



CENTERVILLE CITY

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Incorporated in 1915

Mayor

Paul A. Cutler

City Council

Tamelyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

City Manager

Steve H. Thacker

interoffice MEMORANDUM

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager *A. Thacker*
subject: City Manager's Summary of November 8, 2017 Council Meetings
date: November 2, 2017

5:30 Work Session – The City Council will meet at 5:30 p.m. in a work session to review the City's current Moderate Income Housing Plan, an update of the estimated need for moderate income housing, and to discuss potential revisions to the Plan. Centerville City is required to submit a report of its "biennial review" to the Utah Housing & Community Development Division by December 31, 2017. **Dinner will be available beginning at 5:15 p.m.**

Regular City Council Meeting

E.1. Minutes Review – The minutes to be reviewed can be accessed online via NovusAgenda.

E.2. Summary Action Calendar

- a. **UDOT Agreement** – The Police Chief has asked UDOT to allow pedestrian flags to be used at three more crosswalks on Main Street. This agreement would give UDOT's permission.
- b. **Fee Schedule Amendments** – Several staff have recommended some revisions in the City's Fee Schedule. See staff report for details.
- c. **Agreement re Use of Gun Range** – The City's agreement with the Centerville Small Arms Association allows the Police Department to use the range for training and firearms qualification. It also allows other law enforcement agencies to use the range if approved by the Centerville Police Department and Association. However, to minimize liability for both Centerville City and the Association, other agencies will be required to sign this "Waiver and Indemnification Agreement".
- d. **Bid Awards re PRV** – These bids for labor and materials are for the installation of a pressure-reducing valve (PRV) on the culinary water main that was constructed under I-15/railroad tracks at 1000 North in FY 2017. This new main will serve growth in the business park area west of I-15. The total of the labor and materials bids is \$79,888, which exceeds the Water Fund budget of \$50,000 for this work. However, I recommend the work proceed because it is necessary before the new main becomes operational. The overage can be funded by either amending the Water Fund budget at some point during the fiscal year, or using RDA tax increment funds from the Barnard Creek CDA Project Area, which will be served by this new main. The CDA Project Area Budget identified several eligible infrastructure projects for tax increment funding, including this water main.

- E.3. Nomination to National Register of Historic Places** – The Landmarks Commission and Community Development Department staff recommend the nomination of Ron’s Phillip 66 Service Station to this National Register. If the Council supports this nomination, I recommend you make a statement that you are not committing to preserve the building if the City purchases the property for expansion of William R. Smith Park (formerly Founders Park) in the future. It may be the Council’s desire to find a way to preserve the building, but I recommend you moderate future expectations if you support this nomination.
- E.4. Public Hearing – Zoning Code Amendments – Hillside Overlay Lot Widths** – The applicant requested amendments that would reduce the lot width requirements in a Hillside Overlay Zone depending on the slope of the land. The Planning Commission recommends approval of a modified version of the proposed amendments.
- E.5. PDO Zoning Map Amendment and Conceptual Plan – Legacy Commons** – After a public hearing, this matter was tabled from the Oct. 17 meeting. The developer has proposed a mixed use development that would include a hotel, commercial pads and apartments on the northwest corner of 1250 West/Parrish Lane. He has provided additional information and a revised concept plan in response to questions and concerns expressed in the earlier meeting.
- E.6. Zoning Code Amendment – “Catering, Limited” in C-M Zone** – After a public hearing, this matter was tabled from the Oct. 17 meeting. The applicant is seeking amendments that would allow a “Catering, Limited” use in the Commercial-Medium Zone, which would allow him to operate his desired business on South Main Street.
- E.7. Public Hearing – General Plan Amendments – Pages Lane Commercial Area** – This matter was tabled from the Oct. 3 meeting, including a continuation of the public hearing. The Planning Commission has recommended a General Plan amendment which would define two development scenarios as desirable for the area occupied by the former Dick’s Market and other underutilized commercial buildings—i.e. residential uses that would include either a city park in one scenario or a smaller open space buffer between residential uses and the existing commercial uses to the west. The property owners requested the Council delay action to allow them opportunity to submit a specific development plan as an alternative to the Planning Commission’s proposals. Staff are not supportive of the property owner’s subsequent proposal, and in the course of evaluating this proposal have come to the conclusion that the Commission’s alternative involving a city park is not feasible. Therefore, staff now recommend the City Council amend the proposed Ordinance to delete the park alternative proposed by the Planning Commission, based primarily on the cost of acquiring and improving the park site. The property owners are still asking for the Council to further delay their decision to allow for more discussion of other options.
- E.8. Zoning Code Amendment – Density Gradation in R-M Zone** – In response to direction from the City Council, the Planning Commission recommended amendments to the Residential-Medium Zone that would create several density tiers within the R-M Zone. After a public hearing, this matter was tabled from the Oct. 17 meeting.
- E.9. Fee Schedule Amendments – Cemetery Fees** – This matter was not included in the Fee Schedule Amendments on the Summary Action Calendar because I anticipate the Council will want to discuss the proposed revisions. In addition to some fee revisions, the footnotes accompanying the cemetery fee schedule would prohibit the sale of any burial rights to “non-residents” as defined in the Schedule, and would limit the purchase of burial rights by residents to a maximum of two spaces at time of need—per the Council’s direction in an earlier meeting. These limitations are prompted by the fact

the cemetery is essentially sold out, except for relatively few spaces that become available through a buy-back program for unused spaces.

- E.10. Mayor's Report** – Mayor Cutler will report on the recent Davis County Council of Governments meeting.
- E.11. City Manager's Report** – I will report on several matters shown on the agenda under this heading. The Letter of Intent submitted recently pertaining to 1250 West improvements is attached to NovusAgenda. I hope to attach other documents on Monday.
- E.12. Miscellaneous Business** – The Utah Transit Authority has invited comment on their Tentative Budget from the cities within their service area. The Council may choose to comment or not submit any comments. The UTA Tentative Budget summary is available on NovusAgenda.
- E.13. Closed Meeting** – I request a closed meeting to recommend the hiring of a replacement for Marsha Morrow, the current City Recorder, who will retire January 12, 2018. Mayor Cutler concurs with my recommendation, but the City Council has final approval authority.
- E.14. Appointments to Boards/Committees** – Mayor Cutler may recommend appointments.

Potential Agenda Items for November 21, 2017 City Council meetings (subject to change):

- *Canvass of 2017 Municipal General Election*
- *Interlocal Agreement with South Davis Metro Fire Service Area for Collection of Public Safety Impact Fees*
- *UTOPIA/UIA update (work session)*
- *Financial Report for period ending October 31, 2017*
- *Liaison Report - John Higginson - Wasatch Integrated Waste*
- *RDA meeting*
- *Federal Aid Agreement re Frontage Road Bike Lane Project*

ST/mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON NOVEMBER 8, 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:

- 5:30 Work Session - Briefing and Discussion re Moderate Income Housing Plan and Biennial Review/Report to State
- 7:00 **A. ROLL CALL**
 (See City Manager's Memo for summary of meeting business)
- B. PLEDGE OF ALLEGIANCE**
- C. PRAYER OR THOUGHT**
 Mrs. Karen Webb, Bahai Faith
- 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
October 17, 2017 work session and regular Council meeting minutes
- 7:10 2. Summary Action Calendar
- a. UDOT Cooperative Agreement for Pedestrian Flags at Main Street Crosswalks - Resolution No. 2017-21
 - b. Fee Schedule Amendments regarding Various Fees - Resolution No. 2017-22
 - c. Waiver and Indemnification Agreement for Use of Centerville Gun Range
 - d. Award bid to Kapp Construction in the amount of \$36,976.40 for labor and to the following for materials (plus tax) for the installation of Chase Lane PRV at Frontage Road:
 - (1) Mountainland Supply for piping in the amount of \$18,432.69
 - (2) Mountainland (only supplier) for CLA-VAL in the amount of \$13,981.25
 - (3) Waterford for Mag Meter in the amount of \$2,560.45; and to
 - (4) Dura-Creter for PRV Vault in the amount of \$7,937.00
- 7:10 3. Consider Nomination of Ron's Phillip 66 Service Station for the National Register of Historic Places
- 7:20 4. Public Hearing - Zoning Code Amendments - Hillside Overlay Lot Widths - CZC 12.42.040
Consider the proposed Zoning Code Amendments to CZC 12.42.040 regarding lot width standards for development within the Hillside Overlay Zone - Ordinance No. 2017-30
- 7:40 5. PDO Zoning Map Amendment and Conceptual Plan - Legacy Commons - 1250 West Parrish Lane (Northwest Corner)
TABLED FROM OCTOBER 17, 2017
Consider the proposed Zoning Map Amendment for approximately 8.49 acres of property located at 1250 West Parrish Lane from Commercial-Very High to Commercial Very High/Planned Development Overlay and Conceptual Plan for the Legacy Commons PDO - Ordinance No. 2017-29
- 8:00 6. Zoning Code Amendment - "Catering, Limited" in C-M Zone
TABLED FROM OCTOBER 17, 2017
Consider the proposed Zoning Code Amendment to CZC 12.12.040 regarding Definitions and CZC 12.36.040 regarding Table of Uses, to add a new definition for "Catering, Limited" and to add this new use to the Table of Uses in the Commercial Medium (C-M) Zone - Ordinance No. 2017-27
- 8:15 7. Public Hearing - General Plan Amendments - Neighborhood 1, Southeast Centerville, Pages Lane Commercial Area
TABLED FROM OCTOBER 3, 2017
Consider General Plan amendments regarding Section 12-480-2 Neighborhood 1, Southeast Centerville, providing future development scenarios that include potential for residential uses and park space for the Pages Lane Commercial Area
- 8:45 8. Zoning Code Amendment - Density Gradation in R-M Zone
TABLED FROM OCTOBER 17, 2017
Consider the proposed Zoning Code Amendments to CZC 12.30.020, 12.32.300, 12.36.020 and 12.32.055 creating density gradations for the Residential Medium (R-

- M) Zone and enacting additional development standards for residential development within the Residential Medium (R-M) and Residential High (R-H) Zones - Ordinance No. 2017-28
- 9:15 9. Fee Schedule Amendments - Cemetery Fees
 Consider proposed Fee Schedule Amendments regarding Cemetery Fees - Resolution No. 2017-20
- 9:25 10. Mayor's Report
 a. COG meeting
 b. November 15 work session with Planning Commission regarding South Main Street
- 9:30 11. City Manager's Report
 a. Letter of Intent re federal funding for 1250 West pedestrian/bike pathways
 b. Site Plan for Community Park pavilion, restrooms and playground
 c. Staff field trip re drainage and wetlands issues west of Legacy Parkway
 d. Snowplowing Operations Plan
- 9:40 12. Miscellaneous Business
 a. Consider Utah Transit Authority (UTA) 2018 Tentative Budget
- 9:45 13. Closed meeting 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
14. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No.

Short Title: Work Session - Briefing and Discussion re Moderate Income Housing Plan and Biennial Review/Report to State

Initiated By: State officials

Scheduled Time: 5:30

SUBJECT

RECOMMENDATION

Review the City's Moderate Income Housing Plan, an update of the estimated need for moderate income housing in the City, and discuss potential revisions to the City's Plan. Direct staff regarding the preparation of a report of the biennial review, which will be submitted to the State by the December 31, 2017 deadline.

BACKGROUND

The City recently received the attached letter from the Utah Housing & Community Development Division establishing a deadline of December 31, 2017 for submittal of a report of the City's biennial review of its Moderate Income Housing Plan. An attachment to the State's letter indicates the report must include the following six sections:

- A report setting forth the findings of the biennial moderate income housing review.
- A report of the estimated need for moderate income housing in the city for the next five years as revised biennially.
- A report of the efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing.
- A report of the actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing.
- A report of the progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing.
- A report of the efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.

The City's current Moderate Income Housing Plan (an element of the City's General Plan) is attached, along with documents prepared by the City's Community Development Department staff for this work session.

ATTACHMENTS:

Description

- Letter from State re Moderate Income Housing
- General Plan - 12-490 - Moderate Income Housing Plan

- ▣ Staff Report re Moderate Income Housing
- ▣ Some Important Advice Article
- ▣ The 5 Immutable Laws of Affordable Housing Article



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Director
KATHERINE SMITH
Assistant Director
REBECCA BANNER
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RECEIVED

OCT 11 2017

CENTREVILLE CITY CORP

October 2nd, 2017

To whom it may concern:

I am contacting you on behalf of the Housing and Community Development Division of the Utah Department of Workforce Services. According to our records, your city has not reported the findings of its biennial review of the moderate income housing plan element during the 2016-2017 biennium as required by [Utah Code 10-9a-408](#). It is imperative that your city submit a report to the Housing and Community Development Division every two years to remain compliant with this statute. Failure to submit a Biennial Moderate Income Housing Review Report may affect your city's eligibility for state and federal funding that is distributed through the Utah Housing and Community Development Division.

The Utah Housing and Community Development Division is seeking to improve local government compliance with the State's moderate income housing reporting requirements by compiling a database of contact information for local government officials and staff who are directly responsible for planning moderate income housing in your city. If your city council has not already done so, it is to appoint a responsible party as a primary point of contact for matters of planning, community development, and communication with the Utah Housing and Community Development Division.

If you have questions regarding your city's moderate income housing plan reporting obligations, or would like to update contact information for your city's primary point of contact, you may reply to this email, contact Robert Kohutek at rkohutek@utah.gov directly, or visit:

<https://jobs.utah.gov/housing/communitydrivenhousingprogram.html>

Respectfully,

ROBERT KOHUTEK

Community Analysis & Planning Specialist
Housing & Community Development Division
Utah Department of Workforce Services
1385 South State Street, 4th Floor
Salt Lake City, UT 84115
rkohutek@utah.gov | 801-468-0141



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REBECCA BANNER
Assistant Director

MEMORANDUM

To: Local Government Legislative Bodies
From: Utah Dept. of Workforce Services: Housing and Community Development Division
Date: January 2nd, 2017
Subject: Compliance with Biennial Moderate Income Housing Plan Review Reporting Requirements

The Utah State Legislature has determined that all cities are to review the implementation of the moderate income housing element of their comprehensive general plan every two years. Cities are to report the findings of their moderate income housing review to the Housing and Community Development Division of the Department of Workforce Services. *Cities are also required to revise moderate income housing needs projections every two years.* **All cities—that did not submit a biennial report in 2016—must report the findings of their moderate income housing review no later than December 31st, 2017.**

BIENNIAL REVIEWS:

Every two years, the legislative body of each local government is to conduct a thorough review of the moderate income housing element (MIHE) of its comprehensive general plan and its implementation. Also, every two years, each city is to revise estimates of its projected moderate income housing needs. After requisite public hearings, the city's legislative body should adopt appropriate amendments to the MIHE of the comprehensive general plan and corresponding city ordinances that resolve the issues identified in the biennial review, **as recommended by the city's planning commission.** A plan for moderate income housing means a written document adopted by a city legislative body that at a minimum includes:

1. An estimate of the existing supply of moderate income housing located within the city.
2. An estimate of the need for moderate income housing in the city for the next five years as revised biennially.
3. A survey of total residential land use.
4. An evaluation of how existing land uses and zones affect opportunities for moderate income housing.
5. A description of the city's program to encourage an adequate supply of moderate income housing



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BIENNIAL REPORTING:

Biennially, the legislative body of each city is to prepare a report setting forth the findings of the review and submit it to the Housing and Community Development Division of the Utah Dept. of Workforce Services. A report of the biennial review's findings must include the following six (6) sections:

1. A report setting forth the findings of the biennial moderate income housing review.
2. A report of the estimated need for moderate income housing in the city for the next five years as revised biennially.
3. A report of the efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
4. A report of the actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing.
5. A report of the progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing.
6. A report of the efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.

PROHIBITED SUBMISSIONS:

Cities that submit any of the items listed in the box below in lieu of properly reporting the findings of a thorough biennial review, as outlined in the boxes above, are noncompliant with UCA 10-9a-408. Likewise, cities substituting any of the items listed in the box below, instead of adequately preparing an MIHE, are noncompliant with UCA 10-9a-103(41) and UCA 10-9a-403(2).

1. DO NOT SUBMIT any section OR portion of your county's general plan
2. DO NOT SUBMIT city resolutions without submitting an amended MIH element
3. DO NOT SUBMIT an amended MIH element without its adopting resolution
4. DO NOT SUBMIT zoning ordinances OR land-use ordinances
5. DO NOT SUBMIT the land-use element of the general plan
6. DO NOT SUBMIT the transportation and traffic circulation element of the general plan
7. DO NOT SUBMIT a third-party's analysis of fair housing impediments
8. DO NOT SUBMIT a third-party's housing market study
9. DO NOT SUBMIT a third-party's housing needs assessment or evaluation
10. DO NOT SUBMIT a third-party's issue papers or housing policy analysis
11. DO NOT SUBMIT program evaluations or performance audits
12. DO NOT SUBMIT prior biennial reports (or copy & paste from them)

NOTE: Although the items listed in the red box above are **NOT PERMITTED SUBSTITUTES**, high-quality moderate income housing plan elements and biennial review reports **SHOULD REFERENCE VALID RESEARCH**. Cities are strongly advised to review, conduct, or commission moderate income housing studies and related research. However, moderate income housing plan elements and biennial review reports should only paraphrase, summarize, conservatively quote, distill inferences from, and properly cite housing studies and related research they have commissioned, conducted, or reviewed.



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FOUR STEPS TO SUBMIT A BIENNIAL REPORT:

1. Biennial moderate income housing reports are due December 31st, 2017.
 - a. Community Driven Housing Program submission deadline: August 31st 2017.
2. Emails should include the following separate attachments:
 - a. A biennial moderate income housing review report
 - b. An updated version of the moderate income housing element of the general plan
 - c. A dated resolution adopting the amended element of the general plan
3. Acceptable electronic document formats include:
 - a. DOC, DOCX, RTF, OTD, and PDF
4. Emails must be addressed to: rkohutek@utah.gov
 - a. "Biennial Moderate Income Housing Review Report" should be in the email's subject line

If your city requires assistance with your biennial review report, please contact Robert Kohutek at (801) 468-0141 or by e-mail at rkohutek@utah.gov.

