupe said he is part owner of Shupe  
2 Electric. He said Mayor Cutler asked if his company was interested in buying the building now  
3 housing South Davis Metro Fire on Main Street. He said the idea had potential because the  
4 building's fire truck bays could be used as a loading area for their electrical service vans. He  
5 said their business has been a staple in Centerville for 30 years and they want to remain in  
6 Centerville. He said they plan to give the building a facelift.

7  
8 Chair Hirschi opened the public hearing at 8:24 p.m. Seeing no one come forward to  
9 speak, he closed the public hearing at 8:24 p.m.

10  
11 Commissioner Helgesen asked Staff about the possibility of allowing Construction Sales  
12 and Service and prohibiting outdoor storage.. Mr. Snyder said Construction Sales and Service  
13 has a broad definition that assumes the need for outdoor storage.

14  
15 Commissioner Daly asked if the Commission could approve the Construction Sales and  
16 Service use as long as they did not allow outdoor storage. Mr. Snyder said technically yes, but  
17 he recommended against it, citing the tensions that accompany conditional use. Commissioner  
18 Daly said in thinking about what is right for Main Street, he thinks this is a unique building and  
19 there are probably not a lot of companies that could use it. Commissioner Daly asked the  
20 applicant if they could confine their storage to inside the building. The applicant said yes.

21  
22 Chair Hirschi said he has used Shupe Electric in the past and usually it just involves a  
23 few phone calls. He wondered if the use could fall under general office. Commissioner Daly  
24 wondered if the applicant has a retail element that would qualify under a different use. The  
25 applicant said they plan to have a retail showroom for electrical products like lighting controls  
26 used in smart homes. Commissioner Wright says a showroom is consistent with what the  
27 Planning Commission is trying to encourage along Main Street.

28  
29 City Attorney Romney suggested the Commissioners table the matter and direct staff to  
30 consider drafting a narrowly defined category like "Construction Sales and Service, Limited"  
31 that prohibits outdoor storage and other limitations. Several Commissioners agreed with this  
32 suggestion.

33  
34 Commissioner Wright made a **MOTION** to table the application for an amendment to the  
35 Centerville City Zoning Ordinance in regards to Chapter 12.36 – Tables of Uses to allow  
36 "Construction Sales and Service" uses in the C-M Zone and direct staff to come back with ideas  
37 and recommendations on a new definition or other recommended changes. Commissioner Daly  
38 seconded the motion and it passed unanimously (4-0).

39  
40 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 41 • Rezone request on Porter Lane
- 42 • Subdivision
- 43 • Text amendment for national registered homes
- 44 • Conceptual plan for a car wash on Parrish Lane

45  
46 **CITY COUNCIL ACTIONS REPORT**

- 47 • A-L setbacks rejected
- 48 • Chitose Johnson approved

- b) A conceptual site plan is not intended to permit actual development of property, merely to represent how the property may be developed [CZC 12.21.110(d)(5)].
- c) The use of "car wash" is a permitted use in C-VH Zones. [CZC 12.36.040].
- d) The property and its development will have a significant visual presence on Parrish Lane due to its proximity to Parrish Lane, Dairy Queen and the Performing Arts Center, and due to the proposed height of the building and the size of the Parrish Lane intersection.

**PUBLIC HEARING - ZONING TEXT AMENDMENT - LEGISLATIVE DECISION,**  
**Consider the proposed zoning text amendments in CZC 12.61.100 and 12.49.100 regarding**  
**incentives for Historic Landmarks Register preservation.**

Assistant City Planner Younger reported on the Zoning Text Amendment regarding incentives for historic landmarks. Since 2016, the City has offered incentives for renovations or new construction on homes in the Deuel Creek historic neighborhood. Ms. Younger recommends expanding the list of eligible homes to include those outside of the Deuel Creek District. This expansion will add ten homes to the existing list.

Chair Hirschi asked Staff to explain the criteria for being on the list. Ms. Younger said the list is determined by Centerville's Landmark Commission but basically it is same list as the National Registry of Historic Places. Criteria include coloration, materials, architecture, and historic character. To be eligible for the incentive, homeowners fill out a form provided by the Landmarks Commission. The incentives are available for renovations that maintain the historic architecture and character of the neighborhood, based on a list of design standards provided by the Landmarks Commission and the National Registry of Historic Places. The incentives provide for a reduction in building permit fees.

Chair Hirschi asked if Staff had looked at the overall financial effect for the City if the Zoning Text Amendment created a significant reduction in building permit fees. Ms. Younger said since 2016 they have only awarded one incentive for a 25% reduction in building fee. Mr. Snyder said when the incentives were approved it was estimated the amount would be about \$900 per year. He said the incentive only applies to the building permit fee and the plan review fee.

Chair Pro Tem Johnson opened the public hearing at 9:14 p.m. Seeing no one wishing to speak, he closed the public hearing at 9:14 p.m.

Commissioner Daly made a **MOTION** to recommend approval of the proposed zoning text changes to code CZC 12.61.100(c)(1) and 12.49.100(3) for Reasons for the Action (a-c) as stated in the Staff Report. The motion was seconded by Commissioner Helgesen and passed unanimously (6-0).

**REASONS FOR THE ACTION (FINDINGS):**

- a) Centerville has stated that it is the intent of the City to identify, preserve, protect and enhance significant historic sites, places, structures or buildings within the city. [CZC 12.61.010]
- b) The alteration/modification of structures of the Historic Landmarks Register are subject to review by the Landmarks Commission, but offers no economic incentives for this process. [CZC 12.61.100]
- c) The Centerville Deuel Creek Historic District offers incentives to all homeowners, and already has a voluntary incentive program in place. It should be extended to include all homes on the Historic Register, not just those within this district. [CZC 12.49.090].

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 Wednesday, July 12, 2017

3 7:00 p.m.

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

7  
8 **MEMBERS PRESENT**

9 David Hirschi, Chair

10 Cheylynn Hayman, Vice Chair

11 Kevin Daly

12 Kathy Helgesen

13 Gina Hirst

14 Logan Johnson

15 Becki Wright

16  
17 **STAFF PRESENT**

18 Lisa Romney, City Attorney

19 Cory Snyder, Community Development Director

20 Cassie Younger, Assistant City Planner

21 Luanne Hudson, Recording Secretary

22  
23 **VISITORS**

24 Interested citizens (see attached sign-in sheet)

25  
26 **PLEDGE OF ALLEGIANCE**

27  
28 **OPENING COMMENT/LEGISLATIVE PRAYER** – Commissioner Hayman

29  
30 **MINUTES REVIEW AND APPROVAL**

31 The minutes for the Planning Commission meeting held June 28, 2017 were reviewed and  
32 amended. Commissioner Helgesen made a motion to approve the minutes as  
33 amended. Commissioner Hirst seconded the motion and it passed (6-0) with Commissioner  
34 Hayman abstaining.

35  
36 **PUBLIC HEARING – ZONE TEXT AMENDMENT – LEGISLATIVE DECISION,**

37 **Consider the proposed Zoning Text Amendments for CZC 12.12, “Definitions”, CZC 12.34,**  
38 **“Commercial Zones”, and 12.36, “Table of Uses”, all regarding the definition, use, and**  
39 **parameters of “Construction Sales and Service” in Commercial Zones and the associated**  
40 **allowance of outdoor storage yards.**

41  
42 Community Development Director Snyder reported on the application and reminded the  
43 Commissioners that at the June 14 meeting, the Commission tabled any action and directed Staff  
44 to prepare modifications to:

- 45  
46 • Create a new definition for Construction Sales & Service, Limited  
47 • Revise the “Outdoor Storage” allowance within the C-M Zone  
48 • Add the new use definition to the C-M Zone, Table of Uses

49  
50 Director Snyder explained that the City is the petitioner and this request is associated with  
51 the fire station on Main Street that may move to another location. The City would like to allow a

1 local construction contractor to acquire the existing fire station facility and reuse it for their  
2 business. He said the City Council recently directed Staff and the Planning Commission to consider  
3 and evaluate whether "Construction Sales and Services" ought to be allowed in the Commercial-  
4 Medium (C-M) Zones. Director Snyder recommended the Planning Commission focus on whether  
5 this type of use is consistent with the City's General Plan, the neighborhood plans where the C-M  
6 Zone exists, and whether it is consistent with the purpose of the C-M Zone.

7  
8 Director Snyder said Staff proposes a new use named "Construction Sales and Services,  
9 Limited" that is narrowed from the larger category of "Construction Sales and Service". The  
10 "Limited" definition disallows outdoor storage and requires that the activities of the business be  
11 conducted within an enclosed building. He said with the Commercial-Medium Zone only used on  
12 the south Main Street corridor, this particular use may come in conflict with the design guidelines  
13 of the form-based code. He said the Commission might want to consider whether this should be  
14 a Permitted Use, as drafted, or as a Conditional Use.

15  
16 Chair Hirschi asked Staff if this is a change of use and Director Snyder said it is a change  
17 of use under zoning but not a change of use of occupancy relating to the Building Codes, both the  
18 fire station and the proposed contractor's office are "B" Occupancy Groups.

19  
20 Shane Shupe spoke as a representative of Shupe Electric, the company that may purchase  
21 the fire station building. He said he feels comfortable with the zoning code as described. He said  
22 they have no plans to remodel the facility now, but over time there may be some development on  
23 the lot. Chair Hirschi asked Mr. Shupe if he felt their planned use of facility would meet the  
24 guidelines outlined in the Staff Report. Mr. Shupe said yes, that most of their equipment is kept  
25 at a storage site in another city. He asked for a clarification on what is considered large  
26 equipment that is not allowed to be kept on-site. He asked if a 4x4 box or an equipment lift  
27 would be considered large pieces of equipment.

28  
29 Director Snyder explained that under the new definition of "Construction Sales and  
30 Service, Limited" everything must be stored inside the facility and that would include even the  
31 mentioned scissor lifts. Mr. Shupe asked if vehicles are permitted to be stored outside. Director  
32 Snyder answered that anything over a one-ton truck is considered large equipment and could not  
33 be stored outside of the building.

34  
35 Chair Hirschi opened the public hearing at 7:36 p.m. and ask for public comments. Director  
36 Snyder said he received emails from two citizens who had comments but were not able to attend  
37 the meeting: Nancy Smith and Robyn Neville. Director Snyder said the specific concerns were  
38 about enforcement of the City's zoning code. Chair Hirschi said he received the emails and felt  
39 the issues had been addressed in Staff's report. Chair Hirschi made a **MOTION** to include the  
40 two emails in the public record. Hearing no opposition to the motion, he said the emails would be  
41 included in the public record.