Respectfully,

ROBERT KOHUTEK

Community Analysis & Planning Specialist
Housing & Community Development Division
Utah Department of Workforce Services
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State of Utah Biennial Moderate Income Housing Review Reporting Form

Name of City/County: _____
Preparation Date: _____

CITY/COUNTY CONTACT INFORMATION:

Street Address: _____
City: _____, UT Zip: _____
Phone Number: _____ Email: _____

PREPARER INFORMATION:

Name: _____
Title: _____
Phone Number: _____ Email: _____

Every two years, City Councils, County Commissions, and County Councils are to conduct a thorough review of the moderate income housing element of their city or county's comprehensive general plan. Obligated cities with a population of 1,000 or more and counties with a population of 25,000 or more are to report the findings of that review to the Housing and Community Development Division (HCDD) of the Utah Department of Workforce Services. HCDD has prepared this form to assist cities and counties with meeting biennial reporting criteria under the following sections of the Utah State Code, as enacted by the Utah Land Use Management and Development Act:

Municipal Governments: UCA 10-9a-401 through UCA 10-9a-408

County Governments: UCA 17-27a-101 through UCA 17-27a-108

Completion of this form only satisfies part of each city or county's moderate income housing responsibilities. It is incumbent upon each city and county to stay apprised of pertinent state and federal legislation, administrative rules, and current regulatory procedures—including reporting periods.

INSTRUCTIONS:

The legislative body of each city or county is to review the pertinent sections of Utah Code and respond to the corresponding questions in the following pages of this form. Cities and counties submitting their biennial moderate income housing review report by email may respond directly to each question using the fillable boxes beneath each question. PLEASE only save this form in its original "fillable" PDF format to avoid the truncation of responses. Cities and counties submitting their report by fax or conventional mail should attach separate pages for each question to avoid the truncation of responses.

UCA 10-9a-103(34) and UCA 17-27a-103(36)

"Moderate Income Housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the [city/housing] is located.

RECOMMENDATIONS:

Please note that all calculations should account for moderate income housing affordability for the full range of incomes between 0% and 80% of the Area Median Income (AMI). An affordable housing is any housing unit whose gross monthly rent or mortgage payment plus utilities is equal to 30% or less than a household's gross monthly income at a particular income threshold. It is strongly recommended that cities and counties also estimate housing affordability separately for homeowners and renters at each of the following income thresholds: 0% to 30% AMI, 30% to 50% AMI, and 50% to 80% AMI.

Please also note that both UCA 10-9a-103(41)(b) and UCA 17-27a-103(44)(b) require cities and counties to revise projections of their five year moderate income housing needs every two years. At a minimum this requirement includes: 1) A current estimate of the moderate income population, 2) An estimate of the existing moderate income housing supply, 3) an estimated rate of growth of both the population and the housing supply over the next five years. In addition to considering the affordable housing needs of homeowners and renters with household incomes between 0% and 80% AMI, cities and counties should also consider the housing needs of vulnerable populations which may include the elderly, the disabled, racial and ethnic minorities, the homeless, ex-offenders, refugees, households living in poverty, minimum wage workers, and any other population identified as having a need for moderate income housing.

Recommended data for estimates may be found at:

www.factfinder.census.gov

UCA 10-9a-103(41) and UCA 17-27a-103(44)

"Plan for moderate income housing" means a written document adopted by a [city/county] legislative body that includes:

- (a) an estimate of the existing supply of moderate income housing located within the city;
- (b) an estimate of the need for moderate income housing in the [city/county] for the next five years as revised biennially;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the city's program to encourage an adequate supply of moderate income housing.

UCA 10-9a-103(41)(b) and UCA 17-27a-103(44)(b)

In the section below, or on a separate sheet, please estimate the need for moderate income housing in your city or county for the next five years.

RECOMMENDATIONS:

A thorough review of the moderate income housing element of a comprehensive general plan must evaluate each the **five** items specified in UCA 10-9a-103(41)(a-e) and UCA 17-27a-103(44)(a-e) as outlined in the previous section. It is strongly recommended that cities and counties utilize generally accepted best practices and methods of evaluation in their biennial assessments.

UCA 10-9a-403(2)(b)(ii) and UCA 17-27a-403(2)(b)(ii) provide some suggested methods of assessment for the moderate income housing element of the general plan. These sections of Utah Code describe the preparation of the moderate income housing element of the general plan:

UCA 10-9a-403(2)(b)(ii) and UCA 17-27a-403(2)(b)(ii)

- (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
- (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Workforce Services.
-

UCA 10-9a-408 and UCA 17-27a-408

- (1) The legislative body of each [city/county] shall biennially:
- (a) review the moderate income housing plan element of its general plan and its implementation; and
 - (b) prepare a report setting forth the findings of the review.
- (2) Each report under Subsection (1) shall include a description of:
- (a) efforts made by the [city/county] to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - (b) actions taken by the [city/county] to encourage preservation of existing moderate income housing and development of new moderate income housing;
 - (c) progress made within the [city/county] to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
 - (d) efforts made by the [city/county] to coordinate moderate income housing plans and actions with neighboring municipalities.

UCA 10-9a-408(1)(b) and UCA 17-27a-408(1)(b)

In the section below, or on a separate sheet, please report the findings of the biennial review of the moderate income housing element of your city or county's comprehensive plan. Please also describe the methods used in your assessment.

UCA 10-9a-408(2)(a) and UCA 17-27a-408(2)(a)

In the section below, or on a separate sheet, please describe the efforts made by your city or county to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing.

UCA 10-9a-408(2)(b) and UCA 17-27a-408(2)(b)

In the section below, or on a separate sheet, please describe the actions taken by your city or county to encourage preservation of existing moderate income housing and development of new moderate income housing.

UCA 10-9a-408(2)(c) and UCA 17-27a-408(2)(c)

In the section below, or on a separate sheet, please describe the progress made within your city or county to provide moderate income housing, as measured by permits issued for new units of moderate income housing.

UCA 10-9a-408(2)(d) and UCA 17-27a-408(2)(d)

In the section below, or on a separate sheet, please describe the efforts made by your city or county to coordinate moderate income housing plans and actions with neighboring local governments.

FOLLOWING THE BIENNIAL REVIEW

The city or county's legislative body should adopt amendments to the moderate income housing element of the general plan every two years. According to UCA 10-9a-404 and UCA 17-27a-404, a city or county's legislative body is to adopt a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur. Once the city or county's legislative body has revised five year housing needs estimates and has conducted a biennial review of the moderate income housing element of the city or county's comprehensive general plan, the city or county's planning commission should prepare appropriate amendments to the moderate income housing element. Appropriate amendments should reflect the housing needs estimates and projections produced as part of the biennial review. The planning commission's recommended amendments should include valid strategies for resolving the housing issues identified through in the biennial review process. The city or county's legislative body should then adopt the recommended amendments proposed by the city or county planning commission by resolution after a public hearing. *It is imperative that the legislative body work closely with its planning commission to ensure that amendments to the moderate income housing element clearly state measurable goals and outline well-specified objectives that achieve those goals.*

Additionally, the city or county's legislative body should adopt a new moderate income housing element every 5 to 6 years, as prepared by the planning commission. Adopting a new moderate income housing element every five to six years will ensure that the city or county's goals and objectives address changing housing needs. The city or county's legislative body should provide a period of public notice and comment prior to a public hearing, once the planning commission has prepared a new moderate income housing element. After considering public input and making appropriate revisions, the legislative body should then adopt the new moderate income housing element by resolution.

Utah's Government Records Access and Management Act requires all local government plans be publicly accessible. Local governments should publicly post a newly adopted moderate income housing plan element and its subsequent amendments as soon as possible. Posting revisions to the moderate income housing element of the general plan on the city or county's website every two years will significantly increase the public's access.

Anytime a city or county amends or adopts a moderate income housing element of their general plan, it should immediately send a copy of it to the Housing and Community Development Division of the Utah Department of Workforce Services and to the regional Association of Governments to which it belongs. A newly adopted or amended version of the moderate income housing element must be submitted with the biennial moderate income housing review report.

EMAIL SUBMISSION GUIDELINES:

1. Biennial moderate income housing review reports are due December 31st of each year
 - a. Community Driven Housing Program submission deadline: August 31st of each year
2. Emails should include the following separate attachments:
 - a. A biennial moderate income housing review report
 - b. A current version of the moderate income housing element
 - c. A dated resolution adopting amendments to the general plan
3. Acceptable electronic document formats include:
 - a. DOC, DOCX, RTF, OTD, and PDF
4. Emails must be addressed to: rkohutek@utah.gov
 - a. "Biennial Moderate Income Housing Review Report" must be in the email's subject line

ALTERNATIVE SUBMISSION GUIDELINES:

1. Biennial moderate income housing review reports are due December 31st of each year
 - a. Community Driven Housing Program submission deadline: August 31st of each year
2. Mailed submissions should include the following:
 - a. A biennial moderate income housing review report
 - b. A current version of the moderate income housing element
 - c. A dated resolution adopting amendments to the general plan
3. Mailed submissions must be addressed to:
Olene Walker Housing Loan Fund
Housing & Community Development Division
1385 South State Street, 4th Floor
Salt Lake City, UT 84115

For additional resources, please visit: <https://goo.gl/6PC62y>



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Recommended Moderate Income Housing Plan Outline

Introduction

- ☐ purpose of the plan
- ☐ description of how the moderate-income housing plan fits within the context of the community's general plan and how the cooperation of community departments will facilitate the accomplishment of goals outlined in the plan
- ☐ discussion of how the community's planning efforts fit within the context of regional planning efforts and the coordination that has taken place between the community and other entities in the development of the moderate-income housing plan
- ☐ background information about the community (growth patterns, community sentiments towards housing, local economy, etc.)

Current Population

- ☐ demographic data from the most recent U.S. Census or American Community Survey
- ☐ summary of how the population has changed over the past five to ten years
- ☐ number of households within targeted income groups ($\leq 80\%$ AMI, $\leq 50\%$ AMI, and $\leq 30\%$ AMI)

Current Housing Stock

- ☐ total number of housing units
- ☐ breakdown of housing units by:
 - occupancy (renter-occupied or owner-occupied)
 - size (number of bedrooms)
 - quality ("new," "dilapidated," etc.)
- ☐ affordability of existing housing stock for targeted income groups

Current Affordable Housing Availability and Need

- ☐ availability of existing housing stock for targeted income groups ($\leq 80\%$ AMI, $\leq 50\%$ AMI, and $\leq 30\%$ AMI) and number of additional units needed
- ☐ availability of affordable housing for different races and ethnic groups and number of additional units needed
- ☐ availability of affordable housing for different special needs groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.) and number of additional units needed
- ☐ availability of a variety of housing sizes and number of additional units needed

5-Year and 10-Year Population Projections

- ☐ low, medium, and high population projections for the next five and ten years
- ☐ estimate of the percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years

Forecast of Affordable Housing Need

- ☐ comparison of projected population growth and expected housing construction for the next five and ten years
- ☐ estimate of the number of housing units needed by residents within targeted income levels and special needs groups for the next five and ten years

Regulatory Environment

- ☐ analysis of how current zoning regulations impact the availability of affordable housing
- ☐ discussion of any potential barriers to affordable housing or Fair Housing

Plans to Meet the Affordable Housing Need

- ☐ goals, policies, and plans designed to strategically meet current and forecasted affordable housing needs
- ☐ goals, policies, and plans to eliminate regulatory barriers to affordable housing
- ☐ goals, policies, and plans should discuss the following:
 - a timeline
 - the responsible party (or parties)
 - the number of affordable housing units to be built
 - possible locations for new affordable housing units
 - community resources that can be used to support development (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.)



COMMUNITY-DRIVEN HOUSING PROGRAM:

The Housing and Community Development Division's (HCDD) Community-Driven Housing Program (CDHP) encourages affordable housing development that serves a community's unique affordable housing needs. Participating communities gain access to set-aside funding for community-initiated projects that fulfill goals established in the moderate-income housing element of their general plan.

How it Works:

Each year, HCDD invites cities and counties with high-quality moderate-income housing plans to participate in the Community-Driven Housing Program. Invited communities that elect to participate in the program nominate affordable, multi-family housing projects that align with needs identified in their moderate-income housing plans. HCDD then helps participating communities form partnerships with project developers, who work out the logistics of the projects and apply for CDHP funding through the Olene Walker Housing Loan Fund Board.

Eligibility:

Eligible communities are those cities and counties that have (1) adopted moderate-income housing plans that score 5.5 or higher on HCDD's scoring rubric, (2) submitted biennial reports within the last two years, and (3) updated their moderate-income housing plans within the past five years.

Who to Contact:

If you have questions regarding the program or the eligibility of a specific city or county, please contact:

Robert Kohutek
rkohutek@utah.gov | 801.468.0141



Step-by-Step Process:

- 1** HCDD completes its review of moderate-income housing plans, identifies potential participants, and mails invitations.
- 2** Communities that elect to participate in the program nominate a qualifying project and select a developer partner.
- 3** Developers finalize the logistics of the project.
- 4** Developers apply for CDHP funding through the Olene Walker Housing Loan Fund.
- 5** The Olene Walker Housing Loan Fund Board makes final funding decisions at its quarterly board meeting.

www.jobs.utah.gov/housing/communitydrivenhousingprogram.html



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A. Background

Title 10, Chapter 9a, Section 403 of the Utah Code Annotated requires all municipalities to adopt a Moderate Income Housing element and Section 408 requires the cities to biennially review their “moderate income housing” element of the General Plan. Centerville’s Moderate Income Housing Element was originally adopted in February of 2002. Additionally, the City has submitted several biennial reports to the State, as required.

However, since the initial adoption of the plan element, there has not been a significant reassessment of “moderate income housing” status for the City. Therefore, both the Planning Commission and City Council have deemed it a priority to update the City’s Moderate Income Housing Element, as shown on the 2012/2013 list of planning priorities.

B. Summary of Past Findings of the 2002 Moderate Income Housing Plan

Listed below is a brief narrative of the adopted findings or conclusions of the initial plan element to address the requirements of the statute:

- a) Approximately 20% of the housing stock sales and assessments were deemed affordable and supply was likely adequate for that moment in time.*
- b) Generally, the affordable housing stock was built prior to 1990 and mainly consisted of condominiums rather than single-family homes. Less than 10% of the new construction (after 1990) would likely be affordable.*
- c) It was assumed moderate income population would remain at 20% in*

the “near” future. Thus, with growth in population, new affordable housing would need to be built.

- d) Given, existing land costs and property values, existing and projected zoning, construction trends, etc. it is unlikely that any new housing stock constructed would be affordable to meet the new demands assuming a sustained 20% moderate income population.*
- e) Approximately 80% of the City’s housing stock consisted of single family homes. The 2000 Census indicated a decline in household size and an increase in the median age and an increase with both young adults and seniors. These changes may point to the need for a wider variety of housing types.*
- f) There was a lack of supply with regards to rental housing and it may be getting smaller. The Census 2000 numbers indicated a 5% decrease in renter occupied housing from the 1990 Census.*

C. Summary of 2002 Plan’s Past Strategies to Promote Moderate Income Housing

The previous strategies were developed using both the required state criterion and a few local ideas. These strategies were as follows:

State Strategies:

- a) Rezoning – Consider some additional multi-family zoning districts.*
- b) Density Bonus – Consider a binding commitment to provide affordable housing when granting density bonuses.*

- c) Mandatory Set Asides – Consider setting aside specific properties for exclusive development of moderate income housing.
- d) Infrastructure Expansion – The use of infrastructure expansion as a “technique” will likely have limited applicability for Centerville.
- e) Rehabilitation of Uninhabitable Housing – This “technique” will likely play no role in Centerville’s Plan.
- f) Waiving Construction & Other Related Fees – Because such fees are relatively small compared to land and construction costs, fee waivers may need to be coupled with other incentives.
- g) Use of Federal and State Funds or Incentives – Providing information about such programs may be useful and the City may need to consider requiring participation in such programs to receive any local incentives.

Other Local Strategies:

- h) Consider Allowing Accessory Units - The use of accessory units throughout the community could potentially provide a source of moderate income housing.
- i) Create More Flexible Zoning Classifications – Options to consider were:
 - a. Use R-2 and R-3 Zoning to accommodate multi-family development.
 - b. Consider using “mixed use” zoning classifications.
 - c. Promote a variety of lot sizes with overall lot density standards rather than minimum lot sizes.

- d. Consider using flexible performance based zoning.
- e. Review and consider “Envision Utah’s” production of tools and model ordinances, as a starting point in creating flexible zoning incentives.

D. Summary of Centerville’s Previous Implementation Efforts

Centerville has made or taken significant efforts to implement the strategies of the 2002 Moderate Income Housing Plan. These efforts have resulted in opportunities for various types of housing to be preserved or to be developed. Listed below is a summary the efforts and opportunities that have occurred over the past decade.

2003:

- a) Zoning Ordinance Overhaul
 - ✓ Eliminated minimum lot sizes for most residential districts
 - ✓ Established a gross density standard for each district
 - ✓ Changes allow flexible lots sizes to encourage a range of home pricing in each development
- b) Garden View Apartments
 - ✓ 1st new apartment complex (59 townhome style units) using the new Residential High (R-H) Zone, which allows up to 12 units per acre.

2004:

- c) General Plan Modification
 - ✓ Encourage greater density in the Northwest Neighborhood Area
 - ✓ Locate such density near service areas and where transportation options are most available

2006:

- d) Pineae Village Estates
 - ✓ A master planned community of 227 dwelling units was approved

allowing a variety of housing types; Single family homes 49, Townhomes 94, Stacked flat dwellings 84.

2007:

e) Zoning Ordinance Update

- ✓ *Removed the five (5) acre minimum for any residential development desiring to use the Planned Development Overlay District, a density centered incentive based zoning tool.*

2008

f) General Plan/Zoning – Main Street Corridor Plan

- ✓ *Accentuated the existing local commercial zoning district to allow flexible uses using a form based code. Uses from single family to multi-family dwellings were introduced to create mixed use focal areas along the corridor.*
- ✓ *Changes implemented the Wasatch 2040 Plan to establish the desired boulevard community within Centerville.*

g) Cedar Springs Condominiums

- ✓ *Preservation - CBDG funds were used to improve access streets and utilities for the 200-unit Cedar Springs development.*

2009

h) Pheasantbrook Condominiums

- ✓ *Preservation - CBDG funds were used to improve access streets and drainage system for the 144-unit Pheasantbrook development.*

2010:

i) Legacy Crossing at Parrish Lane

- ✓ *A Master Planned Mixed Use development, which approved 158 apartments, a complex of*

three buildings; 2 buildings with 64 dwellings each and 1 building with 30 units.