42  
43 Seeing no one else wanting to make a public comment, Chair Hirschi closed the public  
44 hearing at 7:40 p.m.

45  
46 Commissioner Johnson said enforcement of the City's zoning code could be a problem because  
47 the City may not have the resources to follow-up on citizen complaints about zoning code  
48 violations. He said he understood the public comment about getting ahead of zoning code  
49 violations by not allowing this kind of use and he asked for Staff's input. Director Snyder said he

1 thought the emailed public comments were based upon the previous complaints about auto  
2 dealership on Main Street. He said that use brought up the question of what constitutes allowable  
3 accessory uses. He said one person's view of accessory use might be different from another  
4 person's view. He said that is where enforcement comes in and suggested the Commissioners may  
5 want to discuss permitted use or conditional use on this application.

6  
7 Chair Hirschi said the Planning Commission has spent a lot of time looking at Main Street  
8 and much of what they have sent to the City Council has not been approved. He said the  
9 Commission is left with a commercial strip along Main Street and should do the best they can with  
10 it. Chair Hirschi commended Staff's efforts to come up with a definition for "Construction Sales  
11 and Service, Limited" that included areas of protection and he said he favors the proposal.

12  
13 Commissioner Helgesen said enforcement is also her concern and she does not want to  
14 create anything that has an industrial look on Main Street. She said she is more comfortable with  
15 the new code that does not allow outdoor storage.

16  
17 Commissioner Wright said Staff's new definition of "Construction Sales and Service,  
18 Limited" largely addressed her concerns. However, when considering the bigger picture along  
19 Main Street, she questioned if the Commission truly supports the current Main Street plan. If the  
20 Commission does support the plan, approving this application would undermine those plans.

21  
22 Chair Hirschi agreed but said, on the other hand, this is a newer building that will exist for  
23 some time, and even with the vision of form-based code, he does not foresee the use on this location  
24 changing. He said the Commission has opportunities to require compliance with form-based  
25 code when owners remodel their facilities. He said other locations along Main Street would need  
26 to be in compliance if there is a change of use. He feels the Commission may be shutting off  
27 potential uses that will benefit Main Street if they say no to this application.

28  
29 Commissioner Hirst expressed her opinion that it is better to have a business occupy the  
30 facility than to have a vacant building. She said it is a newer building that no one is going to tear  
31 down in the near future, and this use is similar to businesses on Main Street in nearby communities.

32  
33 Commissioner Daly said, as far as enforcement goes, it is always going to be a challenge.  
34 He said he felt some of the issues raised in the public comment have been addressed by not  
35 allowing outdoor storage, and limiting the category to indoor storage.

36  
37 Commissioner Daly made a **MOTION** for the Planning Commission to recommend to the  
38 City Council the amendments to the Centerville City Zoning Ordinance, as stated in the Staff  
39 Report with suggested Reasons for the Action (a-g). Commissioner Helgesen seconded the  
40 motion. Chair Hirschi asked Staff to fix the numbering on Special Regulation 12.34.080. The  
41 motion passed unanimously (7-0).

42  
43 **REASONS FOR THE ACTION (FINDINGS):**

- 44 a. The Planning Commission finds that the decision to amend the...zoning ordinance is a  
45 matter within the legislative discretion of the City Council as described in *CZC*  
46 *12.21.060.a.1.B.*  
47 b. The Planning Commission finds that the current use of C-M Zoning is limited to the South  
48 Main Street Corridor, from Parrish Lane to Porter Lane.



- c. The Planning Commission finds that Main Street been regarded as the traditional commercial center of Centerville.
- d. The Planning Commission finds that historically, vocational trades businesses have been or are currently located along Main Street. Examples such as a black smith shop (*see photo at City Hall*), Tingey Construction, Larsen Electric, and Cook Builders.
- e. The Planning Commission finds that the Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years.
- f. The Planning Commission finds that the General Plan objective to redevelop or revitalize the Main Street Commercial area may continue to be difficult and slow, despite the South Main Street Overlay incentives.
- g. Therefore, the Planning Commission finds that opportunities to encourage restoration or revitalization ought to be permissible.

**DISCUSSION - SOUTHEAST NEIGHBORHOOD PLAN - PAGES LANE COMMERCIAL DISTRICT, Discuss Staff analysis and possible scenarios and General Plan amendments.**

Director Snyder reported on Staff's analysis, possible scenarios and General Plan amendments for the Southeast Neighborhood Pages Lane Commercial District. He said Staff has researched property valuations, parks and open space, and park development scenarios. He said Staff is seeking direction from the Planning Commission on which option(s) to pursue. Director Snyder suggested that the Planning Commissioner and Staff prepare proposals and then invite additional stakeholders, property owners and businesses to a public hearing.

Director Snyder said the eastern half of the Southeast Commercial area is ripe for redevelopment. He said the middle section near Deseret Industries is a good place to establish a buffer and a potential public space. He said planning for the western half of the area is on a longer horizon. Director Snyder said the eastern half of the property has a total of 8.17 acres with a valuation of \$4.7 million. He reviewed the four possible scenarios:

1. City Acquisition for a 3-acre park - \$1.72 million
2. City Acquisition for a Pocket Park - \$391,000 for .68 acre
3. Private/Public Partnership – Joint use of Residential Development Open Space and Public Use/ Easement
4. Island View Park – Exchange Land Water Conservation Fund Grant

Director Snyder said, from his standpoint, the public/private partnership is a feasible plan. He said a proposal for the City to purchase a 3-acre park will likely delay development 5, 7, or 10 years down the road and leaves open the question of what to do with the vacant space in the interim. All the Commissioners participated in a detailed discussion about the proposed alternatives.

Chair Hirschi said the Commission has always talked about taking a holistic approach that includes analysis of both the east and west sides of the area. His hope is that the planning for the east side has a favorable impact for the west side as well. He said Deseret Industries has already indicated they are willing to consider participating in the development in some way. Director Snyder agreed and said their plan will include language that demonstrates the benefit to the west side. Chair Hirschi said he would like to make a recommendation to the City Council that includes

5. Concern with the adequacy of fire protection

Councilwoman Fillmore stated she does not feel R-L would work on this specific piece of property. Councilman Ince said he does not think R-M would work either. The motion to deny Ordinance No. 2017-18, including the five suggested findings, passed by majority vote (1-4), with Councilwoman Fillmore dissenting.

**PUBLIC HEARING – ZONING CODE AMENDMENTS – “CONSTRUCTION SALES AND SERVICE, LIMITED” DEFINITION AND USE TABLE**

The City Council recently directed staff and the Planning Commission to consider and evaluate whether “Construction Sales and Services” ought to be allowed in Commercial-Medium Zones. Mr. Snyder said it is staff’s understanding that the current Fire Station, located on South Main Street (in a C-M District) may be moved to another location and that a potential construction contractor business desires to acquire the existing station and reuse the facility for their business. However, the Planning Commission’s primary focus was on whether this type of use is consistent with the City’s General Plan, the neighborhood plans where the C-M Zone exists, and also whether it is consistent with the purpose of the C-M Zone. On July 12, 2017, the Planning Commission reviewed and forwarded to the Council a recommendation to approve the proposed Zoning Code Amendments regarding “Construction Sales and Services, Limited”, which prohibits any outdoor storage.

Mr. Snyder stated his personal recommendation is to not approve the proposed limited use. Answering a question from the Council, Ms. Romney reported that Main Street is a designated truck route within the city.

At 8:20 p.m., Mayor Cutler opened a public hearing.

Lee Skabelund – Mr. Skabelund said it sounds like the City is trying to change something to benefit the Fire District rather than thinking about what the City really wants on Main Street. He said he believes the existing Fire Station property has many possibilities, and he encouraged the Council not to give special favor.

Kyle Shupe – Mr. Shupe said he is with Shupe Electric, the proposed buyer of the existing Fire Station property. He commented that the property is unique, and his plan would be to keep the frontage looking good. He stated that most of their service vehicles are not stored on the property over night, and all materials and equipment are stored inside. Deliveries are received onsite from box trucks, not large semi-trucks. Shupe Electric has been in the community for more than 30 years, and they would like to keep the business in Centerville as the business grows. Service trucks usually go out before school starts in the morning, and return by 4:00 in the afternoon.

Councilman Ince asked Mr. Shupe if the proposed limited use would work for Shupe Electric, and Mr. Shupe responded it would. He said it is not their intention to add on to the building to a point that the Main Street Overlay would be involved.

Jeff Bassett, South Davis Metro Fire Chief – Chief Bassett pointed out there are already similar businesses on Main Street, and he does not consider Shupe Electric to be a business that would deter or cause problems on Main Street. He said he views this as an opportunity for revitalization on Main Street.

Mayor Cutler closed the public hearing at 8:28 p.m. Councilwoman Fillmore stated she is committed to applying principles consistently and not ever make a decision based on one

1 applicant. She added that she is torn on this issue. She said she is concerned with the  
2 Council's tendency lately to say no to everything. Councilwoman Fillmore said she views a lack  
3 of activity and occupation as more of a problem and concern, and she leans more toward  
4 allowing the proposed change. She said she feels saying no to everything encourages blight  
5 and hurts everyone's property values.

6  
7 Councilman Ince said he feels the public input is inadequate for this decision, and  
8 proposed postponing a decision for two weeks. Mayor Cutler pointed out that open houses  
9 have been held and information has been available to the public. The Mayor said he does not  
10 believe extending the public hearing for two weeks would make a difference. Councilman Ince  
11 made a motion to continue the public hearing to August 15<sup>th</sup> to give opportunity for additional  
12 public input. Councilwoman Ivie seconded the motion.

13  
14 Councilwoman Mecham said she thinks Shupe Electric would be great at that location,  
15 but she understands the zoning would apply to the whole area. She asked Mr. Snyder if  
16 approving the change would open the possibility for a different company with a lot of trucks and  
17 impact to open within the zone. Mr. Snyder responded that he does not recommend approval of  
18 the amendment. He gave a brief history of changes to the Main Street Plan, and stated he feels  
19 he needs to defend the existing policy until it is no longer in place. Councilman McEwan said he  
20 feels the dilemma faced by the Council is that Centerville does not have a lot of available space  
21 left, and decisions made by the Council will have ripple effects for a long time. The motion to  
22 table for two weeks passed by unanimous vote (5-0).

23  
24 **PUBLIC HEARING – FOUNDERS PARK PROPOSED NAME CHANGE TO THE**  
25 **WILLIAM R. SMITH PARK**

26  
27 Mr. Thacker presented a timeline of documents and events related to Founders Park.  
28 Councilman McEwan asked how the property was used between its donation to the County in  
29 1934 and the lease of the property to Centerville City in 1953 to be used as a public park.

30  
31 Mayor Cutler opened a public hearing at 8:49 p.m.

32  
33 Carolyn Smith Stephens – Ms. Stephens said she is a native of Centerville. She shared  
34 some of her son's thoughts, since he was unable to attend. She expressed that her son grew  
35 up with the park in his backyard and he is proud of his heritage. She stated he is in support of  
36 changing the name to the William Reed Smith Park to represent a commitment of City  
37 leadership to the heritage and sacrifices of the City's forefathers. Ms. Stephens said she grew  
38 up hearing that the park is to be called the William Reed Smith Park, and she recommends  
39 changing the name in honor of her grandfather and great-grandfather.

40  
41 Holly Ince – Ms. Ince stated she is in favor of changing the name to Smith Park. She  
42 said she finds it hard to believe that after the Smith family donated the land, supplies, and  
43 services to create the park that the name was changed. She said most people do not know who  
44 the founders of the City were. Ms. Ince said it would be effective to recognize specific founders  
45 with informational plaques. She suggested that the Smith family gave the property for a park,  
46 and if the City is not going to honor their ancestors as intended, maybe the property should be  
47 given back to the Smith family. Ms. Ince said she feels the City needs to honor the man and the  
48 family.

49  
50 Lowell Dean Smith Junior – Mr. Smith said he is a grandson of David Felshaw Smith.  
51 He said he is in favor of the existing plaque and in favor of changing the name to Smith Park.  
52 However, he pointed out that the mother of David F. Smith (donor of the property) is not listed  
53 on the existing plaque. William R. Smith had an enormous impact on Davis County, and

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 5

Short Title: Repeal of City Fire/EMS Impact Fees (to be Replaced with South Davis Metro Fire Service Area Fire/EMS Impact Fees)

Initiated By: City Manager

Scheduled Time: 7:45

**SUBJECT**

Consider the repeal of the Fire/EMS Impact Fees adopted and assessed by Centerville City to be replaced by the Fire/EMS Impact Fees adopted and assessed by the South Davis Metro Fire Service Area - Ordinance No. 2017-25

**RECOMMENDATION**

Adopt Ordinance No. 2017-25 repealing the Fire/EMS Impact Fees adopted and assessed by Centerville City to be replaced by the Fire/EMS Impact Fees adopted and assessed by the South Davis Metro Fire Service Area.

**BACKGROUND**

The City previously approved Ordinance No. 2012-24 amending and enacting Fire/EMS Impact Fees on new development within the City. Since the adoption of the City Fire/EMS Impact Fees, the South Davis Metro Fire Service Area has been created. The South Davis Metro Fire Service Area has recently enacted Resolution No. 2017-03 adopting an Impact Fee Facilities Plan for Fire/EMS Impact Fees and enacting new Fire/EMS Impact Fees. The Fire/EMS Impact Fees to be assessed by the South Davis Metro Fire Service Area shall become effective on September 18, 2017 (after the required statutory 90-day waiting period). Due to the enactment and adoption of the Fire/EMS Impact Fees by the South Davis Metro Fire Service Area, the City can now repeal the Fire/EMS Impact Fees previously assessed by the City. Such repealed fees will be replaced by the South Davis Metro Fire Service Area's impact fees. Pursuant to Utah Code Ann. 11-36a-403, the City is authorized to repeal its Fire/EMS Impact Fees and is exempt from the noticing requirements of Utah Code Ann. 11-36a-504 when repealing an impact fee.

The current Fire/EMS Impact Fee schedule is attached in case someone wants to compare the current fees with the new fees adopted by the Fire Service Area, which are shown in Resolution No. 2017-03 adopted by the South Davis Metro Fire Service Area.

**ATTACHMENTS:**

**Description**

- ☐ Ordinance No. 2017-25 - Fire Impact Fees Repeal
- ☐ Resolution No. 2017-03 - SDMFSA Fire Impact Fees Enactment
- ☐ Current Fire/EMS Impact Fees

**ORDINANCE NO. 2017-25**

**AN ORDINANCE REPEALING THE FIRE/EMS IMPACT FEES ADOPTED  
AND ASSESSED BY CENTERVILLE CITY TO BE REPLACED BY THE  
FIRE/EMS IMPACT FEES ADOPTED AND ASSESSED BY THE SOUTH  
DAVIS METRO FIRE SERVICE AREA**

**WHEREAS**, the City Council previously approved Ordinance No. 2012-24 amending and enacting Fire/EMS Impact Fees and establishing a service area for purposes of equitable distribution of the Fire/EMS Impact Fees; and

**WHEREAS**, the South Davis Metro Fire Service Area has recently adopted Resolution No. 2017-03 adopting an Impact Fee Facilities Plan for Fire/EMS Impact Fees and enacting new Fire/EMS Impact Fees; and

**WHEREAS**, the City Council desires to repeal the City Fire/EMS Impact Fees as enacted by Ordinance No. 2012-24 to be replaced by the Fire/EMS Impact Fees adopted by the South Davis Metro Fire Service Area pursuant to Resolution No. 2017-03; and

**WHEREAS**, pursuant to Utah Code Ann. § 11-36a-403, the City is authorized to repeal its Fire/EMS Impact Fees and is exempt from the noticing requirements of Utah Code Ann. § 11-36a-504 when repealing an impact fee.

**BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF CENTERVILLE, UTAH, AS FOLLOWS:**

**Section 1.**     **Repeal.** The City Fire/EMS Impact Fees adopted in accordance with Ordinance No. 2012-24 are hereby repealed as of the effective date of the South Davis Metro Fire Service Area Fire/EMS Impact Fees on September 18, 2017.

**Section 2.**     This Ordinance shall take effect immediately upon publication or posting and the repeal of the City Fire/EMS Impact Fees shall be effective as of September 18, 2017.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,  
STATE OF UTAH, ON THIS 5th DAY OF SEPTEMBER, 2017.**

**CENTERVILLE CITY**

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

**ATTEST:**

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

Voting by the City Council:

|                        | "AYE" | "NAY" |
|------------------------|-------|-------|
| Councilmember Fillmore | _____ | _____ |
| Councilmember Ince     | _____ | _____ |
| Councilmember Ivie     | _____ | _____ |
| Councilmember McEwan   | _____ | _____ |
| Councilmember Mecham   | _____ | _____ |



## **SOUTH DAVIS METRO FIRE SERVICE AREA**

### **RESOLUTION No. 2017-03**

#### **A RESOLUTION ADOPTING A IMPACT FEE FACILITIES PLAN FOR FIRE/EMS IMPACT FEES, A WRITTEN ANALYSIS OF FIRE/EMS IMPACT FEES; AND ENACTING IMPACT FEES.**

**WHEREAS**, South Davis Metro Fire Service Area (the "*Service Area*") is a local district and Service Area and political subdivision of the State of Utah, authorized and organized under the provisions of Utah law;

**WHEREAS**, the Service Area has previously received impact fees that were duly enacted by the governmental entities that created the Service Area for fire/EMS services on behalf of South Davis Fire Service Area and its predecessor, the South Davis Metro Fire Agency, a public agency created pursuant to the Utah Interlocal Cooperation Act;

**WHEREAS**, the Service Area has legal authority, pursuant to Title 11, Chapter 36a Utah Code, Annotated, as amended ("*Impact Fees Act*" or "*Act*"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity; and

**WHEREAS**, the Service Area desires to assess fire/EMS impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

**WHEREAS**, the Service Area and impact fee consultants engaged by the Service Area have reviewed and evaluated the Service Area-Wide Service Delivery Area (the "*Agency Service Area*") attached hereto in *Exhibit A: Legal Description of Agency Service Area and Map*, and has determined that it is in the Service Area's best interest to establish the boundaries of the Service Area for purposes of the Impact Fee imposed; and

**WHEREAS**, the Service Area has completed the necessary impact fee facilities plan associated with fire/EMS infrastructure, attached hereto in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis*; and

**WHEREAS**, the Service Area Board of Trustees has directed Lewis Young Robertson & Burningham, Inc. to prepare an updated Written Impact Fee Analysis which is conducted consistent and in compliance with the Impact Fees Act (specifically 11-36a-301-306). Copies of said Written Impact Fee Analysis is included in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis*;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the South Davis Metro fire Service Area as follows:

## **SECTION I PURPOSE**

This Impact Fee Resolution establishes the Service Area's impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. This Resolution establishes impact fees for fire/EMS facilities within the Agency Service Area, describes certain capital improvements to be funded by impact fees, provides a schedule of impact fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing impact fees.

## **SECTION II DEFINITIONS**

Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the following meanings:

1. "*Agency*" shall mean South Davis Metro Fire Service Area, a local district and Service Area comprised of six member entities including West Bountiful City, Bountiful City, Woods Cross City, Centerville City, North Salt Lake City and Davis County.
2. "*Development Activity*" means any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential and commercial users who are not currently served by any of the Service Area's fire/EMS services, but will be located within the Service Area.
3. "*Development Approval*" means any written authorization from the Service Area that authorizes the commencement of development activity.
4. "*Impact Fee*" means a payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.
5. "*Impact Fee Facilities Plan*" means the plan required by Section 11-36a-301 of the Act. The Service Area has completed an Impact Fee Facilities Plan in accordance with the Act.
6. "*Project Improvements*" means site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupants or users of development resulting from a development activity. "Project improvements" do not include "system improvements" as defined below.

7. "*Proportionate Share*" of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

8. "*Public Safety Facilities*" means public safety facilities which house fire/EMS apparatus and equipment of the Agency on behalf of its member entities and fire suppression vehicles costing in excess of \$500,000.00.

9. "*Agency Service Area*" refers to a geographic area designated by the Service Area based on sound planning and engineering principles in which a defined set of the Service Area's Fire/EMS provides service. The Agency Service Area for purposes of this Resolution includes all of the area within the corporate limits and jurisdictional boundaries of the Service Area. (*Exhibit A: Legal Description of Agency Service Area and Map*)

11. "*System Improvements*" refers both to existing public facilities designed to provide services within the Agency Service Area and to future public facilities identified in a reasonable plan for capital improvements adopted by the Service Area that are intended to provide service to the Service Area. "System improvements" do not include "Project improvements" as defined above.