E. Guiding Principles of the Moderate Income Housing Plan Element

The guiding principles that are being used to give direction to the Moderate Income Housing Plan are as follows:

1. The Plan update recognizes that, over the past decade, the City has made significant strides in its efforts to alter or modify Zoning Regulations to encourage the development of a variety of housing types.
2. City's market characteristics and demands will vary overtime, the primary focus of the Plan is to regularly track and review the City's housing stock types in order to improve the decisions made regarding community plan updates and zone map amendments.
3. Due to political and geographical constraints, the Plan additionally focuses on the efficient use of existing infrastructure and utilizes "infill" or "redevelopment" scenarios that might assist with creating moderate income housing.
4. The basic tenet of livable communities is "good design," particularly when providing more density to encourage development of lesser housing types.

F. Moderate Income Housing Plan

In the case of the Moderate Income Housing Plan, the **Guiding Policies and Directives of the Plan** are expressed using the **required elements or strategies of 10-9a.-403, as well other strategies identified by the City.** Each element is addressed separately within the Plan and consists of the following:

- A survey of the total residential land use.

- An estimate of existing housing supply.
- An estimate of need over the next five (5) years.
- Evaluation of how existing land uses and zones affect opportunities for moderate income housing
- A description of the plan to encourage an adequate supply of moderate income housing.

Within the descriptive “element” of the Plan, various required analyses or strategies are identified and any associated conclusions or policies related to these strategies are listed and explained. **These strategies, conclusions, or policies are to be used in the decision-making process for land use ordinance amendments, applicable land use application reviews, and/or related capital improvement programs.** Additionally, each element or strategy may be accompanied by descriptive text that is intended to assist with the understanding the purpose, intent, and interpretation of the strategy as it relates to moderate income housing in Centerville.

PLAN ELEMENTS**PLAN ELEMENT 1:****1. A Survey of Total Residential Land Use.**

The statute requires cities to conduct a survey of the total residential land use. Such an assessment for the City was made using the City's GIS system and data from the County Recorder's and Assessor's Offices, and the City's Building Department to perform the survey. Within the survey, housing was categorized into "use types" labeled single-family, townhomes and duplexes, and multi-family. These are the common categories used for various reports and surveys regarding residential uses and are similarly used later in this plan element. Furthermore, due to the difficulty of obtaining reliable data, the distinctive isolation and evaluation of apartments or rentals was not performed and was either assumed or combined with the multi-family calculations.

Additionally, the survey includes the current zoning districts that contain any of the selected use types. The survey did not include whether the use types were within the allowed densities of a particular zone or determine the non-conforming status of a specific use type.

REVIEW/ANALYSIS:**A. Results of the Survey of Residential Use Types (as of 2012):**

<i>Res. Use Type</i>	<i>Zone Districts</i>	<i>Units</i>	<i>%</i>
Single Family	A-L/R-L/R-M	3,852	73%
Townhomes/ Duplexes	A-L/R-M/ R-H/ R-H(PD)	981	19%
Multi-family (inc. apartments)	R-L/R-M/ R-H/R-H(PD) C-VH(PD)	423	8%
Total Units = 5,256			100%

Table 1

B. Survey Synopsis – From review of the data, single family dwellings are the predominant residential use type. This is not unusual for most cities and more particularly in other similar small communities. However, the townhome/duplex residential use type is higher than a normal open market yield (see City Strategy 8). Thus, it can be deduced that, in spite of having a prevailing single family residential use type, Centerville's efforts to address moderate income housing since the adoption of the moderate income element have had a positive affect towards encouraging a variety of housing types.

C. Future Policy Considerations – The Wasatch area has grown rapidly in the last few decades, future residential needs for the City may likely reflect the following characteristics and trends:

1. The region is predicted to continue to grow by as much as 2.2. percent per year.
2. Two-thirds of this growth is expected to come from children growing up, settling this area, and starting their own families.
3. Utah's baby boomers had more children than their non-Utah counterparts and had them earlier in life.
4. There are more single-parent households than in the past leading to added growth.
5. Household diversity creates a demand for a variety of housing types to meet the different lifestyle groups.

PLAN ELEMENTS**PLAN ELEMENT 2:****2. An Evaluation of How Existing Land Uses and Zones Affect Opportunities for Moderate Income Housing.**

According to the publication “Urban Planning Tools for Quality Growth” the evaluation of zoning densities is one of the biggest factors in making housing affordable. “If the widespread practice of zoning for mostly large-lot homes is not modified, economic problems will increase and people will be extremely limited in their lifestyle and household choices (*Chapter 2 - Meeting Housing Needs, page, 31*).

Since the original adoption of the City’s Moderate Income Housing Element, the City has implemented several changes to its Zoning Ordinance (*see Section “D” of this Plan Element*) to encourage the development of a variety of housing choices. These changes have allowed greater densities in areas of redevelopment that can capitalize on the efficient use of existing infrastructure or created projects with housing choices that do not result in typical large-lot style development.

REVIEW/ANALYSIS:**A. Existing Zoning District Opportunities:**

Standard Zoning	Zones	Acres	Density Capacity
	Ag. Low (A-L)	487	974
	Res. Low (R-L)	1,127	4,508
	Res. Med. (R-M)	118	944
	Res. High (R-H)	45	540
Mixed Use/ Flexible Zoning	FVSD	19	70
	R-H/ (PD)	30	227
	West Side/ Mixed Use Overlay	~ 50	750
	So. Main Street/ Mixed Use Overlay	~19	196 to 392
	C-VH(PD)/ Mixed Use Overlay	30	206
Totals		1,925	8,415 to 8,611

Table 1

B. Evaluation Synopsis – From review of the information, the typical standard zoning used by the City predominately consisted of single family, low-density, development. However, since the adoption of the 2002 Moderate Income Element, the City has implemented several flexible zoning tools that allow opportunities for various housing types. These efforts should be supported and continued into the future.

C. Future Policy Considerations – Decisions regarding land use planning in the future should consider the following:

1. Provide opportunities for people moving through life’s stages to be able to live and/or grow up in the same community.
2. Increase opportunities for redevelopment to reduce the demand for new extensions of utility lines and services.
3. Encourage the development of sustainable and walkable neighborhoods, where employment, goods, and services can be obtained with less driving.
4. Encourage opportunities for establishing a variety of housing types in keeping with the incomes range of more families.

PLAN ELEMENTS**PLAN ELEMENT 3:****3. An Estimate of City's Existing Supply of Moderate Income Housing.**

In order to estimate the available supply of moderate income housing, the city staff obtained parcel and improvement valuation data from Davis County. The 2011 Market Values (not the taxable value) data was queried using the City's GIS system and broken down into 50K increments. The "market value contained both land and improvement value (if present) of all residential type properties.

Additionally, the city staff used several web-based home affordability calculators to develop the potential home purchase range to estimate the existing supply. The short-comings for this analysis are that the County's market data may be on the low end of the scale and it is difficult to adequately estimate the debt amount of various households while calculating the potential purchase price. Thus, the estimated supply may be somewhat generous.

Nonetheless, with the current housing market recession (correction of home values) and the broad data set available for every housing type within the City, the estimated moderate income housing supply is better developed than the often used method of sampling some recent housing sales within the City.

REVIEW/ANALYSIS:**A. Estimate of Supply:**

County's Market Value	Residential Unit Counts	Estimated Supply
0-50K	95	-
50K – 100K	260	260
100K– 150K	1133	1133
150K – 200K	1447	1447
200K – 250K	897	-
250K – 300K	931	-
300K – 350K	459	-
350K or more	472	-
Total	5,694	2,840

Table 2

B. Existing Supply Synopsis – According to the 2012 Median Family Income Documentation System (HUD publication), the median income level for the Ogden-Clearfield MSA (which includes Davis County) is \$71,500. Thus, 80% of median income level would be an annual income of \$57,200. At current market rates (2012), and assuming a family unit with two children, this allows a possible home purchase price ranging from about \$175,000 to just over \$200,000, depending on the type of loan (e.g. FHA, VA, or Conventional). Thus, the estimated supply of moderate income housing for Centerville is potentially 2,840 units or about 49% of the City's housing stock.

Future Policy Considerations – Future decisions about land use planning for the City should consider the following:

1. The housing mix of the Greater Wasatch area will change in the next 20 years (*see publications for state population forecasts*).
2. There will be a rise in senior households (>60 yrs. old) from 21 to 27 percent.
3. Current demographic trends indicate that household size will likely decline in the future.
4. Fewer two-income households will likely be a result of such changing demographics.
5. There will be a demand for housing types needing less maintenance.

*PLAN ELEMENT 4:***4. An Estimate of the City's Future Need of Moderate Income Housing.**

In order to estimate the future need of moderate income housing, the city staff used the 2009 Income, Earnings, and Wages Data that is available from City-Data.com. This helps to establish a baseline demand as to the status of available housing versus family incomes. The baseline demand indicates that 1,678 households fall at or below the County 80% MIH, which is approximately 31% of the City's residents (est. 3.1 persons in avg. household size). To estimate the future need this 31% is extrapolated to the estimated future buildout population of 20,154 (*see City's Impact Fee analysis*). A simplistic conclusion indicates the current supply will be able to meet the estimated future demand.

However, it is difficult to accurately predict changes over time and also there appears to be a number of families well below the 80% MIH standard or threshold. Thus, any policy decision about future needs ought to account for the shortfalls of this analysis. Thus, the City should still consider establishing strategies for encouraging the development of moderate income housing within the City.

PLAN ELEMENTS*REVIEW/ANALYSIS:***A. Estimate of Future Need:**

2009 Estimate of Wages	Number of Households	Number of Total Households at or Below Moderate Income Level	
<10,000	13	Current Est. = 1,678	
10,000-20,000	146		
20,000-30,000	418		
30,000-40,000	201		
40,000-50,000	571		
50,000-60,000	329		
Existing Population		16,339	
Est. Existing Population w/ Moderate Income Need (Avg. 3.1 persons/household)		5,202	31%
Est. Future Population		20,154	
Est. Future Population w/ Moderate Income Need (Avg. 3.1 persons/household)		6,248	31%
Total Future Households (Avg. 3.1 persons/household)		Future Est. = 2,015	

Table 3

B. Future Needs Synopsis – Although the baseline supply is adequate for the current and projected future family incomes within the City, what can be deduced about future needs? The 2009 Income, Earnings, and Wages data depicts a number of families that are actually below the 80% MIH threshold (i.e. 1,349 households with income less than \$50,000 as shown in table above). Thus, the City needs to continue its efforts to encourage opportunities for alternative types of housing to be provided within the City.

C. Future Policy Considerations – Future decisions about land use planning for the City should consider the following:

1. Encouraging an open market yield of housing types.
2. Supporting mixed-use or flexible development in selected areas of the city.
3. Allowing reuse or redevelopment of underutilized lands through flexible development standards, or other similar opportunities.

STRATEGIES - STATE STATUTE***State Statute Recommendations:*****5. Section 10-9a-403(ii) of the Utah Code Lists Several Means or Techniques That May be Considered in Providing a Realistic Opportunity for the Development of Moderate Income Housing.**

The state statute provides some suggested techniques for cities to consider in encouraging the preservation or future development of moderate income housing. The suggested techniques are not mandatory requirements to be implemented. These techniques are being outlined in the plan element so that decision-makers may understand and decide whether these potential ideas are applicable for the moderate income housing needs within the City. If such techniques, or parts thereof, are deemed realistic, then such ideas will be listed or incorporated in the "city strategies and objectives" described later in this plan.

State's Suggested Techniques:

- 5.A. Rezone for densities necessary to assure the production of moderate income housing.
- 5.B. Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
- 5.C. Encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing.
- 5.D. Consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City.
- 5.E. Consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing.
- 5.F. Consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity.
- 5.G. Consider utilization of affordable housing programs administered by the Department of Workforce Services.

PLAN ELEMENTS**PLAN ELEMENT 5:****6. A Description of the City's Plan to Encourage an Adequate Supply of Moderate Income Housing.**

This section summarizes the City's chosen strategies to encourage a realistic opportunity for the preservation or development of moderate income housing. However, it is also the position of the City that the local government can only encourage the opportunity and that there are other forces at work that affect such opportunities.

Thus, it is the City's commitment to assist, where possible, to allow such opportunities. The identified strategies of this section will be individually addressed later in this plan.

City Strategies:

- 6-A. Continue to support allowing mixed use zoning and related development in strategic areas of the city.
- 6-B. Monitor and review existing housing patterns within the city in comparison to a pattern of an open market yield.
- 6-C. Make an effort to balance the number and size of zoning districts with the demand for various housing types.
- 6-D. Consider adopting basic or flexible design standards for small-lot or underutilized land parcels within existing developed areas of the city.

STRATEGIES – CITY EFFORTS***City Strategies:*****6-A. Continue to Support Allowing Mixed Use Zoning and Related Development in Strategic Areas of the City.**

The allowance and development of mixed use centers can encourage housing developments that have an improved chance of meeting the needs of moderate income families. Such housing areas create not only a variation in housing types and sizes, it can help with secondary living costs such as those associated with transportation where other modes (e.g. walking, biking, bus, van pools, etc.) can be more efficiently offered to mitigate reliance on multiple vehicles, or reduce time and travel distances to work areas or basic services and products.

City Objectives:

- 6-A.1 Consider amending the West Centerville Neighborhood Plan to expand the mixed use concepts found in the Legacy Crossing at Parrish Lane Development to surrounding areas, particularly west and south of this project area.
- 6-A.2 In the future, develop a strategic redevelopment plan in partnership with the property owners and residents within and around the Gateway Mixed Use Districts (i.e. South Main Street Corridor Plan area), and consider other corridor options (e.g. 400 west and the frontage road) to encourage actual development of a mixed use area with a residential component that includes opportunities for creating moderate income housing.
- 6-A.3 Remain committed to land use policies that support developing other future mixed-use or flexible use development areas.

STRATEGIES – CITY EFFORTS***City Strategies:*****6-B. Monitor and Review Existing Housing Patterns the City in Comparison to a Pattern of an Open Market Yield.**

According to the publication “Urban Planning Tools for Quality Growth” background research data indicated that if existing zoning patterns among the Greater Wasatch Area remain in place until 2020, the housing supply yield could be:

- 77% Single-family
- 9% Townhomes and duplexes
- 14 % Apartments (multi-family)

Whereas, a 2020 demand based on income and demographic characteristics in an open market housing approach would yield:

- 60% Single-family
- 14% Townhomes and duplexes.
- 26% apartments (multi-family)

Although the city’s market characteristics and demands will vary over time, the City should regularly track and review its housing stock types to improve the decisions made regarding community plan updates and zone map amendments.

City Objectives:**6-B.1 *Evaluation of City’s Current Housing Supply Yield:***

<i>Residential Use Type</i>	<i>Current City’s Yield</i>	<i>Open Market Yield</i>
Single Family	73%	60%
Townhomes/ Duplexes	19%	14%
Multi-family (inc. apartments)	8%	26%

Table 4

6-B.2 Tabulate and review the housing stock or inventory of the City every five (5) years. Determine if there is a significant disparity between the developed housing supply verses an open market yield and if so, consider goals for the next two years to alter or change land use related policies or identify opportunities to encourage a more open market yield.

6-B.3 Review the existing and projected demographics and characteristics of the City every five (5) years. Use such information to identify the existing potential future economic needs of residents and determine if changes to the housing stock are necessary (i.e. their existing and future income opportunities and/or desired living preferences). Determine if related land use policies can be altered to meet any missing need or preference.

STRATEGIES – CITY EFFORTS*City Strategies:***6-C. Make an Effort to Balance the Number and Size of Zoning Districts with the Demand for Various Housing Types.**

This strategy supports a fundamental provision of state law that indicates that “in drafting the moderate income housing element, the planning commission shall consider the Legislature’s determination that cities shall facilitate a reasonable opportunity for a variety of housing types, including moderate income housing;

- To meet the needs of people desiring to live there; and
- To allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life...”

While the state law focuses on moderate income housing, the best strategy is to concentrate on quality city-scaled residential design, while aiming to meet such housing needs. “A community should mix and arrange the various uses and densities so that an optimal city-scale design emerges, complete with quiet neighborhood, parks, and busy business districts [*Urban Planning Tools for Quality Growth*, 2000].”

City Objectives:

- 6-C.1 Evaluate the various Neighborhood Plans and determine if there are opportunities for allowing infill development, or areas that could be rezoned for additional density, or to encourage the use of the Planned Development Overlay Zone (*reflects strategy 6.A*).
- 6-C.2 Consider establishing standards with the R-M and R-H Districts that require a variety of housing types that are to be used within such zones. Additionally, limit unit densities within each building of the R-M zone to no more than 8 units, and within the R-H Zone to no more than 12 units.
- 6-C.3 Consider the following housing types to be implemented within the R-M and R-H zones:
- Courtyard apartments in high density locations
 - “Big house” apartments in medium and high density zones
 - Garden courts in medium and high density zones
 - Townhomes or alley fed townhomes with shorter front yard setbacks in medium density zones.
 - In medium density zones, if single-family is used, allow use of accessory apartments
- 6-C.4 Consider establishing additional architectural design standards for the R-M and R-H Districts. Ensure that the appearance and layout of buildings within these zones are visually compatible with surrounding residential neighborhoods.

STRATEGIES – CITY EFFORTS*City Strategies:***6-D. Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City.**

This strategy reflects a component of state strategy 6.B. that focuses on areas of existing development and infrastructure. The original Centerville Townsite parcels were not created using typical zoning practices. Consequently, there are a variety of unconventional lot sizes and configurations. Therefore, there are likely several opportunities for “infill” or “redevelopment” scenarios that could assist with creating moderate income housing in the older areas of the City.

A consideration to allow more flexible lot standards may be not only a benefit to the needs of moderate income families, but also to the owners of properties in these areas. However, additional design standards are likely needed to preserve the visual and physical context and layout of these areas.