### SECTION III WRITTEN IMPACT FEE ANALYSIS

1. *Executive Summary.* A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in the *Written Impact Fee Analysis* ("*Exhibit B*") and demonstrates the need for impact fees to be charged. A copy of the Executive Summary is included in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis* and has been available for public inspection at least fourteen (14) days prior to the adoption of this Resolution.

2. *Written Impact Fee Analysis.* The Service Area has prepared *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis* that identifies the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identifies how the impact fees are calculated. A copy of *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis* has been available for public inspection at least fourteen (14) days prior to the adoption of this Resolution.

3. *Proportionate Share Analysis.* The Service Area must prepare a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future public facilities is reasonably related to new development activity. The Proportionate Share Analysis must identify the costs of existing Public Facilities, the manner of financing existing Public Facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment

towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the Service Area. A copy of the Proportionate Share Analysis is included in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis* and has been available for public inspection at least fourteen (14) days prior to the adoption of this Resolution.

#### SECTION IV IMPACT FEE CALCULATIONS

1. *Ordinance Enacting Impact Fees.* The Board of Trustees, by this Resolution, approves impact fees in accordance with the Written Impact Fee Analysis set forth in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis*.

A. *Elements.* In calculating the impact fee, the Service Area has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of system improvements, and debt service charges if the Service Area might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.

B. *Notice and Hearing.* The Service Area has held a public hearing on June 19, 2017, and a copy of the Resolution was available in its substantially final form at the offices of the Service Area located at 255 S. 100 W., Bountiful, Utah at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 17B-1-111.

C. *Contents of the Resolution.* This Resolution adopting or modifying an impact fee contains such detail and elements as deemed appropriate by the Board of Trustees, including a designation of the service area within which the impact fees are to be calculated and imposed. The analysis, with a map of the Service Area included in *Exhibit A: Legal Description of Agency Service Area and Map*.

D. *Adjustments.* The standard impact fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The standard impact fee may also be adjusted to ensure that impact fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The impact fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the Service Area showing a discrepancy between the fee being assessed and the actual impact on the system.

E. *Previously Incurred Costs.* To the extent that new growth and development will be served by previously constructed improvements, the Service Area's impact fees may include public facility costs and outstanding bond costs related to the fire/EMS improvements previously incurred by the Service Area. These costs may

include all projects included in the Impact Fee Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

2. *Developer Credits.* A developer, including a school district or charter school, may be allowed a credit against impact fees for any dedication of land for system improvements, a dedication of a public facility that will result in a reduced need for system improvements, or improvements to land or new construction of system improvements provided by the developer *provided* that it is (i) identified in the Service Area's Impact Fee Facilities Plan and (ii) required by the Service Area as a condition of approving the development activity. Otherwise, no credit may be given.

3. *Impact Fees Accounting.* The Service Area will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is promulgated in accordance with the requirements of the Impact Fees Act and deposited in the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account.

A. *Reporting.* At the end of each fiscal year, the Service Area shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.

B. *Impact Fee Expenditures.* The Service Area may expend impact fees covered by the Impact Fee Policy only for system improvements that are (i) public facilities identified in the Service Area's Impact Fee Facilities Plan and (ii) of the specific public facility type for which the fee was collected. Impact fees will be expended on a First-In First-Out ("*FIFO*") basis.

C. *Time of Expenditure.* Impact fees collected pursuant to the requirements of this Impact Fees Policy are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the Service Area, unless the Service Area Board of Trustees directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

D. *Extension of Time.* The Service Area may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years and (ii) an absolute date by which the fees will be expended.

4. *Refunds.* The Service Area shall refund any impact fees paid by a developer plus interest actually earned when (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the Service Area may include any impact reasonably identified by the Service Area, including, but not limited to, the Service Area having sized facilities and/or paid for, installed and/or caused the

installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

5. *Other Impact Fees.* To the extent allowed by law, the Board of Trustees may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the Board of Trustees, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the Service Area's system.

6. *Additional Fees and Costs.* The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the Service Area and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the Service Area recognizes that the fees must be a reasonable charge for the service provided.

7. *Fees Effective at Time of Payment.* Unless the Service Area is otherwise bound by a contractual requirement, the impact fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section VI below.

8. *Time of Collection.* The Service Area will collect the impact fees at the time of building permit issuance. The fees will be calculated by the Service Area.

9. *Remittance of Collected Fees.* All fees collected by any member entity pursuant to an agreement with Service Area pursuant to this ordinance shall be remitted to South Davis Metro Fire Service Area not less than monthly.

10. *Imposition of Additional Fee or Refund after Development.* Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the Service Area, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the Service Area shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

## **SECTION V**

### **IMPACT FEE FACILITIES PLAN**

1. *Impact Fee Facilities Plan.* The Service Area has developed a full-scope Impact Fee Facilities Plan for the fire/EMS systems. The Impact Fee Facilities Plan has been prepared based on reasonable growth assumptions for the Service Area and general demand characteristics of current and future users of each system. Furthermore, the Impact Fee Facilities Plan identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.



**SECTION VI**  
**IMPACT FEE SCHEDULES AND FORMULAS.<sup>1</sup>**

1. *Maximum Supportable Impact Fees.* The fee schedule included herein represents the maximum impact fees which the Service Area may impose on development within the defined Agency Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Service Area reserves the right under the Impact Fees Act (Utah Code 11-36a-402(1)(c, d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher impact fee if the Service Area determines that a user would create a greater than normal impact on any of the systems. The Service Area may also decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code 11-36a-402(1)(d)).

2. *Rates Established by Rate Resolution.* The Service Area reserves the right to establish the impact fees as established in this Ordinance by Rate Resolution or Consolidated Fee Schedule. In no event will the impact fees established by Resolution exceed the maximum supportable impact fee schedule.

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<sup>1</sup> Fees included in Section VI are the maximum supportable impact fees which can be assessed. Adjustments to these fees may be made with adequate documentation from the developer that the true impact differs from that shown.

## IMPACT FEE SCHEDULE

|                                                                                                          | CALLS PER UNIT | IMPACT FEE COST PER<br>CALL | IMPACT FEE PER<br>UNIT |
|----------------------------------------------------------------------------------------------------------|----------------|-----------------------------|------------------------|
| <b>Combined Residential per Unit/Room (Incl. Single Family, Multifamily and Nursing/Assisted Living)</b> |                |                             |                        |
| Combined Residential                                                                                     | 0.105          | \$6,150                     | \$644                  |
| <b>Non-Residential (per 1,000 SF)</b>                                                                    |                |                             |                        |
| Hotel/Motel                                                                                              | 0.128          | \$8,493                     | \$1,085                |
| General Commercial                                                                                       | 0.029          | \$8,493                     | \$250                  |
| Office                                                                                                   | 0.016          | \$8,493                     | \$133                  |
| School/Education Centers                                                                                 | 0.080          | \$8,493                     | \$683                  |
| Churches/Meeting Places                                                                                  | 0.045          | \$8,493                     | \$378                  |
| Industrial                                                                                               | 0.013          | \$8,493                     | \$107                  |

## SECTION VIII FEE EXCEPTIONS AND ADJUSTMENTS

1. *Waiver for "Public Purpose"*. The Board of Trustees may, on a project by project basis, authorize exceptions or adjustments to the Impact Fee Rate Schedule for those projects the Board of Trustees determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include affordable housing and other development activities with broad public purposes pursuant to Utah Code 11-36-202(3)(a). The Board of Trustees may elect to waive or adjust impact fees for such projects.

A. *Procedures*. Applications for exceptions are to be filed with the Service Area at the time the applicant first requests the extension of service to the applicant's development or property.

## SECTION IX APPEAL PROCEDURE

1. Any person or entity that has paid an impact fee pursuant to this Resolution may challenge the impact fee by filing:

A. An appeal to the Board of Trustees pursuant to paragraph 2, 3 and 4 of this Section IX;

B. A request for arbitration as provided in Utah Code Ann. §11-36-705(1), as amended; or

C. An action in state district court as provided in Utah Code Ann. §11-36-703(2)(c), as amended.

2. *Application.* Any person or entity that has paid an impact fee pursuant to this Ordinance may challenge or appeal the impact fee by filing a written notice of appeal with the Fire Chief within 30 days of the date that the fee was paid.

3. *Hearing.* Upon receiving the written notice of appeal, the Board of Trustees shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the Service Area may also appear and present evidence to support the imposition of the fee.

4. *Decision.* The hearing panel, which shall consist of the Board of Trustees or such other body as the Service Area shall designate, shall hold a hearing and make a decision within 30 days after the date the challenge or appeal is filed.

## **SECTION X MISCELLANEOUS**

1. *Severability.* If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Policy are declared to be severable.

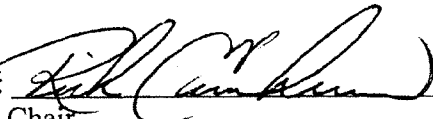
2. *Interpretation.* This Impact Fee Policy has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Policy shall not be affected by such division or by any heading contained herein.

## **SECTION XI EFFECTIVE DATE**

This Resolution be deemed approved effective June 19, 2017, the date of approval, and shall take effect ninety (90) days after the date of approval of this Resolution.

PASSED AND APPROVED this 19th day of June, 2017.

**SOUTH DAVIS METRO FIRE SERVICE AREA  
BOARD OR TRUSTEES**

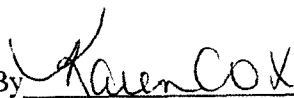
By:   
Chair

[SEAL]

**VOTING:**

|                         |                             |
|-------------------------|-----------------------------|
| <u>Trustee Arave</u>    | Yea <u>X</u> Nay <u>   </u> |
| <u>Trustee Cutler</u>   | Yea <u>X</u> Nay <u>   </u> |
| <u>Trustee Earnshaw</u> | Yea <u>X</u> Nay <u>   </u> |
| <u>Trustee Lewis</u>    | Yea <u>X</u> Nay <u>   </u> |
| <u>Trustee Millburn</u> | NOT PRESENT                 |
| <u>Trustee Romney</u>   | Yea <u>X</u> Nay <u>   </u> |

**ATTEST:**

By:   
Service Area Clerk

DEPOSITED in the office of the Service Area Clerk this 19th day of June, 2017.



**12.040 Fire And EMS Impact Fees**

The following Fire and EMS Impact Fees shall apply to development within the City.

| <b>Fire/EMS Impact Fees</b> | <b>Fee</b>                     | <b>When Due</b>                         |
|-----------------------------|--------------------------------|-----------------------------------------|
|                             |                                |                                         |
| Single-Family Dwelling      | \$471<br>per dwelling unit     | Prior to issuance of<br>building permit |
| Multi-Family Dwelling       | \$471<br>per dwelling unit     | Prior to issuance of<br>building permit |
| Hotel/Motel                 | \$428<br>per room              | Prior to issuance of<br>building permit |
| Nursing Home                | \$471<br>per room              | Prior to issuance of<br>building permit |
| Commercial                  | \$240<br>per 1,000 square feet | Prior to issuance of<br>building permit |
| Office                      | \$114<br>per 1,000 square feet | Prior to issuance of<br>building permit |
| School                      | \$350<br>per 1,000 square feet | Prior to issuance of<br>building permit |
| Church/Meeting Places       | \$106<br>per 1,000 square feet | Prior to issuance of<br>building permit |
| Industrial                  | \$25<br>per 1,000 square feet  | Prior to issuance of<br>building permit |

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 6

Short Title: County Proposition One Grant Application

Initiated By:

Scheduled Time: 7:55

**SUBJECT**

- a. Staff recommendation
- b. Public comment
- c. Council direction

**RECOMMENDATION**

After a presentation by staff and public comment, if any, authorize the Mayor to sign a letter in support of a joint application from Centerville and West Bountiful to Davis County for Proposition One grant funds to improve 1250 West/640 West.

**BACKGROUND**

At their August 1, 2017 meeting "[A] majority of the Council indicated support for moving forward with the shared application with West Bountiful, and applications to improve bus stops on Main Street and to construct a restroom along the Legacy Parkway Trail, as long as the restroom is maintained by the County."

The City Manager recommends the City *not* submit an application for the Legacy Parkway Trail restroom. The top of the County's application form contains this statement: "Your signature below indicates your agency's willingness to enter into formal agreement to complete and maintain the project if selected for funding." He recommends the Council encourage the County to undertake this project, using the County's Proposition One funds to fully fund both the construction and perpetual maintenance of one or more restrooms along the Legacy Parkway Trail and/or D&RGW Trail.

City staff met with UTA reps on August 31 to confirm UTA's financial participation in the 1250 West/640 West project. The project plan is attached. Also attached is an application prepared by the West Bountiful City Engineer showing a total project cost estimate of \$269,000, to be funded with \$115,000 in County Proposition One money, \$115,000 in "local funds" and the remainder (\$40,000 shown on the application, but \$39,000 is actually the difference) as "in-kind" contribution. The \$115,000 in local funds would be UTA's contribution from their Proposition One funds allocated to the two cities. UTA reps were informed on August 31 of this assumption and reaffirmed their support. The in-kind contribution would be design and construction management services from the City Engineers of both cities. The application form requires indication of whether there has been any public information or community meetings held about this proposed project. This is the reason for showing an opportunity for public comment on the agenda about this matter.

City staff also discussed bus stop improvements in the recent meeting with UTA reps. UTA no longer wants to be part of an application to Davis County for Proposition One funds for these improvements. They need to prepare cost estimates for improvements requested by the City, which will take some time, including obtaining easements and/or right-of-way from adjoining property owners. They will fully fund the improvements to the extent funding is available in Centerville's allocation of UTA's Proposition One funds. According to Eddy Cummins of UTA, approximately \$150,000 is available for Centerville City improvements. Staff assume \$55,000 to \$60,000 of this will be used for Centerville's portion of UTA's participation in the 1250 West/640 West project--or about half of the \$115,000 "local funds" match in the grant application. This would leave about \$90,000 to \$95,000 available for bus stop improvements. See the next item on the meeting agenda for more information about bus stop improvements.

**ATTACHMENTS:**

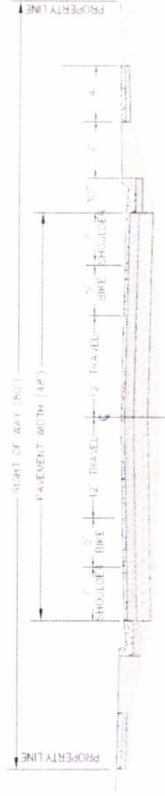
Description

- ▣ 1250 W/640 W Project Plans
- ▣ Prop One Grant Application

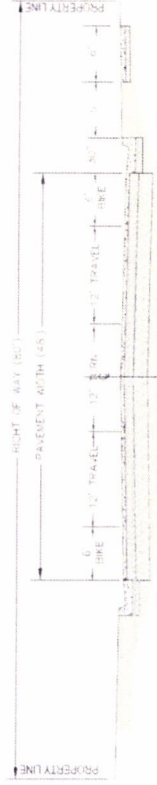




## VICINITY MAP

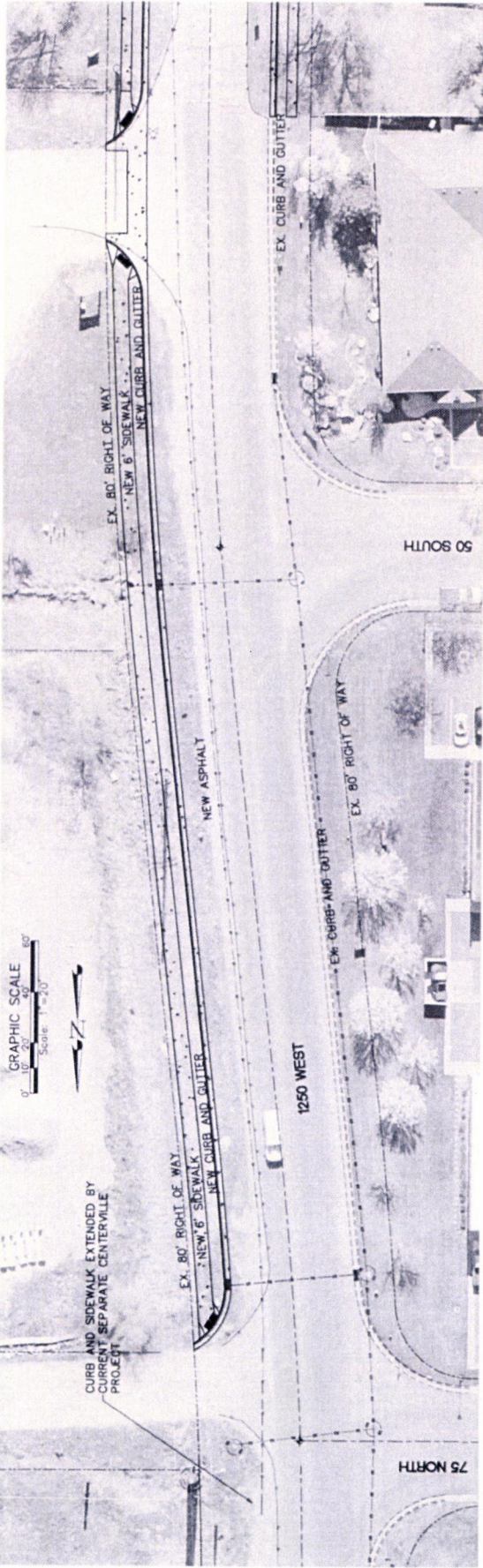


## 640 WEST WEST BOUNTIFUL



## 1250 WEST CENTERVILLE

|                                                                                                                                   |      |          |             |           |      |                                  |         |
|-----------------------------------------------------------------------------------------------------------------------------------|------|----------|-------------|-----------|------|----------------------------------|---------|
| NO.                                                                                                                               | DATE | REVISION | DESIGNED BY | FILE NAME | DATE | PROJECT NO.                      | 17-019  |
|                                                                                                                                   |      |          |             |           |      | SECTION                          | C-01    |
|                                                                                                                                   |      |          |             |           |      | DATE                             | 10/1/17 |
|                                                                                                                                   |      |          |             |           |      | OF                               | 3       |
| WEST BOUNTIFUL CITY<br>550 North 800 West<br>West Bountiful, UT 84087<br>Office: 801.292.4486 Fax: 801.292.6355<br>www.wbcity.org |      |          |             |           |      | VICINITY MAP &<br>CROSS SECTIONS |         |
| 640 WEST-1250 WEST<br>BICYCLE AND PEDESTRIAN ACCESS                                                                               |      |          |             |           |      |                                  |         |