City Objectives:

- 6-D.1 Provide continued support for the limited use of flag lot development in areas where older or original divisions (typically done through metes & bounds descriptions) of land have taken place, which tends to create underutilized land that could be further developed.
- 6-D.2 Consider adopting a “small lot-floating” overlay ordinance or standard to allow greater flexibility for placement of lot lines in relation to existing homes and a new infill home, where underutilized or underused properties exist.
- 6-D.3 Consider adopting a “group dwelling” lot ordinance or standard that could be utilized on larger irregularly shaped or constrained parcels which would allow for more than one dwelling to be constructed on a single parcel.
- 6-D.4 Consider adopting an “accessory dwelling” ordinance with design standards. Such allowances may also be considered “conditional uses” in single family zones [see original strategy of the 2002 MIH Housing Plan, Section 12-490.4(d)]
- 6-D.5 Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.

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STAFF REPORT
MODERATE INCOME HOUSING REPORT & SUMMARY

Background

Utah and the Department of Housing and Community Development require that all cities submit a biennial review of their moderate income level housing plan. This plan must include an estimate of the existing supply of moderate income housing, an estimate for the next five years, a survey of total land uses, and a description of the city's program to encourage an adequate supply of moderate income housing. As the population of the Wasatch Valley continues to grow, Utah has a housing shortage for the first time in forty years. Supplying a variety of housing types can help keep cities economically stable and resilient. Housing diversity can help people of different incomes and life stages, like new families or empty nesters, find a place to live in this community. Accommodating different types of housing can allow lifelong Centerville residents to stay in their community, while also allowing for new ones to arrive.

But what is “moderate income affordable housing”?

First, we must start with the term “median income”. The terms AMI, HAMFI, MFI, and other terms may be used to generally describe the same concept - the median income of a geographical area. It is recommended to use the median income of a County rather than a city, since people look for homes in a general area, not just within one city.

The median (middle) income for Davis County is \$71,112. Centerville's median income is a bit higher, at \$78,438, but as stated earlier, County median income should be used to keep in mind the general population of an area.

“Affordable housing” is defined as spending less than 30% of your income on your housing and utilities combined. Usually this is expressed as a monthly limit (AMI(.3))/12).

So for those at the median income level for Davis County, spending anything less than \$1,777 a month on housing is considered affordable.

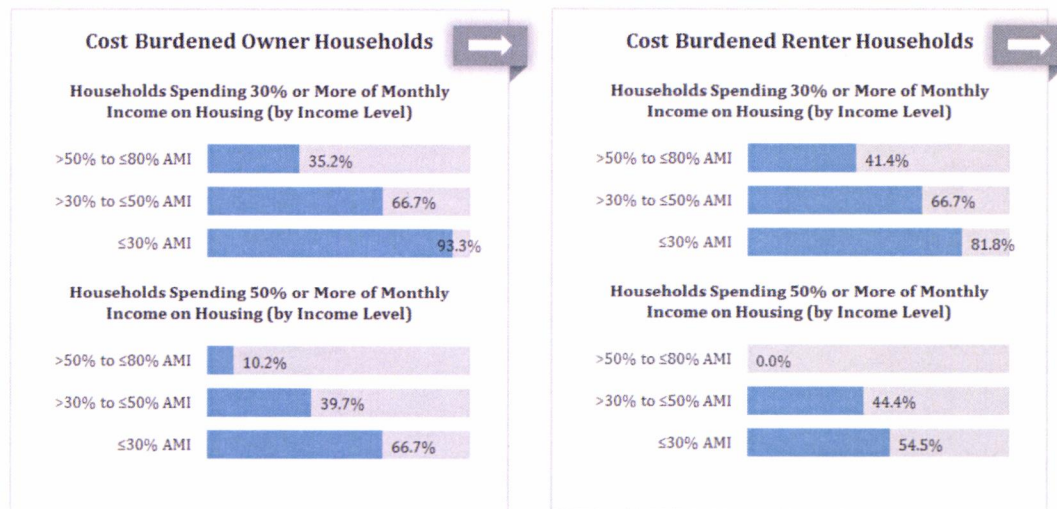
When discussing affordable housing, you will often see brackets defined as 30%, 50%, and 80% AMI. These are the typical income brackets expressed as related to the median income. A person making 80% AMI, \$56,889, in Davis County, may be defined as middle to low income, and can spend up to \$1,422 a month on housing and utility costs in order to be considered affordable.

% Area Median Income	Income	Maximum Monthly Income for Housing Cost (30%) per Month
100 % AMI	\$71,112	\$1,777
80% AMI	\$56,889	\$1,422
50% AMI	\$35,556	\$888
30% AMI	\$21,333	\$533

“Moderate Income Housing” means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city/housing is located. –UCA 10-9a-103(34)

A household would be considered “*cost burdened*” if it is spending *more than 30%* of its gross income of housing and utility costs. A “*severely cost burdened*” household is spending more than 50% of its gross income and housing and utility costs. Obviously, typically the most severely cost burdened households those very low income households who cannot find anything to rent within their 30% affordability tier.

Who is “Cost burdened” in Centerville?



- From CHAS Data – Comprehensive Housing Affordability Strategy data

Analysis

Accordingly to the 2010 U.S. Census, there were 5050 housing units in Centerville. Of those units, an estimated 4881 (96.7 %) are occupied and 169 (3.3 percent) are vacant. Owner-occupied units make up the majority (86.2%) of the city's housing stock, while renter-occupied units account for 13.8 % of the city's housing stock.

Using our GIS files for better accuracy, we have determined the exact numbers of housing stock of Centerville:

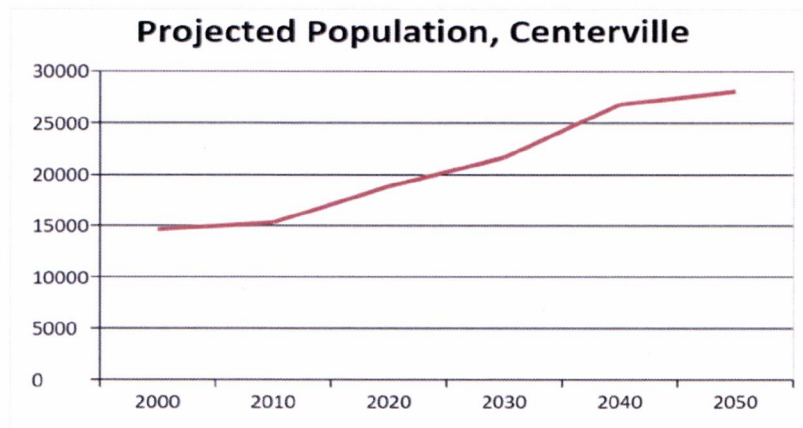
Housing Type	Units 2012	Units 2017	%	Open Market Yield
Single Family	3,852	3,932	73%	60%
Townhomes/ Duplex	981	1,026	19%	14%
Multi-family	423	423	8%	26%
Total Units	5,256	5,381		

According to these numbers, Centerville's housing only increased 125 units in the past five years. And while the overall numbers have grown slightly, the breakdown of the percentages in housing types has remained exactly the same.

Given that only 8% percent of the city's housing stock is made up of multi-family units, Centerville may want to consider whether this level of supply is adequately meeting the needs of extremely low, low, and moderate-income households.

The *availability* of this housing stock to for targeted income groups is yet to be determined by staff.

Looking Ahead: Population Change and Affordable Housing Demand



The population of Centerville is expected to increase from 15,335 in 2010 to **18,890 by 2020** and 21,756 by 2030. The current average household size for the city is 3.14, so these additional residents amount to an **additional 1,132 households from 2010 to 2020** and an additional 2,045 households (from 2010) by 2030.

Based on population change, observed income levels, and existing vacancies, **it is projected that Centerville will need an additional 963 housing units by 2020 than existed in 2010.** Of those 963 units, 68 will need to be affordable to extremely low-income ($\leq 30\%$ AMI) households, 87 will need to be

affordable to low-income (>30% to ≤50% AMI) households, and **126** will need to be affordable to moderate-income (>50% to ≤80% AMI) households.

By 2030, Centerville will need an additional 1,844 housing units. Of those 1,844 units, 123 will need to be affordable to extremely low-income (≤30% AMI) households, 158 will need to be affordable to low-income (>30% to ≤50% AMI) households, and 228 will need to be affordable to moderate-income (>50% to ≤80% AMI) households.

Special Needs Groups & Other considerations

Data from the 2012 American Community Survey indicates that 8.3 percent of all Americans under the age of 65 and 36.8 percent of all Americans 65 and older have some form of disability. Assuming that the percentage of Centerville residents with disabilities is comparable to national figures, approximately 1125 Centerville residents under the age of 65 and 656 Centerville residents 65 and older suffer from a disability. Individuals with disabilities may require special housing accommodations.

About 11.6 percent of Centerville's population was 65 and older as of the 2010 U.S. Census. The share of the city's population that is 65 and older is expected to increase to 12.9 percent by the year 2020 and 13.1 percent by the year 2030. Some elderly individuals may not be able to remain in their homes or may choose to relocate to a unit that better suits their preferences and needs. The elected and appointed officials of Centerville may wish to evaluate the housing options available to seniors wishing to remain in or move to the community.

According to the 2013 annualized point-in-time count, roughly 0.55 percent of Utah's population is homeless. Although regional differences may impact the rate of homelessness, this percentage can be used to estimate the number of homeless individuals in Centerville, which, according to this algorithm, could be as high as 84. Given this estimate, Centerville should consider developing or promoting programs designed to help these individuals become stably housed.

The General Plan: What does it say now?

Centerville is required by the State to create a biannual plan to assess moderate income level housing. Currently, our General Plan (last updated in 2012) used both State and Local strategies to outline our goals and objectives to examine the Moderate Income Housing Element

City Strategies, as adopted in the General Plan:

- ❖ Continue to support allowing mixed use zoning and related development in strategic areas of the city.
- ❖ Monitor and review existing housing patterns within the city in comparison to a pattern of an open market yield.
- ❖ Make an effort to balance the number and size of zoning districts with the demand for various housing types.
- ❖ Consider adopting basic or flexible design standards for small-lot or underutilized land parcels within existing developed areas of the city.

State Strategies Include:

- ❖ Rezone for densities necessary to assure the production of moderate income housing.
- ❖ Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
- ❖ Encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing.
- ❖ Consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City.
- ❖ Consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing.
- ❖ Consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity.
- ❖ Consider utilization of affordable housing programs administered by the Department of Workforce Services.

Next Steps:

Utah's Housing and Community Development Division has provided guidelines for Cities and Councils to help prepare strategic goals that deal in planning for moderate income level housing. The state **requires** that these goals state concrete objectives with appropriate measurable goals and outcomes. The following are guidelines for the goals we create as Community Development staff and the City Council as we work through this process together:

1. Goals to reduce any housing shortages—e.g. Goal: Increase 5-year affordable housing production by 5%.
2. Goals preserving the existing stock of affordable housing.
3. Goals reviewing and eliminating regulatory barriers that exacerbate the cost of housing or hinder the production of affordable housing.
4. Goals facilitating and coordinating a regional housing plans.

Community Development staff will assist you in providing data and analysis of our current and projected forecast for housing stock, income, and availability, and providing recommendations for strategies to be put into our Moderate Income Housing Report by December of 2017.

Many of the moderate income housing plans the Utah Housing and Community Development Division receives each year are... adequate. Most of them could use some improvement in some key areas, however. While assessing housing plans, HCDD has noticed four recurring deficiencies that most cities and counties could easily fix, if brought to their attention:

1) FLESHING-OUT GOALS:

Allegorically, until someone perfects a fully autonomous vehicle, cars without drivers tend to sit in garages and don't go anywhere. City councils that fail to actively engage in planning moderate income housing should expect their affordable housing problems to worsen. In those cities, there's nobody in a position of elected authority who has a vested interest in seeing moderate income housing plans through to fruition. City staff are only employees. They were not elected to represent the interests of the community. Their role is to advise and implement. It is the role of the city council to set policy and make the tough decisions.

Regrettably, it is readily apparent when a city council has not been involved in preparing the moderate income housing element of their city's general plan. It is readily apparent because there is an overt lack of actionable goals in the moderate income housing element. These insubstantial MIHEs are skimpy on detail, wishy-washy, noncommittal, pedantically recite policies and statutes, fail to critically evaluate the success of existing programs and plans, and tend to focus on glossy pages and how brightly colored graphs, figures, and pictures are. Nonetheless, other cities try to mask the obvious lack of involvement by over-compensating with extensive housing market studies and expansive technical documents from expensive experts and consultants.

It should not come as a surprise that some cities with very little involvement from their city council have prepared "goals" that conflict with the findings of their consultant's studies and their recommendations. Indeed, cities need a good analysis to identify housing problems, and cities need good research to suggest feasible solutions to those problems. But, cities also need involved city councilors who understand those housing problems and their proposed solutions. Ultimately, city councilors must be the ones who decide what needs to be done, how it should be done, where it should be done, when it should be done, and who should do it.

Below are some guidelines that will help city councils prepare strategic goals that actually lead to concrete results:

- a. Planning staff should advise their council to limit the goals section of the moderate income housing element to just 4 or 5 actionable goals at the most.
 - i. In this order of importance, they should focus on:

1. Goals to reduce any housing shortages—e.g. Goal: Increase 5-year affordable housing production by 5%.
 2. Goals preserving the existing stock of affordable housing.
 3. Goals reviewing and eliminating regulatory barriers that exacerbate the cost of housing or hinder the production of affordable housing.
 4. Goals facilitating and coordinating a regional housing plans.
- b. Moderate Income Housing Goals should:
- i. Goals should be measurable, i.e. if you cannot quantify it, you're wasting your time and your constituents' tax dollars. (To paraphrase Peter Drucker, that which is measured gets done).
 - ii. Goals should pertain directly to the problems that were identified through analysis, estimates, and projections. (A lot of communities set goals that are completely unrelated to the estimated and projected housing needs of their moderate income households and vulnerable populations).
 - iii. Goals should be related to valid solutions that have been identified through a reasonable literature review. (Goals to solve problems are not considered rational unless there is valid evidence that a preferred method reliably resolves similar problems under similar circumstances).
 - iv. Goals should be consistent with clearly stated planning principles, city policies, and a community's values. (The MIHE should clearly articulate the county or city's vision of affordable housing and summarize its respective housing policies at the beginning. Policy statements do not belong in the goals section).
 - v. Goals *must* always be lawful, ethical, and humane. (It is not ethical to resolve your city's moderate income housing issues by increasing the housing burdens of another local government. For example, busing homeless people to another city may violate their civil liberties and places an undue burden on another city).
- c. **Moderate income housing goals **MUST** state concrete objectives**
- i. Goals describe a desired outcome. *Objectives define how to reach that outcome.* Well-specified moderate income housing goals are fleshed out with project management-oriented objectives. Project management-oriented housing objectives do the following:
 1. Outline specific steps and tasks
 2. Assign accountable parties
 3. Review and allocate available resources
 4. Identify locations
 5. Set definite deadlines

2) ACKNOWLEDGING UTAH'S FAIR HOUSING ACT

Every moderate income housing plan needs to include a very short section specifically entitled, "Utah Fair Housing Act Acknowledgement"

- a. You can copy and paste this exact paragraph into your MIHP after substituting the name of your city or county:

In accordance with state and federal laws, [City/County] exercises the authority to plan, zone, and regulate land-use in promoting the community's health, safety, and welfare. The moderate income housing element of this plan acknowledges and upholds the Utah Fair Housing Act by promoting the equal protection and equitable treatment of all people who lawfully seek to rent, lease, purchase, or develop real property within its jurisdiction. Its housing policies and plans strictly prohibit discrimination on the basis of color, disability, ethnicity, familial status, gender identity, national origin, race, religion, sex, sexual orientation, source of income, or any other suspect classification. It is the policy of [City/County] to report housing discrimination to the Utah Antidiscrimination Labor Division immediately. It is the goal of [City/County] to prevent, eliminate, and/or mitigate any unfair housing practices that may result from its plans, policies, regulations, and ordinances. It is also the goal [City/County] to affirmatively further fair and affordable housing by reviewing the housing needs of its moderate income households and its vulnerable populations biennially, and by proactively planning to meet their needs.

3) DESCRIBING DEMOGRAPHICS

Many cities and counties have never empirically verified whether their affordable housing issues correlate with their most vulnerable populations. They tend to assume that their community is too small or too homogeneous to have such issues. Nonetheless, it is the State's presumption that all of its communities are diverse. Therefore, it is the responsibility of each city or county to disprove this presumption with evidence to the contrary.

A moderate income housing plan should always include a basic demographic analysis of your locality's population and its growth rate. When examining your locality's population, you should at least look at the following subpopulation distributions:

- Age,
- Race,
- Ethnicity,
- Sex, and
- Disability.

Once you've described the demographic distribution of subpopulations with your jurisdiction, you'll need to look at the median income of each subpopulation to estimate whether they deviate significantly from the overall median income in the county in which your jurisdiction is located. Tables S1903 and B18140 from The American Community Survey (www.factfinder.census.gov) provide the annual median income of each of these demographic groups, which will allow you to calculate and compare the affordability of housing for these subpopulations within your city. (An affordable housing unit is any unit whose gross monthly costs are equal to or less than 30% of the household's gross monthly income). Once you've calculated the affordability threshold of each demographic group, you'll need to ask: How many housing units with our community are affordable at that price point and below?

EXAMPLE: Expected affordable housing costs by household income and type

<i>Household Type by Head of Household</i>	<i>Gross Monthly Income</i>	<i>Affordable Gross Monthly Housing Costs</i>
Area Median Family	\$7,318	\$2,195
50-80% AMFI Household	\$3,659 to \$5,854	\$1,098 to \$1756
30-50% AMFI Household	\$2,195 to \$3,659	\$659 to \$1,098
0-30% AMFI Household	\$0 to \$2,195	\$0 to \$659
Median Homeowner Household	\$6,046	\$1,466
Median Renter Household	\$3,492	\$1,108
White Household	\$6,648	\$2,084
Hispanic Household	\$7,995	\$2,398
Elderly Household (65+)	\$3,487	\$1,046
Disabled Person Household	\$4,223	\$1,267

Source: U.S. Census Bureau, 2016, 2011-2015 American Community Survey

4) CONTINGENCY PLANS

Your community may not have a particular housing issue at the moment, but experience tells us that things can change very rapidly and unexpectedly. It is better to have a contingency plan in place and never have to use it than to not have one and find out that you really, really need one.