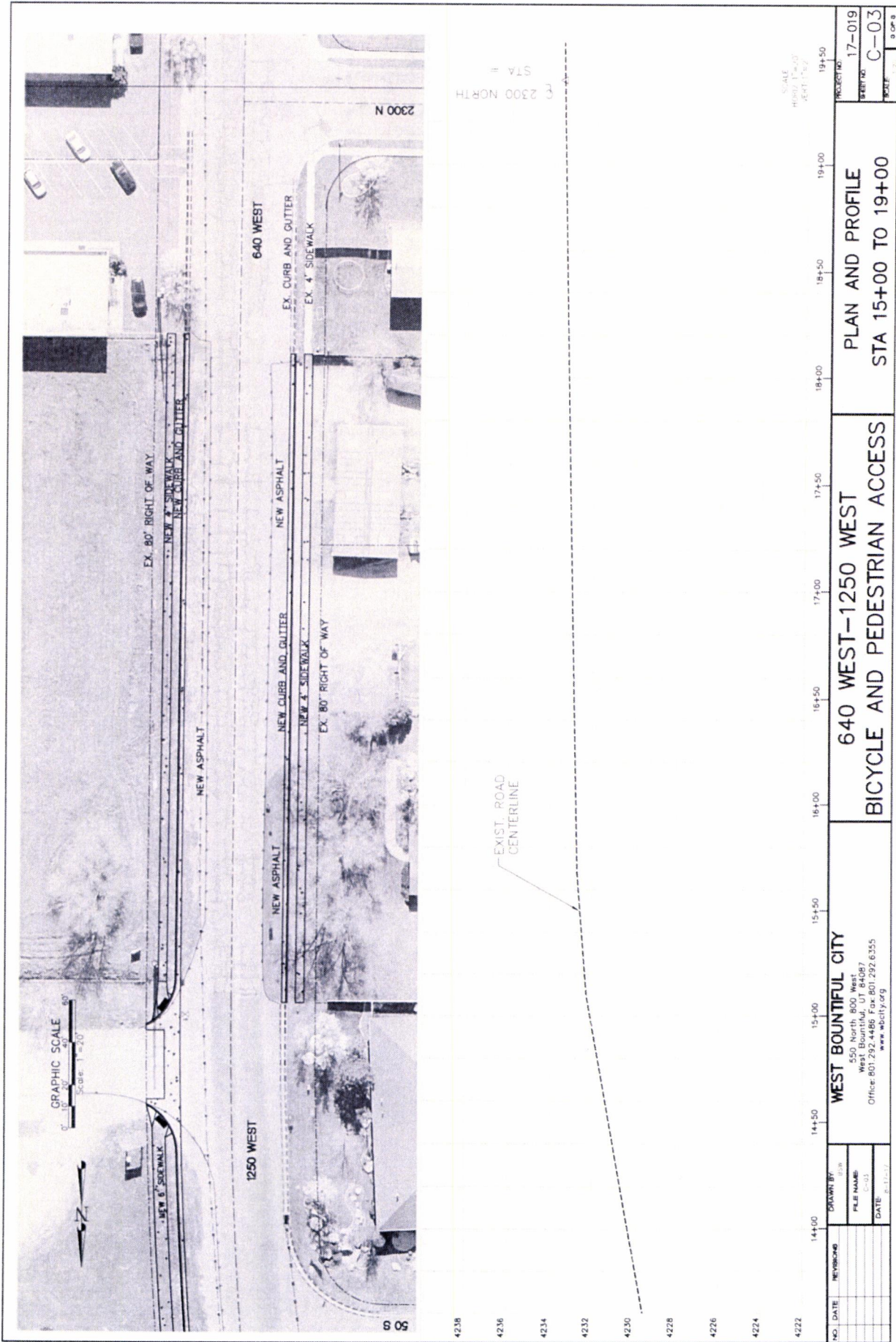


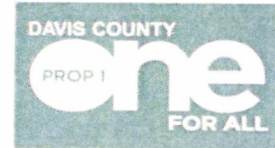
SCALE  
HORIZONTAL  
1" = 40'

|      |      |           |      |    |           |      |      |                                        |                |        |
|------|------|-----------|------|----|-----------|------|------|----------------------------------------|----------------|--------|
| NO.  | DATE | REVISIONS | DATE | BY | FILE NAME | DATE | DATE | PLAN AND PROFILE<br>STA 10+00 TO 15+10 | 17-019<br>C-02 | 2 OF 8 |
| 4230 |      |           |      |    |           |      |      |                                        |                |        |
| 4228 |      |           |      |    |           |      |      |                                        |                |        |
| 4226 |      |           |      |    |           |      |      |                                        |                |        |
| 4224 |      |           |      |    |           |      |      |                                        |                |        |
| 4222 |      |           |      |    |           |      |      |                                        |                |        |
| 4220 |      |           |      |    |           |      |      |                                        |                |        |
| 4218 |      |           |      |    |           |      |      |                                        |                |        |
| 4216 |      |           |      |    |           |      |      |                                        |                |        |
| 4220 |      |           |      |    |           |      |      |                                        |                |        |

**WEST BOUNTIFUL CITY**  
550 North 800 West  
West Bountiful, UT 84087  
Office 801.292.4486 Fax 801.292.6355  
www.wbcity.org







### Davis County Prop One Funding Application

**Notes:** Signatures confirm the commitment of the Applicant to follow the Guidelines established by Davis County. The Applicant is responsible for the maintainance and upkeep of the project during implementation and after project completion.

Your signature below indicates your agency's willingness to enter into formal agreement to complete and maintain the project if selected for funding.

Signature:

Date:

#### APPLICATION INFORMATION

Project Sponsor: West Bountiful City and Centerville

Contact Person: Ben White Title: West Bountiful City Engineer

Address: 550 N 800 West, West Bountiful ZIP: 84087

Phone: 801.292.4486 Mobile: 801.309.7229

Email: bwhite@wbcity.org

#### PROJECT INFORMATION

Project Title: 640 West (1250 W Centerville) Bicycle and Pedestrian Access

Project Location: 640 W/1250 W south of the Megaplex movie theater and north of Porter Lane

Facility Length: 0.16

Brief Project

Description: The project is to improve access and safety for vehicles, bicycles and pedestrians by providing the critical missing infrastructure. Currently, the travel lanes are disjointed due to past development patterns across city boundaries. To improve pedestrian and bicycle safety, this project will provide for complete, consistent vehicular travel lanes, including dedicated bike lanes. The project will complete a gap in the pedestrian sidewalk network which will now be complete from Parrish Lane to Pages Lane.

Have any public information or community meetings been held?

Yes

Yes / No

Describe public and private support for the project.

(Examples: petitions, written endorsements, resolutions, etc.):

Included are written endorsements from West Bountiful and Centerville. This is a joint project to complete a critical section of roadway that serves both cities.



## Project Description

**Project Name:** 640 West (1250 W Centerville) Bicycle and Pedestrian Access

(A location map with aerial view must be attached)

**Project Termini- Begin:** 75 North Centerville

**End:** 2300 North West Bountiful

**Functional Classification**

Collector

Local Roadway

State / Local Roadway or Other

**Average Daily Users**

Existing

NA

2040 Forecast

**Scope of Work** (Attach conceptual plans if available):

[Projected 2040 Average Weekday Traffic Link](#)

Concept design plans are attached. The project widens the existing asphalt street to a uniform 48 feet. The widened street will include dedicated bike lanes. The project will also construct missing curb and provide for a grade separated concrete sidewalk for pedestrians.

### Summarize any special characteristics of the project:

(Provide Typical Section drawings and describe the typical section here.):

A 48' wide asphalt road way with curb on both sides is proposed. The striping will include dedicated bike lanes, north south travel lanes and a transitional center lane. Concrete pedestrian sidewalk will be provided with a landscape park strip protection strip.

### Describe any project work phases that are currently underway or have been completed.

The project is currently being designed by city staff. The intent is to have the project ready for construction in the spring 2018.

### Describe existing right of way ownerships along the project

(Describe when the right-of-way was obtained and how ownership is documented, i.e., plats, deeds, prescriptions, easements):

The right of way (ROW) has been owned by both cities for a very long time. The ROW is referenced on the Evergreen Business Park and Charnell Subdivision Plats. It is also referenced in many of the meets and bounds parcel deeds.

Is right-of-way acquisition proposed as part of the larger project? (if Yes, describe proposed acquisition including expected fund source, limitations on fund use or availability, and who will acquire and retain ownership of proposed right-of-way)

No

Yes/ No/ NA

### Efforts to Preserve the Corridor

((How much Right-of-Way has been acquired) divided by the (Total Amount of Right-of-Way necessary for the Project)) = (Percent of Corridor Preserved)

NA

## Project Details

Does the project accommodate Transit  
(Turning Radii, Bus Stop, etc.)

Yes

This street is along the UTA Route 463. UTA is very much in favor of the bike lane and pedestrian access improvements. It corresponds with the Last Mile initiative.

(Provide details of the transit accommodations.):

Does the project accommodate Pedestrian Traffic  
(Cross Walks, Side Walks, Lighting, etc.)

Yes

The sole purpose of the project is to improve pedestrian and bicycle safety along this street. Upon completion there will be a continuous sidewalk on the east side of the road from Parrish Lane to Pages Lane. This is the only missing section.

(Provide details of the pedestrian accommodations.):

Does the project accommodate Bike Traffic  
(with Signing, Striping, or Separate lane)

Yes

There will be striped bike lanes on both sides of the road upon completion of the project.

(Provide details of the bike traffic accommodations.):

Does the project help implement one of the Corridors,  
Communities or Centers identified in the WC2040  
Vision?

No

The proposed project is outside of the WFRC 2040 Centers but it is a Centerville walkable community growth center

(Provide details as to what is being implemented.):

[Click Here to Access the WC 2040 Vision Brochure](#)

Project Provides  
Access to:  
(Select All that Apply)

Elementary Schools

☐

Trails/ Parks

Yes

Junior High Schools

☐

Transit Stations

☐

High Schools

☐

Community Centers

Yes

Work

Yes

Shopping

Yes

Other: \_\_

Yes

Movie Theater & Performing Arts Center

To what extent does the  
project fill a gap or  
complete a connection?

The proposed street is the north-south connector between Parrish Lane and Pages Lane in between I-15 and Legacy Highway. The proposed project will fill the only pedestrian sidewalk gap between the two streets. It is also the only incomplete road section which limits bicycle accessibility.

Project Proximity to  
(Existing Distance in **Miles**):  
Enter All that Apply

Elementary Schools

1.000

Trails/ Parks

0.200

Junior High Schools

2.000

Transit Stations

2.300

High Schools

1.500

Community Centers

0.850

Work

0.100

Shopping

0.400

Other: \_\_

0.100

Movie Theater & Performing Arts Center

How does the project  
improve access to an  
employment center?

The pedestrian sidewalk will improve access to office buildings and the entertainment complex.

Desired Upgrades to Traffic  
Control Devices  
Enter All that Apply

School Signs

No

Traffic Signals

No

Bike Lane Markings

Yes

Wayfinding Signs

No

Pedestrian Signals

No

Other: \_\_

List other Traffic Devices here

Discuss what safety  
improvements are included  
in this project.

The asphalt street will be widened to provide consistent, uniform travel lanes for vehicles. The wider asphalt will also include dedicated bike lanes. Grade separated pedestrian sidewalks is a huge safety improvement.

Estimated delay reduction  
(Provide documentation)

0

[Click Here to Access the WFRC RTP  
Interactive Map](#)

Project is a RTP highway or transit  
project, or is on the Regional  
Priority Bicycle Network

Regional  
Priority  
Bicycle  
Network

How many access management  
improvements are included?  
(Provide documentation)

0

Estimated reduction in  
vehicle miles traveled.  
(Provide documentation)

0

Total number of  
crashes on this facility  
or parallel roadway  
during the previous  
three years

10

How many signal phasing, timing,  
and other improvements are  
included  
(Provide documentation)

0

Number of Intelligent  
Transportation System (ITS)  
elements included  
(Provide documentation)

0

Percent of  
Freight Traffic

5

[Annual Average Daily  
Traffic & Truck Traffic  
Map/ Information](#)

Number of Intersection  
Improvements?  
(Provide documentation)

0

Other Project Benefits  
not yet listed?