A lack of contingency planning is a significant flaw in most moderate income housing plans. Contingency planning is essentially emergency planning, but instead of preparing procedures and precautions for disastrous events, contingency plans are alternative plans for when results deviate from expectations or fail to materialize. This means that some cities and some counties are ill-equipped to handle housing-related issues when things don't go as planned. Contingency planning is simply a precautionary measure that provides cities and counties with basic guidelines on how to deal with unexpected or unintended housing situations until a better solution becomes available.

A lack of contingency planning can be associated with the assumptions associated with the third flaw cited above. For example, because Utah has the lowest median age in the U.S., few of its cities are even aware of the fact that they might have a problem with a growing elderly population—a sizeable portion of the state's aging population did not expect to outlive its savings. As a result, many elderly Utahans cannot afford adequate housing in the cities one customarily associates with retirees. So, there is a growing trend of senior citizens who are moving to smaller communities that are close to their preferred locale to save on housing costs. More seniors are also choosing to retire in place—i.e. they cannot afford to downsize or move. In either case, communities may not have permitted enough age-restricted apartments, hospice facilities, or even accessory dwelling units. Another recent example of failing to plan for contingencies was the sudden displacement of the chronically homeless population that had clustered in downtown Salt Lake City for many years. Many of the surrounding cities and counties had assumed that Salt Lake City would continue to shoulder the responsibility for most of the state's homeless population. So, they were unprepared for small groups of homeless people to suddenly form encampments near rail stations and bus stops up and down the Wasatch Front.

Finally, before the housing bubble burst in the fourth quarter of 2007, most cities in the U.S. assumed that their housing market would continue to grow well into the foreseeable future. Needless to say, it did not. Virtually overnight the housing market collapsed, and took with it a large chunk of the financial industry as well as several other industries. Immediately following the market crash, numerous housing developers and residential construction dependent businesses went bankrupt and laid-off their workforce. Laid-off workers from many other industries also downsized their homes in search of lower cost housing and consumed the existing supply of affordable housing. Foreclosed homes flooded the market and many real estate speculators were forced to sell at or below their development

costs. In addition to a severe loss of property tax revenue, cities were suddenly responsible for a surge in homelessness, workforce migration, and other housing related issues.

For many cities the post-recession blues became the new status quo and they overlooked a very foreseeable problem: Economic Recovery. Although economic recovery and growth are good problems to have, low demand for new construction, bankrupt developers, and constricted capital meant that fewer housing units were being built during the prolonged recession. These conditions now exacerbate Utah's affordable housing shortage. Cities cannot afford to wait until a housing shortage occurs before they act. Production of affordable housing is relatively slow, which means that it is not a quick fix for housing shortages. It also means that cities must understand basic economic cycles and plan in anticipation of them.

STRONG TOWNS

ABOUT EXPLORE EVENTS

JOIN THE MOVEMENT

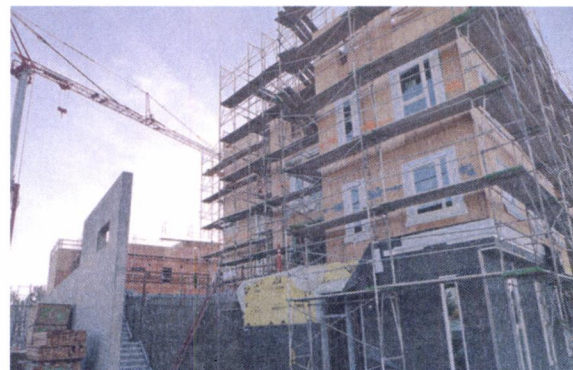
HELP REBUILD AFTER HARVEY

THE 5 IMMUTABLE LAWS OF AFFORDABLE HOUSING

MAY 9, 2017

BY SPENCER GARDNER

Affordable housing has become something of a buzzword (or two words) in urban circles over the last few decades. In fact, a veritable movement has arisen in cities with high housing costs, which seeks to ensure that people of all income levels have access to decent housing. A semantic problem has even



arisen wherein capital A "Affordable Housing"
is different from just plain affordable housing.

I don't intend to question the motives of the good people working in the Affordable Housing world--they're doing what they know.

But I believe ideas and outcomes are fair game for criticism. To that end, I propose we recognize and understand these rules of affordable housing.



Affordable housing under construction in West Sacramento, CA (Photo by [Mark Hogan](#))

5 IMMUTABLE LAWS OF AFFORDABLE HOUSING

1. Developers don't pay the costs of construction; tenants and buyers do.

A developer who doesn't pass costs on will not be in business for very long. For this reason, anything that makes development more costly for developers makes housing more costly for people. And remember, time is money; a convoluted permitting process makes housing more expensive too.

2. Housing demand is regional.

Regulations might stop your neighborhood from growing, but that won't stop people from moving to your city. Every house that doesn't get built in your neighborhood is a house getting built somewhere else, usually at the edge of town. The level of cognitive dissonance in people who, on the one hand vociferously proclaim their love of the environment and slander the destruction of agricultural or environmentally sensitive land at the edge of town, and on the other vehemently oppose development in their neighborhood could be the subject of whole dissertations in social psychology (not to mention the environmental cost of longer commutes from the edge of town).



As Strong Towns member and contributor Johnny Sanphillippo pointed out [in a recent article](#), these tract homes were once symbols of status and modernity.

3. If your zoning and building code mandates expensive housing, housing will be expensive.

Most zoning codes place minimums on the size of dwelling units, the size of lots, and countless other factors that affect the cost of building housing. Unfortunately, these minimums don't generally envision affordable construction types, [even in the most progressive and challenged of housing markets](#).

4. Affordable housing isn't affordable if your

transportation costs are too high.

Leaving the cost of transportation out of the definition of affordable housing favors development where land is cheap but the transportation system is built around the private automobile. Cars are not cheap--[even according to car advocates](#).

5. Today's affordable housing was the last generation's luxury housing.

Many of the older neighborhoods that provide the lion's share of affordable housing today were once [the shiny new environs](#) of the expanding American middle class, who built massive amounts of new housing in the middle of the last century with amenities like washing machines that were the newest, hottest consumer amenities of their time.

3 STRATEGIES FOR ACHIEVING HOUSING AFFORDABILITY

If cities step back and let the "free market" (whatever that means) drive, could we more effectively provide affordable housing? Probably, but there are legitimate reasons that cities regulate land development. My intent is not that cities should subtract themselves from the equation, rather, that cities should be cognizant of the effects of their actions. If impediments to free, unfettered land development are going to raise costs, shouldn't we weigh their impacts?

So what are some ways a Strong Town can address high housing prices? Here are some strategies that your city should consider:

1. Reduce minimum lot sizes and relax density restrictions in single-family zones.

The cost of purchasing land is a significant portion of the total cost of a house. This is especially true in low-density residential development where the buildings occupy a much smaller footprint. If your zoning code requires large lots, the houses that are built will be more expensive than if they could be built on smaller lots. That's a mathematical fact that should be intuitive but has escaped scrutiny in most communities with affordability issues.

Restricting development in low-density residential zones also increases the cost of housing by the same logic: if you can only build one housing unit on a lot, the cost of that land must be absorbed by that single unit. Allowing more units spreads the land costs over many households, lowering the total cost of development.

There are several ways to increase the amount of housing in residential areas without altering the overall character of development. [Accessory dwelling units \(ADUs\)](#) have received more attention of late. Duplexes, three-flats, and even small four-unit buildings can easily be designed to fit in with nearby single-family homes. These kinds of buildings should be allowed by right in low-density residential zones--no strings attached. Unlocking such large areas of land for modest increases in immediately opens up huge development potential without threatening the existing character of neighborhoods.





A mix of single-family homes and duplexes on a Milwaukee street. Can you spot which is which? (Image from [Google Earth](#))

In fact, if you live in an older residential neighborhood, chances are high that there are examples of this kind of development right in your own backyard and you've never noticed. Try counting mailboxes or utility meters on houses near you sometime--you might be surprised what you find.

2. Fix your zoning: if by-right development is economically infeasible, you're creating artificial scarcity.

Only the biggest players have deep enough pockets and the requisite experience to fight for rezoning or variances. The rest will simply look elsewhere for adding units, or not build them at all. What's worse, when big developers fight through the process, they need to scale up their projects to recoup the costs (see Law #1). It's a double whammy: expensive housing that also tends to be [out of scale with the surrounding neighborhood](#).

3. Take a more active role in providing affordable housing.

This may be surprising given that the other strategies we've discussed involve government doing less. Think of it as a barbell strategy: enabling private developers to do what they do best (build lots of new housing at the most affordable prices possible) while empowering local governments to directly house those in greatest need, who are least likely to be helped by private activity. We Americans have a predilection for convoluted public policy when direct government action is far more effective. Inclusionary zoning is a case in point: we've conned ourselves into thinking we can have our cake and eat it too by coercing developers into providing Affordable Housing. At best this has [very little effect](#), at worst it [backfires](#) (See Law #1).

One intriguing example of this approach comes from no less than the conservative, small-government bastion of Utah. The state has developed a program to place chronically homeless persons into publicly-owned housing. By most [accounts](#) it is an astonishing success (although the magnitude of the success is cause for some [debate](#)).

CONCLUSION

Obviously with limited budgets, state and local governments can only do so much. That's why regulatory solutions like [Inclusionary Zoning](#) are so tantalizing. Focusing scarce funding on the most needy while expanding housing supply attacks the problem from both sides of the squeeze.

As with most urban issues, [there's probably no panacea for housing affordability](#). In the face of complexity, cities would do well to heed Saint Nassim's [Via Negativa](#): first do no harm. By addressing obstacles to building new housing, cities can at least be sure they're not part of the problem.

(An Affordable Housing development in Seattle, WA. Image from [Joe Wolf](#).)

RELATED STORIES



A COMPOSITION OF FALLACY

Let's stop pretending we know the simple antidote to the painful symptoms our housing prices are expressing and instead humble ourselves to admit that we don't understand all the complexity.

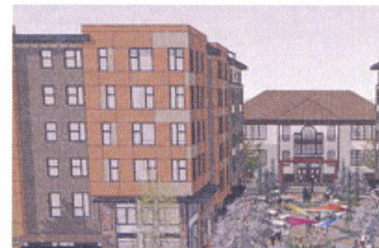
Jul 12, 2017 Charles Marohn



WHY AMERICA CAN'T MAKE UP ITS MIND ABOUT HOUSING

We are profoundly conflicted as a nation when it comes to housing: we want it to be affordable, but we also want its prices to rise fast enough to be valuable as a financial investment.

May 23, 2017 Joe Cortright



THE 5 IMMUTABLE LAWS OF AFFORDABLE HOUSING

There's probably no panacea for housing affordability. Here are 5 immutable laws of affordable housing that cities must recognize if they want to move forward. Plus 3 strategies for doing so.

May

Spencer Gardner



SPENCER GARDNER

Spencer Gardner has been writing for Strong Towns since 2016. He is a transportation planner based in Madison, WI, who spends his spare time chasing his children, riding bikes, doing hobbyist computer programming, and very occasionally writing about urban issues. You can read his thoughts about transportation at <http://roadsarelike.tumblr.com>.

CENTERVILLE

**Staff Backup Report
11/8/2017**

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 November 8 Council meetings

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No.

Short Title: Mrs. Karen Webb, Bahai Faith

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:05

SUBJECT

October 17, 2017 work session and regular Council meeting minutes

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 10-17-2017 work session minutes
- 10-17-2017 regular Council meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council **work session** held Tuesday, October 17, 2017 at 5:45 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler

Council Members Tamilyn Fillmore
William Ince
Stephanie Ivie (arrived at 5:57 p.m.)
George McEwan
Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Management Services Director
Bruce Cox, Parks and Recreation Director
Katie Rust, Recording Secretary

WORK SESSION REGARDING CEMETERY

Steve Thacker, City Manager, explained that staff has evaluated the suggestion to remove the road that runs through the center of the cemetery and advised against removal, since the road is necessary for City access. Councilman McEwan suggested that if the road were removed to provide additional burial space with flat in-ground markers required, the space could still be accessed by City vehicles. Bruce Cox, Parks and Recreation Director, commented that drainage from the road east of the cemetery runs down the center road gutters to the storm drain system at the west end of the cemetery. If the road were removed, storm drain pipes would need to be installed, using some of the potential burial space.

Mr. Cox said staff conducted an inventory of Section A in the cemetery, measuring the land stone by stone. Gaps were found where more space exists between headstones and burial spaces sold but not yet filled than is accounted for in the City's computer system. Staff estimated the gaps could provide an additional 195 burial spaces. However, if a family has purchased a group of burial spaces to have family members together, and not all of the spaces have been filled, the family may object to the City allowing someone else to purchase a gap space that would separate family members. Mr. Cox added that there are 98 people buried in the Centerville cemetery whose specific location is unknown because of records lost before the City took over administration of the cemetery. City records include names and dates, but not specific locations. It is possible that some of those remains may be located in gap spaces. Mr. Cox explained that when staff encounters unmarked remains when opening a burial space, the discovered remains are reburied deeper, and the current burial proceeds as planned. The current software program used by the City does not allow staff to add spaces between existing spaces. Mr. Cox said the software company would be able to reconfigure the program to accommodate the City's needs for a cost of \$2,500. Council members Mecham and Ivie agreed that making gap spaces available within a family grouping might be a problem. The Council and staff discussed ways to try to mitigate the potential problem.

Councilman McEwan suggested it would be helpful to know how many burial spaces would be purchased at time of need in the space of one year. Mr. Cox estimated 20. Mr. Thacker asked if the Council would want to allow nonresidents with immediate need to purchase the gap spaces if made available. Councilman Ince said, if possible, he would want to sell to nonresidents with a significant tie to Centerville. Mr. Thacker suggested the nonresident fee could be increased to be comparable to fees at private cemeteries, allowing nonresidents to be buried in Centerville if really desired. Mr. Thacker asked if the Council would want resident fees

1 to be comparable to fees in other city cemeteries, or closer to fees at private cemeteries.
2 Council members McEwan and Mecham responded that City cemetery fees should be on par
3 with fees in other city cemeteries rather than private cemeteries. Councilwoman Fillmore said
4 she leans more toward the private cemetery fee level even for residents because the City is
5 providing a service not provided by all cities. Councilwoman Mecham said she is more
6 comfortable raising the nonresident fee.

7
8 Ms. Romney stated that, in her opinion, both the resident and nonresident fees are too
9 low. She pointed out that according to the City Fee Schedule, nonresidents can purchase burial
10 spaces at time of immediate need. She said she believes it is a better policy decision to make
11 the burial spaces available only to residents. Councilman McEwan stated he is in favor of
12 maintaining a moratorium on nonresident sales until new cemetery space is available.
13 Councilwoman Mecham said she supports saving existing space for immediate need of
14 residents, and increasing interment price for nonresidents who already purchased burial space.

15
16 A majority of the Council appeared to agree with prohibiting sale of burial space to
17 nonresidents, even at time of need, and not increasing resident fees at this time. Mr. Cox
18 confirmed that the current opening and closing fees fully covered City costs when last
19 evaluated. A majority of the Council appeared to agree with changing the City Fee Schedule to
20 reflect one flat nonresident interment fee. Mayor Cutler and Council members Mecham and
21 Ince expressed support for raising the nonresident interment fee to \$1,200 more than the
22 resident fee. Mayor Cutler suggested authorizing funds for a more in-depth survey of the gap
23 spaces, as well as a software upgrade. Councilwoman Fillmore expressed interest in further
24 researching the possibility of taking out the north road, and further exploring possibilities on the
25 west side of the cemetery. Ms. Romney pointed out that single and double-depth burial spaces
26 both cost \$600 on the City Fee Schedule. She suggested the Council consider increasing the
27 fee for double-depth burial spaces.

28
29 **ADJOURNMENT**

30
31 The work session was adjourned at 6:50 p.m.
32
33
34
35

36
37 _____
38 Marsha L. Morrow, City Recorder
39

Date Approved

40
41
42 _____
43 Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, October 17, 2017 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Jacob Smith, Management Services Director
Lisa Romney, City Attorney
Bruce Cox, Parks and Recreation Director
Cory Snyder, Community Development Director
Cassie Younger, Assistant Planner
Marcus Arbuckle, Keddington & Christensen
Katie Rust, Recording Secretary

VISITORS

Interested Citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Pastor Loren Pankratz, The Bridge Community

PRESENTATION

Mayor Cutler presented Proclamation No. 2017-06 declaring October 22, 2017 as the 200th Anniversary of the Bahá'u'lláh.

OPEN SESSION

Mark Oligschlaeger, Trails Committee Vice-Chair – Mr. Oligschlaeger said he knows several residents of the Island View Drive area as well as other interested citizens are in attendance to share opinions about the proposed mountain bike trails. He said he knows many more would have attended to express opinions if the trails issue had been scheduled for a public hearing.

Richard Parker – Expressing his support for the proposed mountain bike trails, Mr. Parker suggested the City consult the Police Department about possible negative impacts of constructing mountain bike trails on the hillside. He pointed out that anything built can be used for good or for bad, and asked if the potential for negative use is a reason to stop building entirely. Mr. Parker added that mountain biking is a relatively safe activity.

Baely Smith – Ms. Smith said she has four children, and her family enjoys getting outside and biking together. She said she believes mountain biking builds confidence, and she would love to have trails closer to home.

Brent Jones – Mr. Jones said he lives on Island View Drive, and is excited at the prospect of mountain bike trails on the hillside above his home. He expressed the opinion that it would be a benefit to the community. He said residents on Island View Drive do not like dirt

bikes racing up and down their street to access the hillside. Mr. Jones said he and his neighbors feel mountain bike trails on the hillside would be a much better use of the land.

Doug Larson – Mr. Larson said he has lived in this neighborhood on and off his whole life, and he loves Centerville because of the beautiful mountains. He said he hikes and bikes on the hillside, but there is not really an established trail system that is useful. Other cities through Davis County have established trailheads, which makes use easier. Mr. Larson said mountain biking is a family friendly activity, and the mountain biking program for youth is the fastest growing sport in the state. He suggested mountain bikers would be willing to help construct the trails.

Matt Larson – Mr. Larson said he is a student at Centerville Junior High and a member of the Ascent Academy mountain biking team. He expressed the hope that local trails would increase participation in the youth teams.

Ladd Marshall – Mr. Marshall said he lives on the corner of Island View Drive and 100 South. He said he supports a study and consideration of developing the hillside for mountain bike trails. He stated he believes the trails would be a great form of conservation and a benefit to residents, and would contribute to the sense of community Centerville is so proud of. Mr. Marshall said he supports construction of the trails even considering the possible traffic impact on Island View Drive because he feels the benefits would outweigh any traffic concerns. He said he knows his neighbor across the street also supports the proposed trails.

Isaac Dunsen – Mr. Dunsen said he is really into mountain biking and would very much like to have trails in Centerville. He expressed interest in helping build some of the trails for his Eagle Scout project.

Jamison Yardley – Mr. Yardley said he bought his first mountain bike in 1991, and tries to ride almost daily on the existing trails. He expressed support for the proposed mountain bike trails. Mr. Yardley said he believes improved trails would help some of the youth become more active and fit, and would be a great benefit to the community.

Matt Larsen – Mr. Larsen commented that mountain bike trails would help youth get active and out of the house, and help with the growing obesity epidemic in the community. He commented that many people want to live in the Centerville area because of immediate access to the mountain. He expressed the opinion that it would be a shame to miss this opportunity.

Blair Parrish – Mr. Parrish said he rode bikes on the hillside as a child, but a lot of those trails have gone away over time. He said he thinks the proposed mountain bike trails would really benefit the community.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the October 3, 2017 work session and regular Council meeting, and the October 5, 2017 work session were reviewed. Councilman Ince made a **motion** to accept all three sets of minutes. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

- a. Accept list of poll workers for 2017 municipal general election
- b. Michelson Meadows Subdivision – commence warranty period

- 1 c. Award bid to Delco Western in the amount of \$33,709.00 for installation of Irrigation
2 Reservoir pumps for Community Park Expansion Phase 3

3 Councilwoman Fillmore made a **motion** to approve all three items on the Summary
4 Action Calendar. Councilman McEwan seconded the motion, which passed by unanimous vote
5 (5-0).
6

7 **PUBLIC HEARING – ZONING CODE AMENDMENT – “CATERING, LIMITED” IN C-M**
8 **ZONE**
9

10 On September 27, 2017, the Planning Commission reviewed and recommended
11 approval of proposed amendments to the Zoning Code to add a new definition for “Catering,
12 Limited” and add this new use to the Table of Uses in the Commercial Medium (C-M) Zone.
13 Cassie Younger, Assistant Planner, explained the needs of the applicant, Cupbop Korean BBQ,
14 currently interested in a site on Main Street and 200 South. They need an industrial standard
15 kitchen space to prepare food to sell off site in entertainment venues. There would not be
16 seating or food available for purchase for individuals at this location. Jade Hill Restaurant used
17 to operate at the location under a Conditional Use Permit (CUP), but with the change in tenants
18 and uses, this Permit expired.
19

20 Ms. Younger stated the General Plan encourages restoration of the Main Street area.
21 She said staff believes the best way to accomplish this goal is to open up uses in the area. The
22 Catering, Limited definition would limit the number of trucks and transport vehicles to mitigate
23 traffic concerns, and allow conditions to be placed with the CUP process. Ms. Younger said the
24 Planning Commission expressed concern that Catering, Limited would be more of an accessory
25 use without the benefit of a primary use. She said staff, however, feel the use would have very
26 little impact on the area – less than some of the uses already permitted. Mayor Cutler referred
27 to complaints in the past of smells associated with food preparation, and asked if the Planning
28 Commission discussed any ways to control odors. Ms. Younger responded that with this
29 applicant most food would be brought off site, and she does not see odor as a huge concern.
30 The Planning Commission discussed, but did not dwell on the concern. She said the motion to
31 recommend the Zoning Code Amendment was passed by majority vote of the Planning
32 Commission (4-2).
33

34 Councilwoman Fillmore pointed out that the existing Main Street Overlay encourages
35 front commercial space to be inviting to the public, and said she sees this proposed use as
36 contrary to that intent. Ms. Younger said she personally thinks opening up as many uses as
37 possible would benefit Main Street. Mr. Snyder spoke of the need to balance the success of
38 Main Street with the impact on adjoining residential, and the difficulty in trying to regulate that
39 every business has to have walk-in capability. He stated staff views Catering, Limited as an
40 opportunity for local business growth. Councilwoman Fillmore asked if the definition could be
41 written to encourage inviting the public in. Mr. Snyder pointed out that not all uses on Main
42 Street serve the general public. Synergy exists between retail businesses that invite the public
43 such as Don’s Meats, and other businesses that serve a more limited group.
44

45 Nate Hatch, applicant, thanked the Planning staff for drafting the Zoning Code
46 Amendment. Responding to Councilwoman Fillmore’s suggestion, Mr. Hatch said he would
47 love to open the location to the public, but the C-M Zone is not currently set up to allow
48 restaurant use. He expressed that Cupbop contributes to a feeling of community at every event
49 attended, and donates 10% of proceeds when participating in a school event. Mr. Hatch said
50 Cupbop would love to be more involved in Centerville, and would love to open as a restaurant if
51 allowed. He explained that only noodles and rice would be cooked at the Main Street location,

1 and odor would not be a problem. Mr. Hatch stated one vendor would visit the location twice a
2 week, with very little impact. He answered questions from the Council, explaining that two
3 Cupbop mobile units would be parked on the side or behind the building, not in the front parking
4 lot, although he would love to operate a food truck out of the parking lot if allowed. Meat is
5 cooked in the mobile units and would not be cooked at the Main Street location.

6
7 Mayor Cutler opened a public hearing at 7:48 p.m.
8

9 Astrid Paxton – Ms. Paxton said she lives directly behind the subject location. She said
10 she really likes Cupbop, but is concerned about the safety of children in the neighborhood if
11 large delivery trucks are parked along 200 South. Regarding odor, Ms. Paxton said she
12 recognizes that she lives next to commercial property.
13

14 Nancy Smith – Ms. Smith spoke on behalf of Syl Turnblom, a neighbor to the south of
15 the subject property who feels he would be directly affected by the proposed change. She said
16 Mr. Turnblom feels the City has a General Plan with a Table of Uses, and he does not like
17 seeing the uses changed without major consideration and input, or major reasons for change.
18 Ms. Smith shared her own concerns, and suggested the reasons for the current restrictions on
19 Main Street need to be reevaluated. She read from the 2007 Main Street study, and said the
20 City cannot pretend that single-family homes are compatible next to uses that are not
21 compatible. Ms. Smith suggested whatever is allowed on Main Street should not be allowed
22 anywhere else in the City, or should only be conditional everywhere else. She said she thinks it
23 would be premature to make the proposed change to the Table of Uses until the citizenry know
24 what direction the Council is going with Main Street.
25

26 Jennifer Turnblom – Ms. Turnblom said she finds it ironic that the Council is discussing a
27 change to Main Street on the same night they will discuss the possibility of a hotel on the west
28 side, which she feels would further kill the commercial viability of Main Street. She said she
29 also finds it ironic that restaurants and small eateries are not currently an allowed use on Main
30 Street, because they are the only ones doing business on Main Street. Ms. Turnblom
31 expressed the opinion that Catering, Limited is probably one of the more desirable things for
32 Main Street if the definition limits businesses to stay small. She said she finds it frustrating that
33 neighbors have to come back to Council meetings so often to defend their homes and their
34 neighborhood.
35

36 Mr. Hatch confirmed that timing and access of deliveries can be set for whenever is most
37 convenient for the neighborhood. He explained that he signed a lease for the property knowing
38 the location was formerly a restaurant, but not realizing the conditional use had expired.
39 Equipment was delivered, but all activity stopped as soon as he was made aware the use is not
40 currently permitted. Mr. Hatch said he agrees with staff that Catering, Limited is in line with the
41 General Plan. The chief condition placed with the Catering, Limited definition is on the number
42 of mobile units allowed.
43

44 Councilman Ince said the proposed Zoning Code Amendment seems like putting the cart
45 before the horse considering the work going on regarding the Overlay District. Mr. Snyder
46 compared the situation to throwing darts. The Planning staff is using existing policies as best
47 they can to give guidance to individuals who come in. Ms. Younger stated the concerns
48 expressed can be mitigated with the Limited definition and the CUP. She suggested allowing
49 Cupbop to operate as a restaurant if the Council really wants businesses on Main Street to open
50 doors to the public. Councilwoman Mecham agreed with Councilman Ince that it feels like a cart
51 before the horse situation, and pointed out that the definition would open up opportunity to more
52 than Cupbop. She said Main Street should be looked at holistically to ensure that everything

1 can coexist. Councilman McEwan commented that if the Council does not consider Main Street
2 to be unique, the Table of Uses does not matter. If Main Street is considered unique, the
3 Council needs to determine what the uniqueness entails. Mayor Cutler said that in his mind he
4 can separate types of uses from design standards. The Council has already turned down other
5 uses, and if all proposed uses are turned down the business community gets frustrated.

6
7 Councilwoman Fillmore commented that someplace is needed where small businesses
8 can survive, and asked where that will be if not on our nation's main streets. She said she is
9 convinced this is a use that fits the area, considering there is no evidence the proposed use
10 would have a greater negative impact than any uses currently allowed on Main Street.
11 Councilwoman Fillmore said she would like to encourage success of business on Main Street,
12 and she is in support of adding this new use to the Table of Uses.

13
14 Councilwoman Fillmore made a **motion** to approve Ordinance No. 2017-27 amending
15 various sections of the Zoning Code, including CZC 12.12.040 regarding Definitions and CZC
16 12.36.040 regarding Table of Uses, to add a new definition for "Catering, Limited" and to add
17 this new use to the Table of Uses in the Commercial Medium Zone. Councilman Ince stated he
18 is sympathetic to Councilwoman Fillmore's comments as well as the business owner, but does
19 not feel it appropriate for the Council to vote at the conclusion of a public hearing because of the
20 message it sends to the public. The motion died for lack of a second. Councilman Ince made a
21 **motion** to table consideration of the Zoning Code Amendment to the next Council meeting.
22 Councilman McEwan seconded the motion, which passed by unanimous vote (5-0). Mr. Hatch
23 commented that with the CUP process, the City has complete control and sets the conditions for
24 every applicant that comes in. Councilman McEwan responded that some conditional use
25 situations have led to enforcement problems in the past.

26
27 **PUBLIC HEARING – ZONING CODE AMENDMENT – DENSITY GRADATION IN R-M**
28 **ZONE**
29

30 On September 27, 2017, the Planning Commission reviewed and recommended for
31 approval the proposed amendments to the Zoning Code, creating density gradations for the
32 Residential Medium (R-M) Zone, determined by conditional use permit, and enacting additional
33 development standards for residential development within the R-M and Residential High (R-H)
34 Zones. Mr. Snyder presented proposed changes, summarized as follows (presentation
35 available with the agenda on NovusAgenda):
36

- 37 • Creates three base density tiers and eliminates any density ranges
 - 38 ○ Tier 1 – a permitted density of four units per gross acre
 - 39 ○ Tier 2 – a conditional density of six units per gross acre
 - 40 ○ Tier 3 – a conditional density of eight units per gross acre
- 41 • Defines each tier, describes how each is to be used, and identifies the expected type
42 of development for each tier
- 43 • Adjusts the permitted and conditional gross density allowances to reflect the new
44 tiered system
- 45 • Creates a new use listing of "Allowed" and/or adjusts some uses in the R-M Zones
- 46 • Adds new development provisions for the architectural design, adjustments to
47 landscaping, and use of private rights-of-ways.

48
49 Mr. Snyder stated that most of the complaints he hears about any development are
50 related to design details rather than density. Councilwoman Mecham said she is not
51 comfortable with shifting approval from the Council to the Planning Commission. Mr. Snyder
52 responded that the Council would have to be comfortable with the standards and the

1 expectations, and comfortable with the Planning Commission applying those standards.
2 Councilwoman Fillmore agreed, stating it is the role of the Council to set the standards, and the
3 role of the Planning Commission to apply the standards.
4

5 Councilman Ince stated that five units per acre in Tier 1 makes more sense to him than
6 four units per acre, since four units per acre is allowed in Residential Low (R-L) Zones. Mr.
7 Snyder said he included four units per acre in the R-M to provide flexibility for infill opportunities
8 in the future.

9 Mayor Cutler opened a public hearing at 9:03 p.m.
10

11 Nancy Smith – Ms. Smith said she believes the proposal represents a move in a good
12 direction. She suggested applying the proposed principles to Main Street as well.
13

14 The Mayor closed the public hearing at 9:05 p.m. Councilman McEwan made a **motion**
15 to table further discussion to the next Council meeting. Councilman Ince seconded the motion,
16 and thanked Mr. Snyder and the Planning Commission for their work on this issue. The motion
17 to table passed by unanimous vote (5-0).
18

19 **PUBLIC HEARING – PDO ZONE MAP AMENDMENT AND CONCEPTUAL PLAN –**
20 **LEGACY COMMONS – 1250 WEST PARRISH LANE (NORTHWEST CORNER)**
21

22 Mr. Snyder presented the proposed Planned Development Overlay (PDO) and
23 Conceptual Plan for Legacy Commons located at 1250 West Parrish Lane. He stated UDOT
24 will not allow sidewalk or access along Parrish Lane at that location because of proximity to the
25 Legacy Parkway on/off ramps, so the development is designed to front 1250 West. The mixed-
26 use conceptual plan includes restaurant space, small retail, a hotel, and multi-family residential.
27 Mr. Snyder said he believes hotel use is a good fit at that location between the two
28 interchanges. He stated that Randy Randall, Public Works Director, recommends the City not
29 allow street parking on 1250 West.
30

31 Spencer Wright with Wright Development Group, applicant, stated Wright Development
32 Group currently owns the eastern two-thirds of the property. They have the UDOT parcel under
33 contract. If successful, that purchase would allow all commercial in the development to move to
34 Parrish Lane. He said they have not given up on the possibility of drive access along Parrish
35 Lane. Mayor Cutler said he would prefer the commercial element to be constructed and
36 commercial tenants secured in phase one, with the residential element in phase two. Mr. Wright
37 responded that Wright Development Group is under contract with the hotel buyer, but cannot
38 dictate when construction occurs. He stated it is his impression the buyer has a desire to move
39 quickly. Wright Development Group intends to retain ownership of the residential portion of the
40 development, and can therefore guarantee construction of the residential in phase one.
41

42 Mayor Cutler opened a public hearing at 9:37 p.m.
43

44 Mark Oligschlaeger – Mr. Oligschlaeger said this is the first time he has seen this
45 development plan, and he likes what he sees. He said it would be unfortunate if the
46 development is not granted access off Parrish Lane. Mr. Oligschlaeger said he believes the
47 proposed location is the best site for a hotel in Centerville, and stated he would rather see multi-
48 family residential than storage or industrial use in this development.
49

50 Mayor Cutler closed the public hearing at 9:40 p.m. Councilman McEwan stated he can
51 see potential in the concept, but he has concerns with traffic on 1250 West. He stated he would
52 prefer 1250 West remain off limits to street parking, and he is opposed to drive access on

1 Parrish Lane considering proximity to the on/off ramps. Councilwoman Ivie stated she is
2 concerned about the density. She said she knows people need places to live, but she does not
3 believe the City is adequately staffing the Police force to continue adding this many people.
4 Agreeing with Mayor Cutler, Councilwoman Mecham stated she would feel better if the
5 commercial element were in place before the residential. Mr. Snyder commented that phasing
6 can be negotiated. Councilwoman Mecham stated she would like to see a little less density in
7 the residential element.

8
9 Councilwoman Fillmore said, considering the amount of work that has obviously been
10 done to give the City as positive a product as possible, she would be comfortable approving the
11 conceptual plan with conditions. Councilman Ince asked the approximate size of the residential
12 units. Mr. Wright estimated 900-1,200 square feet, with multiple layout options. Councilman
13 Ince asked about public school access, and staff agreed to obtain a definitive answer regarding
14 school boundaries and school bus access. Councilman McEwan said he would prefer to allow
15 staff to address concerns with the applicant prior to approval. Councilman Ince made a **motion**
16 to direct staff to work with the applicant to address concerns stated by the Council, and table
17 further discussion to the next Council meeting. Councilman McEwan seconded the motion.
18 Councilman Ince said he is more concerned about traffic on 1250 West than access on Parrish
19 Lane.

20
21 Responding to a question from the Council, Mr. Wright said he is open to a Development
22 Agreement if the Council desires, although he expressed the opinion that the PDO process
23 gives the Council enough structure to ensure a desired product. Mr. Wright clarified that Wright
24 Development Group is solely seeking a right-turn access from Parrish Lane into the
25 development. They are not seeking any exit access onto Parrish Lane. Mr. Snyder said he
26 believes the desired outcome can be achieved without a Development Agreement in this
27 situation. Councilwoman Mecham asked the other Council members if they would prefer a
28 lower density. Councilman McEwan responded that the market threshold, given the footprint of
29 the property, needs to be considered. He said he suspects the conceptual plan is already at the
30 threshold. Councilman Ince encouraged Mr. Wright to keep in mind that new units in a different
31 development in the City recently sold for more than originally anticipated, and the desired
32 financial outcome may be possible with a lower density.

33
34 Councilman Ince made a **motion to amend** the motion directing staff to pursue a PDO
35 agreement without a development agreement. Councilman McEwan seconded the motion to
36 amend. The amended motion passed by unanimous vote (5-0).

37
38 The Council took a break at 10:06 p.m., and returned at 10:16 p.m.

39
40 **CITY COUNCIL LIAISON REPORT – COUNCILWOMAN MECHAM – TRAILS**
41 **COMMITTEE**

42
43 Councilwoman Mecham stated she supports the request of the Trails Committee for
44 Council support of a study regarding the proposed mountain bike trails on the hillside, and
45 approves of a letter of intent for a grant application for a joint Active Transportation Plan with
46 Bountiful City. Mark Oligschlaeger, Trails Committee Vice-Chair, said the Trails Committee is
47 hopeful that Bountiful will join with Centerville in the grant application, with the local match split
48 between the two cities. Councilwoman Mecham made a **motion** to authorize a letter of intent
49 for a joint grant application for an Active Transportation Plan. Councilman Ince seconded the
50 motion, which passed by unanimous vote (5-0).
51

1 Mr. Oligschlaeger explained the request for up to \$3,000 for a professional study to
2 obtain scope of work and cost estimates for the proposed mountain bike trails. Mr. Thacker
3 recommended the Council authorize up to \$3,000 from the contingency portion of RAP Tax
4 revenues to hire a consultant. Councilman McEwan suggested the Trails Committee lead a
5 fundraising effort to fund half of the study to show that the community is interested in the bike
6 trail project. Mayor Cutler responded that significant fundraising will occur for the build stage,
7 but he is comfortable with the Council authorizing \$3,000 to develop a professional plan.
8 Fundraising is often easier when a plan is in place. Councilman Ince said he is willing to
9 support authorizing the \$3,000, but he would like to know how a majority of the community feels
10 about the project. Councilman Ince asked Ms. Romney for her opinion of gathering community
11 input with a survey. Ms. Romney clarified that she is not opposed to surveys. She said her
12 concern from a legal standpoint has been with straw polls on a ballot. Mayor Cutler commented
13 that people will respond positively if they are asked if they like parks or biking. He suggested
14 that a survey would gain more useful feedback with a specific plan to present for consideration.
15 Councilman McEwan said he is not sure a survey would provide statistical data. Mr.
16 Oligschlaeger said he would support something like a Survey Monkey because he is confident
17 the interest is widespread.