## Project Implementation Information

| Project phases included in funding request: |                                             | Project Cost and Contributions: |                                       |
|---------------------------------------------|---------------------------------------------|---------------------------------|---------------------------------------|
| <input type="checkbox"/> No                 | Planning Activities                         | \$ 269,000.00                   | Total Estimated Project Cost          |
| <input type="checkbox"/> No                 | Project Development & Environment Study     | \$ 115,000.00                   | Davis County Prop One Funding Request |
| <input checked="" type="checkbox"/> Yes     | Preliminary Engineering/ Final Design Plans | \$ 115,000.00                   | Local Funds                           |
| <input checked="" type="checkbox"/> Yes     | Construction                                | \$ 40,000.00                    | In-Kind Donations (Dollar Value)      |
| <input checked="" type="checkbox"/> Yes     | Construction Engineering & Inspection       | \$ -                            | Other Funding Contributions           |

Eligible Match

**\*\* NOTE \*\*** A minimum of 30% match is required

## Project Cost Summary

Below, provide a summary of the estimated cost for the work being proposed. (A detailed project cost estimate must be attached to this application.)

|                                                                       |    |            |                  |
|-----------------------------------------------------------------------|----|------------|------------------|
| <u>Planning Activities</u>                                            | \$ | -          | (enter estimate) |
| <u>Project Development &amp; Environment Study</u>                    | \$ | -          | (enter estimate) |
| <u>Preliminary Engineering/ Final Design Plans</u>                    | \$ | 10,000.00  | (enter estimate) |
| <u>Right of Way</u>                                                   | \$ | -          | (enter estimate) |
| <u>Construction</u>                                                   | \$ | 172,000.00 | (enter estimate) |
| <u>Maintenance of Traffic (MOT)</u>                                   | \$ | 15,000.00  | (enter estimate) |
| <u>Mobilization</u>                                                   | \$ | 10,000.00  | (enter estimate) |
| <u>Subtotal</u>                                                       | \$ | 207,000.00 |                  |
| <u>Contingency (15 % of Subtotal)</u>                                 | \$ | 31,050.00  |                  |
| <u>Utilities</u>                                                      | \$ | -          | (enter estimate) |
| <u>Miscellaneous</u>                                                  | \$ | -          | (enter estimate) |
| <u>Total Construction Cost</u>                                        | \$ | 238,050.00 |                  |
| <u>Construction Engineering &amp; Inspection (CEI) (13% of Total)</u> | \$ | 30,946.50  | (enter estimate) |
| <u>Other (Describe)</u>                                               | \$ | -          | (enter estimate) |
| <u>Total Project Cost</u>                                             | \$ | 268,996.50 |                  |

## Project Notes



## CENTERVILLE

### Staff Backup Report 9/5/2017

Item No. 7

Short Title: Bus Stop Improvements on Main Street

Initiated By: City Manager

Scheduled Time: 8:10

#### **SUBJECT**

#### **RECOMMENDATION**

Review proposed improvements to bus stops on Main Street and provide direction to staff and UTA.

#### **BACKGROUND**

Regarding bus stop improvements, City staff reviewed with UTA reps the six locations most recently proposed by UTA for improvements. The outcome of that meeting was the following recommendations for those six bus stops:

- **255 N. Main** -- This new bus stop in front of the Post Office would replace two current stops--one further north near Parrish Lane and one further south near 115 North Street. Staff agree this stop should include a bus pull-out because without such the existing left-turn conflicts in this area would be further aggravated if vehicles had to move into the center median lane to get around the bus.
- **26 S. Main** -- This is in front of the U of U Clinic. Bus shelter but no pull-out.
- **15 S. Main** -- East side, across from the U of U Clinic. Bus shelter but no pull-out.
- **611 N. Main** -- West side just south of access road into the Pineae residential neighborhood. Bus shelter but no pull-out.
- **598 N. Main** -- East side, across from 611 N. Main. No improvement at this time.
- **1083 S. Main** -- East side just north of Pages Lane. No improvement at this time.

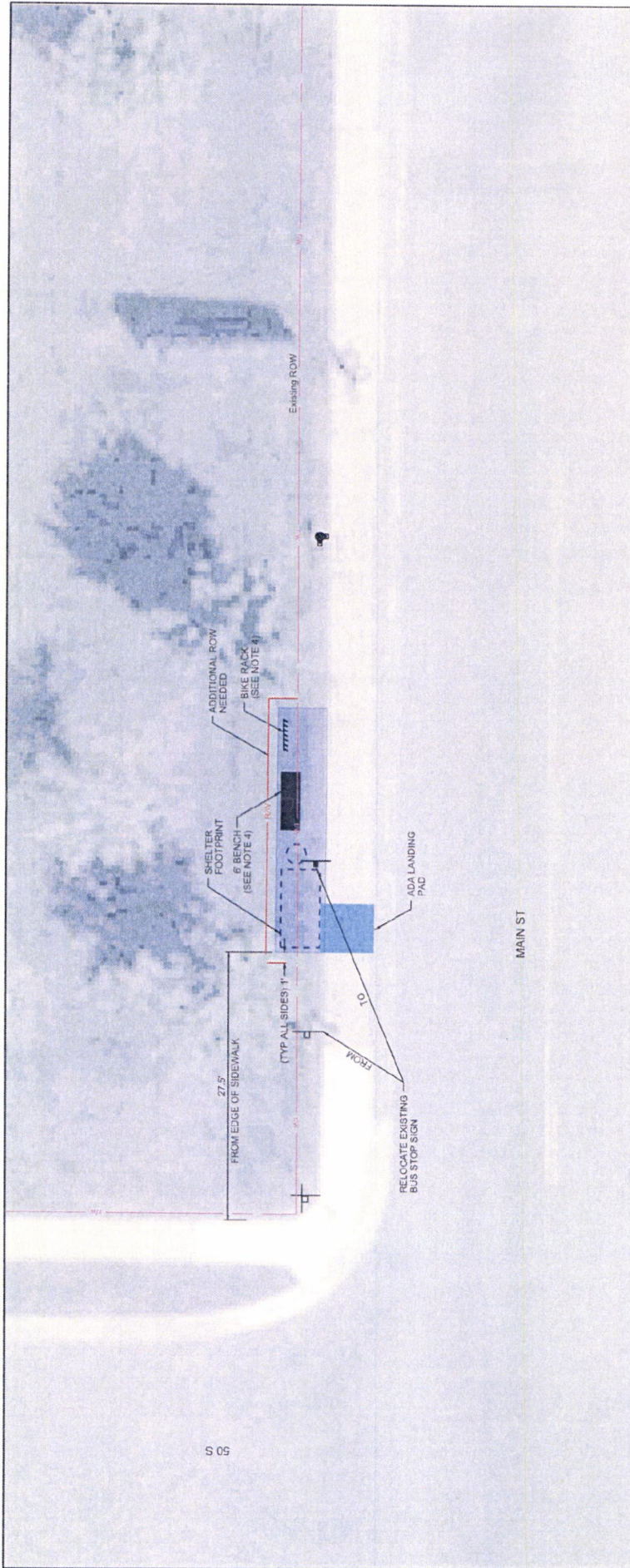
UTA does not know at this time how much this first phase of improvements will cost. With their financial commitment to the 1250 West/640 West project, they are doubtful improvements can be funded at all six locations; therefore they agreed to study the first four mentioned above at this time.

See the two attachments--one for the proposed new bus stop at the Post Office, and the other for the bus stop at 26 South Main.

#### **ATTACHMENTS:**

##### Description

- ☐ 26 South Main Bus Stop
- ☐ Proposed Post Office Bus Stop



- NOTES**
1. MEASUREMENTS OF EXISTING CONDITIONS ARE APPROXIMATE AND SHALL BE VERIFIED BY THE CONTRACTOR.
  2. LOCATIONS OF EXISTING UTILITIES ARE UNKNOWN AND SHALL BE LOCATED (BLUE STAKED) BY CONTRACTOR PRIOR TO BEGINNING OF CONSTRUCTION.
  3. SLOPES SHALL NOT EXCEED 2% IN ANY DIRECTION FOR FLATWORK AND ADA COMPLIANCE.
  4. BUS SHELTER, RECEPTACLE, BIKE RACK, AND BENCH SHALL BE INSTALLED BY OTHERS (NIC).
  5. ANY VEGETATION, LANDSCAPING, OR IRRIGATION THAT IS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED AND MAINTAINED BY CONTRACTOR.
  6. PROPOSED CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF UDOT STANDARDS (INCLUDING SUPPLEMENTAL) DRAWINGS AND SPECIFICATIONS.
  7. PROVIDE FULL DEPTH 2" TYPE F1 JOINT FILLER MATERIAL PER APWA SECTION 32.13.73 AT JOINT BETWEEN SHELTER PAD AND ADA LANDING PAD.
  8. ALL CURBS WITHIN THE UDOT RIGHT-OF-WAY SHALL CONFORM TO THE UDOT CURB AND GUTTER STANDARDS (INCLUDING SUPPLEMENTAL) DRAWINGS AND SPECIFICATIONS.
  9. CONTRACTOR IS RESPONSIBLE TO ACQUIRE THE APPLICABLE CITY BUILDING AND ENCROACHMENT PERMITS. ALL OTHER PERMITS NECESSARY TO PERFORM THIS WORK SHALL BE OBTAINED BY CONTRACTOR.
  10. COORDINATE FINAL LOCATION OF RELOCATED UTA BUS STOP WITH UTA.
  11. ANY DAMAGE TO SIDEWALK, CURB AND GUTTER, OR PEDESTRIAN RAMPS DUE TO PERMIT WORK TO BE REPLACED AT NO COST TO UDOT.