18
19 Councilman McEwan commented that a specific area on the hillside would need to be
20 designated as not available, since the location of future cemetery space has not yet been
21 decided. Councilwoman Fillmore said she would want the study to include information
22 regarding the portions of construction that need to be done professionally and the portions that
23 could utilize volunteer labor. Councilwoman Ivie said she is unsure of the proportion of the
24 community in support of the proposed bike trails on the hillside. She said she has been
25 frustrated in the past that the City funds so many studies that result in an expectation to follow
26 through. Councilwoman Ivie said a cost-share situation for the study would help her feel better.
27 Councilwoman Fillmore expressed concern that fundraising for the study would result in
28 enthusiastic citizens contributing to a study without a commitment from the City that the project
29 would happen. She said she would rather the City pay the \$3,000 for the study and then go to
30 the community with a plan in place. Mr. Oligschlaeger stated he is confident he could easily fill
31 the Council chambers with supporters. Mayor Cutler commented that other City groups are not
32 required to fundraise for the planning stage. Mr. Oligschlaeger said he feels the Trails
33 Committee has shown their commitment with the hours they have put into the project to this
34 point. He said he does not feel the requirement to come up with \$1,500 to help fund the study
35 would be a fair representation of community interest because he believes he could raise the
36 funds with just the people currently in the room. He said the Trails Committee is confident
37 construction can occur without City funds, and has only requested the City authorize and pay for
38 a professional study. He commented that there are 160 acres of open space on the hillside –
39 plenty of space for bike trails and a cemetery.

40
41 Councilman Ince made a **motion** to approve a contract for up to \$3,000 from RAP Tax
42 discretionary funds for a study for potential bike trails. Councilwoman Mecham seconded the
43 motion, which passed by unanimous vote (5-0).

FINANCIAL REPORT

44
45
46
47 Marcus Arbuckle with Keddington & Christensen provided a financial report for the
48 period ending September 30, 2017, and answered questions from the Council.
49
50

MAYOR'S REPORT

- South Davis Metro Fire financial statements are available with the agenda on NovusAgenda. Mayor Cutler reported that the existing Centerville Fire Station property will be offered publicly for sale for a period of 90 days.
- UTOPIA and UIA August 2017 financials and a UIA bond summary are available with the agenda on NovusAgenda. Councilman McEwan expressed the opinion that with continued UIA bonding, the UTOPIA debt will go full term.

CITY MANAGER'S REPORT

The Council scheduled a work session for November 8, 2017 prior to the regular Council meeting to review the City's Moderate Income Housing Plan.

MISCELLANEOUS BUSINESS

Councilman Ince reported on a recent CERT competition.

ADJOURNMENT

At 11:21 p.m., Councilman McEwan made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 2

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:10

SUBJECT

- a. UDOT Cooperative Agreement for Pedestrian Flags at Main Street Crosswalks - Resolution No. 2017-21
- b. Fee Schedule Amendments regarding Various Fees - Resolution No. 2017-22
- c. Waiver and Indemnification Agreement for Use of Centerville Gun Range
- d. Award bid to Kapp Construction in the amount of \$36,976.40 for labor and to the following for materials (plus tax) for the installation of Chase Lane PRV at Frontage Road:
 - (1) Mountainland Supply for piping in the amount of \$18,432.69
 - (2) Mountainland (only supplier) for CLA-VAL in the amount of \$13,981.25
 - (3) Waterford for Mag Meter in the amount of \$2,560.45; and to
 - (4) Dura-Creter for PRV Vault in the amount of \$7,937.00

RECOMMENDATION

- a. Adopt Resolution No. 2017-21 approving an interlocal cooperation agreement with UDOT to allow pedestrian flags to be installed at three crosswalks on Main Street.
- b. Adopt Resolution No. 2017-22 approving amendments to the Centerville Fee Schedule regarding various fees.
- c. Approve Waiver and Indemnification Agreement for Use of Centerville Gun Range as form agreement to be used by City for law enforcement agencies.
- d. Award bid to Kapp Construction in the amount of \$36,976.40 for labor and to the following for materials (plus tax) for the installation of Chase Lane PRV at Frontage Road:
 - (1) Mountainland Supply for piping in the amount of \$18,432.69
 - (2) Mountainland (only supplier) for CLA-VAL in the amount of \$13,981.25
 - (3) Waterford for Mag Meter in the amount of \$2,560.45; and to
 - (4) Dura-Creter for PRV Vault in the amount of \$7,937.00

BACKGROUND

a. The Police Chief recommends pedestrian flags be installed at three more crosswalks on Main Street at 2025 North, 1128 North and 720 South. UDOT has agreed to allow pedestrian flags at these crosswalks subject to the attached Cooperative Agreement.

b. Staff has prepared various amendments to the Centerville Fee Schedule as requested by Department Heads and other staff members. The proposed amendments set forth in Resolution No. 2017-22 address the following:

- 1.010 - Reduce return check fee from \$30 to \$20 (per recent training) – Jolene Jackson
- 15.010 – Add definition of small and large event for building rental and other changes – Bruce Cox
- 15.010 – Revise footnote regarding building supervisor requirements - Bruce Cox
- 15.020 – Add fee for pavilion rentals that exceed capacity (regardless of time) – Bruce Cox
- 17.010 – Reduce address change fee from \$250 to \$100 - Randy Randall

Several other fees are under review but staff are not yet ready to make recommendations--the fluoride fee in the culinary water rate structure, sports field rental, and chicken permit--per the requests of council members.

c. The City has previously entered into a long-term lease agreement (Lease Agreement) with the Centerville Small Arms Association for the construction and operation of a rifle and pistol range on property owned by the City (Gun Range). As a condition of the Lease Agreement, the City Police Department is authorized to use the Gun Range facilities for firearms training and qualification for its personnel. As a condition of the Lease Agreement, other law enforcement agencies or public safety departments may be allowed to use the Gun Range facilities for firearms training and qualification when coordinated and arranged through the City Police Department and the Centerville Small Arms Association. In order to allow for this inter-agency use and to properly allocate the risk involved in such use, it is recommended that the parties enter into the proposed Waiver and Indemnification Agreement for Use of the Centerville Gun Range. Staff requests the Council approve this Agreement as to form and authorize the City and Police Department to enter into this Agreement as deemed necessary to allow the use of the Gun Range facilities by other law enforcement agencies or public safety departments.

d. ESI Engineering solicited bids for labor and Centerville Water Department for materials for the Chase Lane pressure-reducing valve (PRV) at Frontage Road Project. See attached bid tabulation. This PRV will become part of the new water main installed under I-15/railroad tracks in FY 2017 and is necessary before operating the new main, which will serve growth in the business park area west of I-15. The total of the labor and materials bids is \$79,888, plus tax on the materials. This exceeds the \$50,000 budgeted in the Water Fund for this purpose. However, staff recommend the Council award the bids because this work needs to be done to allow the new water main to become operational. This additional cost can be covered either by a budget amendment for the Water Fund at some later point in the fiscal year, or RDA tax increment from the Barnard Creek CDA Project Area could be used because this water main is one of the projects identified in the CDA Project Area Budget. The decision as to which source to use can be decided after staff complete their in-depth analysis of RDA/CDA Project Area expenses over the past several years, which should be completed and reviewed with the City Council in the next two months.

ATTACHMENTS:

Description

- D** Resolution No. 2017-21 - Interlocal Agreement for Pedestrian Flags
- D** Exhibit A - Cooperative Agreement with UDOT
- D** Resolution No. 2017-22 - Various Fees
- D** Waiver and Indemnification Agreement - Gun Range

- ▣ Engineer's recommendation
- ▣ Bid tabulation
- ▣ Bid results and recommendation for materials

RESOLUTION NO. 2017-21

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN CENTERVILLE CITY AND UTAH DEPARTMENT OF TRANSPORTATION TO ALLOW THE USE OF PEDESTRIAN FLAGS AT APPROVED LOCATIONS ALONG MAIN STREET IN CENTERVILLE CITY

WHEREAS, the Interlocal Cooperation Act, set forth at *Utah Code Ann.* §§ 11-13-101, *et seq.*, as amended, authorizes public agencies and political subdivisions of the State of Utah to enter into mutually advantageous agreements as necessary to promote the common interests of the entities; and

WHEREAS, Centerville City and Utah Department of Transportation (UDOT) desire to enter into an agreement to allow the use of pedestrian flags at approved locations along Main Street within Centerville as more particularly provided herein; and

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

Section 1. Agreement Approved. The Centerville City Council hereby accepts and approves the attached Interlocal Cooperation Agreement between Centerville City and UDOT to allow the use of pedestrian flags at approved locations along Main Street within Centerville City.

Section 2. Mayor Authorized to Execute. The Centerville City Council hereby authorizes the Mayor to sign and execute the attached Interlocal Cooperation Agreement between Centerville City and UDOT.

Section 3. Severability Clause. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage and the agreement approved herein shall become effective upon its filing with the keeper of records of each of the public agencies that are parties to the agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 8th DAY OF NOVEMBER, 2017.

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

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

MARSHA L. MORROW, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 2017.

EXHIBIT A
INTERLOCAL COOPERATION AGREEMENT
FOR USE OF PEDESTRIAN FLAGS

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, 2017, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**DEPARTMENT**", and **CENTERVILLE CITY**, a Municipal Corporation of the State of Utah, hereinafter referred to as the "**CITY**",

WITNESSETH:

WHEREAS, the **CITY** has requested the **DEPARTMENT's** concurrence to furnish and install pedestrian flags at a certain crosswalk location on State Route 106 in Centerville City, Davis County, Utah; and

WHEREAS, although the **DEPARTMENT** does not possess definitive information regarding the effectiveness of pedestrian flags, it supports the **CITY's** concern for pedestrian safety; and

WHEREAS, the **DEPARTMENT** will allow the **CITY** to install pedestrian flags at specified locations according to the terms and conditions set forth herein.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. The **CITY**, at no cost to the **DEPARTMENT**, will furnish, install and maintain the condition, quantity, and distribution of the pedestrian flags at all times. Installation, maintenance, replacement or repair costs will be borne entirely by the **CITY**. Flags may include the Agency name, but advertising is not allowed.
2. The **CITY** desires, and the **DEPARTMENT** allows, the installation of pedestrian flags at the following locations:
 - a. Crosswalk at SR-106 and 2025 North
 - b. Crosswalk at SR-106 and 1128 North
 - c. Crosswalk at SR-106 and 720 South

Any future locations will require another agreement between the parties hereto.

3. The **CITY** will only install or use pedestrian flags at legal crosswalks across unsignalized intersections.
4. The **CITY**, at no cost to the **DEPARTMENT**, will remove the pedestrian flags from any or all of the above locations upon the **DEPARTMENT's** request. Grounds for removal include, but are not limited to: a substantive increase in pedestrian vs. motor vehicle crashes, verifiable lack of maintenance of conditions outlined in paragraph one, or removal of the crosswalk. All removal costs of the flags and appurtenances shall be borne entirely by the **CITY**.

5. The **CITY** hereby acknowledges that the **DEPARTMENT** makes no claim or guarantee of the effectiveness of pedestrian flags. The **CITY** further agrees to indemnify the **DEPARTMENT** from any liability or legal action resulting from the installation and use of pedestrian flags.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:

CENTERVILLE CITY CORPORATION:

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____

(IMPRESS SEAL)

RECOMMENDED FOR APPROVAL: UTAH DEPARTMENT OF TRANSPORTATION

By: _____
Region Traffic Operations Engineer

By: _____
Region Director

Date: _____

Date: _____

APPROVED AS TO FORM:

The Utah State Attorney General's Office has previously approved all paragraphs in this Agreement as to form.

COMPTROLLER OFFICE:

By: _____
Contract Administrator

Date: _____

RESOLUTION NO. 2017-22

**A RESOLUTION AMENDING VARIOUS SECTIONS OF THE CENTERVILLE
FEE SCHEDULE, INCLUDING SECTION 1.010 REGARDING RETURN
CHECK FEES, SECTION 15.010 REGARDING BUILDING USE FEES,
SECTION 15.020 REGARDING PARK PAVILION FEES, AND SECTION 17.010
REGARDING STREET AND EXCAVATION PERMIT FEES**

WHEREAS, the City Council recently adopted an updated Centerville Fee Schedule and converted the fee schedule to an online format; and

WHEREAS, the City Council desires to make additional changes to the Centerville Fee Schedule as more particularly set forth herein.

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

Section 1. Amendment. Section 1.010 of the Centerville Fee Schedule regarding Administrative Fees is hereby amended to read in its entirety as follows.

1.010 Administrative Fees

The following fees shall apply to various administrative matters.

Administrative Fees	Fee	When Due
Constitutional Takings Review (CMC 3.07.030)	\$75	Upon Request for Review
Development Fee Review Appeal (CMC 3.08.040)	\$75	Upon Request for Review
Return Check Fee	\$20 \$30	
Temporary Noise Permit (CMC 7.09.050)	\$25	Upon Application

Section 2. Amendment. Section 15.010 of the Centerville Fee Schedule regarding Building Use Fees is hereby amended to read in its entirety as follows.

15.010 Building Use Fee

The following fees shall apply to use of City Hall rooms and facilities.

City Hall Building Use		
-------------------------------	--	--

Building Use Security Deposits ¹		Fee
Small Events ²	Not Involving Food	\$30
	Involving Food	\$50 (\$20 non-refundable)
Large Event ²	Not Involving Food	\$125 \$175
	Involving Food	\$200 (\$50 non-refundable)
Building Use Rental Fees ^{2,3}		Fee
Room Rental	Council Room	\$30
	Lobby	\$20
	Kitchen Facilities	\$20
	Multipurpose Room (EOC)	\$20
Building Use Supervisor Fees		Fee
Standard Supervisor Fee ⁴		\$15 per hour
Holiday / Weekend Supervisor Fee ^{3,4}		\$35 per hour

1. The following provisions shall apply to security deposits for building use.
 - a. Deposits are required to be paid when reservation is made. Deposit checks will be cashed.
 - b. If several reservations are made throughout the year, the deposit can be paid at the time of the first reservation and held for a period of one year.
 - c. If cleaning costs or repair of damage to the building or its contents exceeds the deposit, the party renting the building at the time damage was incurred must pay the total costs of such cleaning or repairs.
 - d. The deposit may be returned following review (this may be as long as two or three weeks following the scheduled event).
 - e. Deposit amounts are set by the City Council and are subject to change without advance notice.
 - f. The non-refundable security deposit amount is used by the City for deep cleaning of the building.

2. For purposes of this Section regarding building use fees, "small event" shall mean an event with 30 or fewer participants, and "large event" shall mean an event with more than 30 participants.

2.3. The following provisions shall apply to rental fees for building use.

- a. All rental fees are required to be paid before notice of confirmed reservation.
- b. If notice of cancellation is received by the City at least two weeks prior to the scheduled event, a full refund less \$10 will be issued by the City.
- c. Fees are set by the City Council and are subject to change without advance notice.
- d. No fees shall be charged for Centerville City government activities and use of the building. The governing body may discount or waive fees in certain cases where the user makes a significant contribution to the City and its programs. Fees may also be waived for use by other governmental agencies.

~~3.4. All building use rental is subject to the availability of building supervisor. Building will only be rented on holidays / weekends if building supervisor is available.~~

Section 3. Amendment. Section 15.020 of the Centerville Fee Schedule regarding Park Pavilion Fees is hereby amended to read in its entirety as follows.

15.020 Park Pavilion Fees

The following fees shall apply to park facility rentals.

Park Pavilion Reservation and Rental ¹	Resident	Non-Resident
Up to 5 hours	\$25	\$50
All-Day Use (More than 5 Hours <u>or more</u>) ² (Regardless of Group Size)	\$50	\$100
<u>Use Exceeds Capacity of Pavilion</u> (Regardless of Hours Used)	\$50	\$100

1. Refund Policy: The City may refund park pavilion reservation fees according to the following:

- a. If notice of cancellation is received by the City seven or more days prior to said park reservation, a full refund less \$10.00, will be issued by the City. No refund will be issued if reservation is cancelled less than seven days in advance.
- b. If a reservation is made within the seven day non-refund period, no refund will be issued if said reservation is cancelled.
- c. In cases where inclement weather (this refers to precipitation, not temperature) requires cancellation, upon notification of the City by the next business day and upon approval by the Parks and Recreation Director, a refund of 50% will be issued by the City, or alternately, the fees may be applied to another reservation.

2. All-Day Use (~~Exceeds Pavilion Capacity~~): All-day use is considered any park pavilion reservation for 5 hours or more. Reservation fees double if the size of the group exceeds the pavilion capacity and the reservation is for more than 5 hours. Arrangement must be made with the Parks and Recreation Director before an all-day reservation is made and a Park Pavilion Reservation Addendum must be filled out to reserve a pavilion for ~~more than 5 hours~~ or more ~~for a group that exceeds the pavilion capacity~~. A deposit and additional fees may be assessed to cover additional costs, such as porta-potties, garbage dumpsters, security, barricades, etc.

2.3. Use Exceeds Capacity of Pavilion: Exceeds capacity use is considered any park pavilion reservation where the number of participants exceeds the capacity of the pavilion. Arrangements must be made with the Parks and Recreation Director before an exceeds capacity use reservation is made and a Park Pavilion Reservation Addendum must be filled out to reserve a pavilion for a group that exceeds the pavilion capacity. A deposit and additional fees may be assessed to cover additional costs, such as porta-potties, garbage dumpsters, security, barricades, etc.