- 4000 PSI CONCRETE FLATWORK 6" THICK (5x25') UNTREATED BASE COURSE 4" THICK
- BUS BOARDING AND ALIGHTING AREA (5x5.5')

| Item                     | Quantity | Unit |
|--------------------------|----------|------|
| Concrete Flatwork        | 155      | SF   |
| Sawcut existing sidewalk | 10       | LF   |
| Untreated Base Course    | 1.9      | CY   |
| Remove Concrete Sidewalk | 28       | SF   |
| Relocate Sign            | 1        | Each |
| Irrigation Repair        | 1        | Lump |

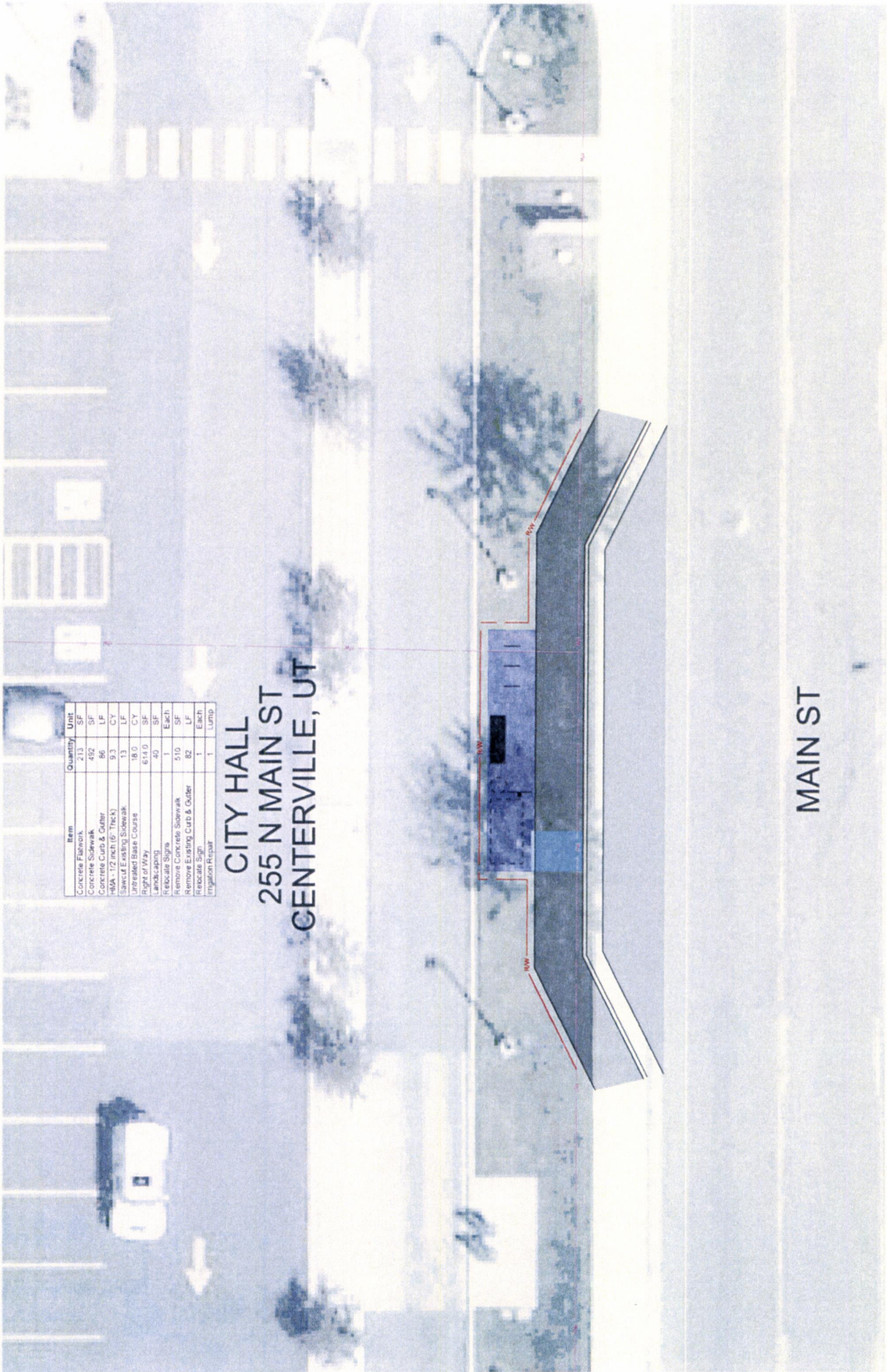


*Drops off - retaining wall w/ backside curb or railing?*

*No infrastructure conflicts*

|                                              |  |                     |  |                                                                                           |  |                        |
|----------------------------------------------|--|---------------------|--|-------------------------------------------------------------------------------------------|--|------------------------|
| <br><b>WSP</b>                               |  | <br><b>UTA</b>      |  | <b>BUS PASSENGER AMENITIES</b><br><b>MAIN STREET @ 26 SOUTH</b><br><b>CENTERVILLE, UT</b> |  | Scale:<br>1" = 10'     |
| Submitted By:<br><b>PARSONS BRINCKERHOFF</b> |  | Drawn By:<br>JLM    |  | Checked By:<br>JSM                                                                        |  | UTA Contract No.:<br>3 |
| Approved By:<br>[Signature]                  |  | Approved By:<br>GCS |  | Approved By:<br>JLS                                                                       |  | Drawing No.:<br>3      |





| Item                          | Quantity | Unit |
|-------------------------------|----------|------|
| Concrete Paving               | 213      | SF   |
| Concrete Sidewalk             | 432      | SF   |
| Concrete Curb & Gutter        | 86       | LF   |
| MSA - 1/2 inch (6 Thick)      | 93       | CY   |
| Sawcut Existing Sidewalk      | 13       | LF   |
| Grass Seed Base Course        | 180      | CY   |
| Grass Seed                    | 610      | SF   |
| Grass Seed                    | 1        | Each |
| Remove Concrete Sidewalk      | 510      | SF   |
| Remove Existing Curb & Gutter | 82       | LF   |
| Regrade Sign                  | 1        | Each |
| Impervious Retain             | 1        | Lump |

CITY HALL  
255 N MAIN ST  
CENTERVILLE, UT

MAIN ST

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 8

Short Title: Mayor's Report

Initiated By:

Scheduled Time: 8:20

**SUBJECT**

- a. Work session with Planning Commission re South Main Street Plan

**RECOMMENDATION**

- a. Confirm whether to hold a work session on September 13 at 5:30 p.m. with the Planning Commission to discuss South Main Street--i.e. whether to replace the current SMSC Plan with another vision/regulatory framework.

**BACKGROUND**

- a. This work session was proposed in the attached email sent to the Planning Commission and City Council.

**ATTACHMENTS:**

Description

- ☐ Email re Joint Work Session



## Steve Thacker

---

**From:** Steve Thacker  
**Sent:** Wednesday, August 30, 2017 9:16 AM  
**To:** City Council; 'dave@hbcfirm.com'; Kevin Daly; Cheylynn Hayman (chayman@parrbrown.com); 'khelgesen@outlook.com'; Gina Hirst; 'logangi@gmail.com'; Becki Wright (centerville.becki@gmail.com)  
**Cc:** Lisa Romney; Cory Snyder; Marsha Morrow; Jacob Smith; Cassie Younger; Paul Cutler Gmail (paulcutler@gmail.com)  
**Subject:** Proposed Joint Work Session for CC and PC

Council Members and Planning Commissioners:

Yesterday Mayor Cutler had a discussion with me, Cory and Lisa about the future of South Main Street. We all seemed to accept or acknowledge the following:

- There no longer seems to be the political support of the City Council to sustain the South Main Street Corridor Plan in its current form.
- The Fire Service Area's current contract to sell their existing station and their desired design for a new station on Main Street are not in harmony with the SMSC Plan in its current form.
- Cory firmly believes it is problematic to make exceptions for the new fire station without making exceptions available to others.
- The redevelopment incentives in the original SMSC Plan—i.e. higher density residential as a possibility—are now gone or watered down such that redevelopment in accordance with the SMSC vision/design standards is much less likely. As you will recall, the public space element in the SMSC Plan has also been repealed.

We believe it would be beneficial at this time to bring the CC and PC together for a reality check and see if we can agree conceptually to move forward with an effort to replace the existing Plan with development/design guidelines that all can support, will encourage redevelopment on Main Street, and will allow the Fire Service Area to proceed with their plans for a new station.

**We propose a work session for this initial discussion on Wednesday, September 13 at 5:30 p.m. prior to the regular PC meeting.** The purpose of this work session is *not* to dig into the details of what the replacement would be, but see if there is sufficient support for the idea of replacing the SMSC Plan with some other vision/regulatory framework/design guidelines that would have more wide-spread support and that would likely encourage more redevelopment. Cory would share with all of us conceptually what he thinks would be more viable, and all can react to that. But we also can use this time for planning commissioners and council members to express to each other their own view of the viability/desirability of the current Plan.

I realize this proposed initiative may be at odds with the personal opinions or desires of some of you regarding the current SMSC Plan. However, from our perspective as your staff, we believe a process like this is needed to eventually move us forward in our collective desire to secure a viable future for South Main Street.

Respectfully,  
Steve Thacker  
City Manager

P.S. Please let me know if you cannot make the proposed work session on September 13.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 9

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:30

**SUBJECT**

- a. Proposed work session with Trails Committee on October 3

**RECOMMENDATION**

- a. Hold a work session on October 3 with Trails Committee to learn of and discuss their planning process for a mountain bike trail, and provide further direction.

**BACKGROUND**



**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 10.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 8:35

**SUBJECT**

- a. Fund raising for William R. Smith Park signage and plaques

**RECOMMENDATION**

- a. Discuss whether to encourage fund raising for this purpose and how to proceed.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 11.

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:

**SUBJECT**

**RECOMMENDATION**

At this time staff is not aware of a need for a closed Council meeting, but the agenda allows for that possibility. A closed meeting is recommended on the RDA meeting agenda, however.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 12.

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

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

Mayor Cutler may recommend appointments to City boards/committees, including reappointment of Brian Plummer to the Landmarks Commission.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 13.

Short Title: Adjourn to RDA meeting

Initiated By:

Scheduled Time: 8:45

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

## REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REDEVELOPMENT AGENCY OF CENTERVILLE MEETING AT 8:45 PM ON SEPTEMBER 5, 2017 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 Jacob Smith, Centerville City Assistant to the City Manager, 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:**

### **A. NEW BUSINESS**

1. Discuss proposed uses of tax increment for various purposes, including purchase of right-of-way and sharing cost of widening 400 West along Quick Quack Car Wash frontage
2. Closed meeting to discuss purchase of property

### **B. ADJOURNMENT**

Steve H. Thacker  
Executive Director

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
9/5/2017**

Item No. 15

Short Title: Mike Smith - Demo of mobile reporting application

Initiated By:

Scheduled Time: 9:15

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**