Section 4. Amendment. Section 17.010 of the Centerville Fee Schedule regarding Street and Excavation Permit Fees is hereby amended to read in its entirety as follows.

17.010 Street And Excavation Permits

The following fees shall apply for excavation permits and other street and public way permits.

Streets and Excavations	Fee	When Due
Excavation Permit	\$35 per 100 lineal feet of work (\$35 minimum)	With Application (May be billed as approved by the Public Works Director)
Hard Surfacing Inspection Deposit	\$200	Upon Issuance
Road Closure Permit	\$50	Upon Issuance
Open Cut Permit	\$50	Upon Issuance
Driveway Approach Permit	\$35	Upon Issuance
Temporary Occupancy Permit	\$50	Upon Filing
Parkstrip Tree Permit	No fee	No fee, but permit must be obtained in accordance with CMC 11.02.050
Street Sign (Purchase Cost)	Actual Cost	Prior to Building Permit or Sign Purchase Order (whichever is sooner)
Street Name Change Request	\$500 ¹	Upon submittal of request
Address Change Request	\$100 \$250 ¹	Upon submittal of request
Street Vacation Request	\$500 ¹	Upon submittal of request
Street Encroachment License	\$500 ¹	Upon submittal of request

Franchise Fees	See CFS 9 (Franchise Fees)	Upon Application
Permit Fee for work commenced without a permit	Double the original permit fee	Prior to Issuance

1. Professional Services Fees. In addition to the stated application fees, street name change, address change, street vacation, and encroachment licenses shall also be required to submit a \$500 deposit for professional services, including engineering, consulting and legal fees, incurred by the City for the proposed application. Applicants shall be responsible for paying actual costs incurred by the City for a particular application. The Professional Services Deposit will be used and applied toward such professional services costs actually incurred by the City. Applicants will be refunded any portion of the Professional Services Deposit not needed to reimburse the City for actual costs incurred and will be billed to the applicant for any additional professional services incurred by the City in excess of the Professional Services Deposit. Costs for professional services will be allocated towards the deposit and/or billed to the applicant. Applicant may be required to re-fund the Professional Services Deposit once the deposit has been fully expended. Hourly rates and a detailed description of engineering, consulting and legal services actually incurred by the City for any particular application shall be provided to the applicant upon request.

Section 5. Severability Clause. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 8th DAY OF NOVEMBER, 2017.

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

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

MARSHA L. MORROW, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 2017.

**WAIVER AND INDEMNIFICATION AGREEMENT
FOR USE OF CENTERVILLE GUN RANGE**

This Waiver and Indemnification for Use of the Centerville Gun Range ("Use Agreement") is made and entered into by and between **CENTERVILLE CITY**, a municipal corporation of the State of Utah ("City"), **CENTERVILLE SMALL ARMS ASSOCIATION**, A Utah nonprofit corporation ("Association"), and _____, a law enforcement agency within the State of Utah ("Agency"). The City, Association, and Agency may be collectively referred to as the "Parties" or may be solely referred to as a "Party".

RECITALS

A. WHEREAS, the City has entered into a long term lease agreement ("Lease Agreement") with the Association for the construction and operation of a rifle and pistol range on property owned by the City ("Gun Range"); and

B. WHEREAS, as a condition of the Lease Agreement, the City Police Department is authorized to use the Gun Range facilities for firearms training and qualification for its personnel; and

C. WHEREAS, as a condition of the Lease Agreement, other law enforcement agencies or public safety departments may be allowed to use the Gun Range facilities for firearms training and qualification when coordinated and arranged through the City Police Department and the Association; and

D. WHEREAS, pursuant to the terms of the Lease Agreement, any use of the Gun Range by the City Police Department or other law enforcement agency shall be at its own risk and responsibility; and

E. WHEREAS, the City and Association are willing to allow other law enforcement agencies to use the Gun Range in accordance with the terms and conditions of the Lease Agreement so long as such agencies agree to conduct such use and activities at their own risk and responsibility and sign a waiver and indemnification agreement indemnifying and holding the City and Association harmless from any liability as more particularly provided herein.

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

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated as substantive terms of this Use Agreement.

2. Use of Gun Range. The Agency is hereby authorized to use the Gun Range for firearms training and qualification for its officers and personnel at pre-arranged scheduled times in accordance with this Use Agreement. Any such use of the Gun Range shall comply with and be subject to the terms and conditions of the Lease Agreement and this Use Agreement. The Agency agrees to abide by any and all scheduling, operational, and safety rules and regulations regarding use of the Gun Range as more particularly set forth herein and in the Lease Agreement.

3. Permitted Uses. As specified in the Lease Agreement, the Gun Range may only be used as a small arms firing range. Firearms are limited to small arms of less than .50 caliber fired from the shoulder and pistols, revolvers, and black powder muzzle loading rifles of any caliber. Use of the Gun Range shall be limited to existing and approved firing lines, shooting benches, and target berms. Firearms may only be aimed, discharged, and fired at and into the specifically designated target berms. The Agency agrees to provide its own certified firearms instructors and range safety officers.

4. Prohibited Uses. The discharge of firearms anywhere other than the designated shooting areas and target berm areas is a violation and breach of the Lease Agreement and this Use Agreement. The discharge or use of any tracer or incendiary ammunition or any type of exploding target on the Gun Range is prohibited. The discharge of shotguns is generally prohibited, but may be permitted on a limited basis solely for law enforcement training purposes with written permission of the City Police Department. Night time firing is generally prohibited, but may be permitted on a limited basis with minimal lighting solely for law enforcement training purposes with written permission of the City Police Department. Use of the Gun Range on Sunday is generally prohibited, but may be permitted on a limited basis solely for law enforcement training purposes with written permission of the City Police Department.

5. Signage and Flags. The Agency shall comply with all Lease Agreement provisions regarding signage, flags and lookouts. The Agency shall at all times when using the Gun Range, maintain and exhibit range safety signs at the lower and upper gates and along the access road in accordance with NRA range safety practices and as determined reasonably necessary by the City Police Department or Association. The Agency shall provide and fly at least one range safety flag during use of the Gun Range. If only one range safety flag is flown, it shall be flown from the flag pole located at the 600 year firing line. When using the Gun Range, the Agency shall post and maintain proper lookouts and/or range officers at all times during use when the visibility from point of discharge to point of impact is limited.

6. Scheduling Use. Any use of the Gun Range must be scheduled through the City Police Department and arranged by the City Police Department with the Association. A joint shooting calendar is usually prepared by the Association and City Police Department at the beginning of each year to schedule major events and coordinate training exercises. The Agency should provide at least two weeks' notice to the City Police Department of requested use of the Gun Range when feasible to ensure availability of facilities.

7. Notices. Any notices that may or must be sent under the terms and/or provisions of this Use Agreement should be delivered, by hand delivery or by United States mail, postage prepaid, as follows, or as subsequently amended in writing:

To the City:
Centerville City
Attention: City Manager
250 N. Main Street
Centerville, UT 84014

To the Association:
Centerville Small Arms Association
78 East Casa Loma Drive
Centerville, UT 84014

To the Agency:

8. Effective Date. The effective date of this Use Agreement shall be on the earliest date after this Use Agreement is signed and notarized by the Parties ("Effective Date").

9. Term. This Use Agreement is a nonexclusive agreement and may be terminated at any time upon written notice of any Party; provided, any termination by the Association must be based on Lease Agreement terms and provisions. This Use Agreement shall be subject to all terms and conditions of the Lease Agreement, including any amendments thereto. This Use Agreement shall automatically terminate if the Lease Agreement expires or is terminated.

10. Indemnification and Hold Harmless. The Agency, for itself and on behalf of its officers, employees, agents, representatives, invitees, and volunteers (collectively, the "Agency"), agrees and promises to release, indemnify, defend, and hold harmless the City and Association, as well as the City and Association's officers, employees, agents, representatives, invitees, and volunteers, from and against any claims, suits, actions, liability, damage, loss, injury, cause of action, demand, cost, or expense, including but not limited to attorneys' fees, defense costs, fees, damages, costs of settlement or judgment, or otherwise (collectively, the "Claims") that may arise from, may be in connection with, or may relate in any way to the Agency's use of the Gun Range and its facilities, or as a result of any errors or omissions or other negligent, reckless or intentionally wrongful acts, in whole or in part, of the Agency, its officers, employees, agents, representatives, invitees and volunteers, including but not limited to: (1) any damage to or destruction of the real property leased by the Association for the Gun Range or any adjoining real property; (2) any damage or destruction of any property belonging to any other person, entity, or corporation; and (3) any injury to or death of any person or persons. Such indemnification and defense shall apply whether or not the Claims are known or unknown, or are in law, equity, or otherwise. The Agency further waives any and all right and claims for damages, loss, demands or other actions whatsoever, which it may have or which may arise against the City or the Association in connection with the Agency's use of the Gun Range. The Agency warrants it maintains and shall continuously maintain sufficient liability insurance for purposes of this Use Agreement and warrants that the City and Association are covered by the Agency's insurance policies to the full limits of those policies as both an additional insured and as an indemnitee and that the limits of said policies meet or exceed \$3,000,000. The Agency agrees to repair or replace any damage to real or personal property of the City or Association occurring while the Gun Range is under the control or use of the Agency.

11. Governmental Immunity. The Parties recognize and acknowledge that each Party is or may be covered by the Governmental Immunity Act of Utah, codified at Utah Code Ann. §§ 63G-7-101, et seq., as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this Use Agreement shall be deemed officers and employees of the Party employing their services, even if performing functions outside of the territorial limits of such Party and shall be deemed officers and employees of such Party under the provisions of the Utah Governmental Immunity Act.

12. Survival after Termination. Termination of this Use Agreement shall not extinguish or prejudice either Party's right to enforce this Use Agreement, or any term, provision, or promise under this Use Agreement, regarding insurance, indemnification, defense, save or hold harmless, or damages, with respect to any uncured breach or default under this Use Agreement.

13. Party Employees. Agency employees, while providing or performing duties under or in connection with this Use Agreement, shall be deemed employees of the Agency for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits. City employees, while providing or performing duties under or in connection with this Use Agreement, shall be deemed employees of the City for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits. Association employees, while providing or performing duties under or in connection with this Use Agreement, shall be deemed employees of the Association for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits

14. Waivers or Modification. No waiver or failure to enforce one or more parts or provisions of this Use Agreement shall be construed as a continuing waiver of any part or provision of this Use Agreement which shall preclude the Parties from receiving the full, bargained for benefit under the terms and provisions of this Use Agreement. A waiver or modification of any of the provisions of this Use Agreement or of any breach thereof shall not constitute a waiver or modification of any other provision or breach, whether or not similar, and any such waiver or modification shall not constitute a continuing waiver. The rights available to each of the Parties under this Use Agreement cannot be waived or released verbally, and may be waived or released only by an instrument in writing, signed by the Party whose rights will be diminished or adversely affected by the waiver.

15. Binding Effect. This Use Agreement is binding upon the Parties and their officers, directors, employees, agents, representatives and to all persons or entities claiming by, through or under them.

16. Entire Agreement. This Use Agreement, including all attachments, if any, constitutes and/or represents the entire agreement and understanding between the Parties with respect to the subject matter herein. There are no other written or oral agreements, understandings, or promises between the Parties that are not set forth herein. Unless otherwise set forth herein, this Use Agreement supersedes and cancels all prior agreements, negotiations, and understandings between the Parties regarding the subject matter herein, whether written or oral, which are void, nullified and of no legal effect if they are not recited or addressed in this Use Agreement.

17. Amendment. Neither this Use Agreement nor any provisions hereof may be supplemented, amended, modified, changed, discharged, or terminated verbally. This Use Agreement and all provisions hereof may only be supplemented, amended, modified, changed, discharged, or terminated by an instrument in writing, signed by the Parties.

18. Assignment Restricted. The Parties agree that neither this Use Agreement nor the duties, obligations, responsibilities, or privileges herein may be assigned, transferred, or delegated, in whole or in part, without the prior written consent of all Parties.

19. Choice of Law. This Use Agreement and all matters, disputes, and/or claims arising out of, in connection with, or relating to this Use Agreement or its subject matter, formation or validity (including non-contractual matters, disputes, and/or claims) shall be governed by, construed, and interpreted in accordance with the laws of the State of Utah, without reference to conflict of law principals.

20. Jurisdiction and Venue. The Parties irrevocably agree that the courts located in Davis County, State of Utah (or Salt Lake City, State of Utah, for claims that may only be litigated or resolved in the federal courts) shall have exclusive jurisdiction and be the exclusive venue with respect to any suit, action, proceeding, matter, dispute, and/or claim arising out of, in connection with, or relating to this Use Agreement, or its formation or validity. The Parties irrevocably submit to the exclusive jurisdiction and exclusive venue of the courts located in the State of Utah as set forth herein. Anyone who unsuccessfully challenges the enforceability of this clause shall reimburse the prevailing Party for its attorneys' fees, and the Party prevailing in any such dispute shall be awarded its attorneys' fees.

21. Severability. If any part or provision of this Use Agreement is found to be invalid, prohibited, or unenforceable in any jurisdiction, such part or provision of this Use Agreement shall, as to such jurisdiction only, be inoperative, null and void to the extent of such invalidity, prohibition, or unenforceability without invalidating the remaining parts or provisions hereof, and any such invalidity, prohibition, or unenforceability in any jurisdiction shall not invalidate or render inoperative, null or void such part or provision in any other jurisdiction. Those parts or provisions of this Use Agreement, which are not invalid, prohibited, or unenforceable, shall remain in full force and effect.

22. No Third-Party Beneficiaries. This Use Agreement is entered into by the Parties for the exclusive benefit of the Parties and their respective successors, assigns and affiliated persons referred to herein. Except and only to the extent provided by applicable statute, no creditor or other third party shall have any rights or interests or receive any benefits under this Use Agreement.

23. Headings. Headings contained in this Use Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

24. Authorization. The persons executing this Use Agreement on behalf of a Party hereby represent and warrant that they are duly authorized and empowered to execute the same, that they have carefully read this Use Agreement, and that this Use Agreement represents a binding and enforceable obligation of such Party.

25. No Separate Legal Entity. No separate legal entity is created by this Use Agreement and this Use Agreement shall not be construed as creating a joint venture, partnership or other relationship whereby any of the Parties hereby may be held responsible or liable for the acts or omissions of the other Party hereto.

[signature page to follow]

IN WITNESS WHEREOF, the Parties have signed this Use Agreement by and through their duly authorized representatives on the dates set forth below. By its signature below, the Agency certifies and warrants that its signing agent has actual authority to sign this Use Agreement on behalf of the Agency.

ATTEST:

CENTERVILLE CITY

Centerville City Recorder

Dated: _____

Mayor

Dated: _____

**CENTERVILLE SMALL ARMS
ASSOCIATION**

President

Dated: _____

AGENCY

By: _____

Its: _____

Dated: _____

ASSOCIATION ACKNOWLEDGMENT

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

On the ____ day of _____, 20____, personally appeared before me _____, who being by me duly sworn, did say that (s)he is the _____ of **CENTERVILLE SMALL ARMS ASSOCIATION**, a Utah nonprofit corporation, and that said instrument was signed in behalf of said nonprofit corporation by authority of its bylaws or by a resolution of its Board of Directors and that said nonprofit corporation executed the same.

NOTARY PUBLIC

My Commission Expires:

Residing at:

AGENCY ACKNOWLEDGMENT

STATE OF UTAH)
 :SS.
COUNTY OF _____)

On the ____ day of _____, 20____, personally appeared before me _____, who being by me duly sworn, did say that (s)he is the _____ of _____, a Utah law enforcement agency, and that said instrument was signed in behalf of said agency by an authorized agent with full authority to sign and bind the agency.

NOTARY PUBLIC

My Commission Expires:

Residing at:

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Tuesday, October 31, 2017 12:03 PM
To: Steve Thacker
Cc: Mike Carlson; Randy Randall; Ryan McLeod; Marsha Morrow
Subject: Chase Lane PRV at Frontage Road - Labor Bids
Attachments: #17-080 Bid Tab.pdf; Kapp Construction Bid_10-24-17.pdf; #17-080 NOA.pdf

Steve,

We have received two informal bids over the past couple of weeks from the following:

Kapp Construction	-	\$ 36,976.40
MC Green & Sons	-	\$ 57,210.90

We also solicited bids from MDI Construction, Ormond Construction, Jack Nielsen Construction, & Crescent Excavation as they have each completed work over the past few years for the City. None of these bidders responded as they are too busy at this time to complete the work this year.

There are a couple of reasons that we decided to solicit informal bids for this project – the first is that an Engineer's Estimate from earlier this year was just under \$25,000 and we thought that we might possibly be able to get a bid under that amount, and secondly we thought that the flexibility for the contractors of an informal bid might render more bids this time of year as most are very busy.

It is recommended that the project be awarded to Kapp Construction in the amount of \$36,976.40. The unit prices for this bid are a bit high, but we would like to have this project completed this year so that we are not trenching across the Frontage Road next spring just prior to the Frontage Road Bike Lane Project and the Frontage Road Overlay project.

Let me know of any questions or if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752



BID TABULATION FOR CENTERVILLE CITY

PRV at Chase Lane - Frontage Road #17-080				Kapp Construction		Green Construction	
Item No.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Install 12" DI waterline including locator wire	12	LF	\$25.70	\$308.40	\$72.40	\$868.80
2	Install 10" DI waterline including locator wire	15	LF	\$25.70	\$385.50	\$71.30	\$1,069.50
3	Install 10" C900 PVC waterline including locator wire	60	LF	\$50.20	\$3,012.00	\$71.30	\$4,278.00
4	Install 8" C900 PVC waterline including locator wire	5	LF	\$50.20	\$251.00	\$78.60	\$393.00
5	Install 12" 90° bend with thrust block	1	EA	\$217.00	\$217.00	\$975.00	\$975.00
6	Install 10" 90° bend with thrust block	1	EA	\$217.00	\$217.00	\$975.00	\$975.00
7	Install 10x10x10 tee with thrust block	1	EA	\$217.00	\$217.00	\$1,245.00	\$1,245.00
8	Remove and replace 10x10x8 tee with thrust block	1	EA	\$580.00	\$580.00	\$1,847.00	\$1,847.00
9	Install 10" gate valve	3	EA	\$473.00	\$1,419.00	\$1,040.00	\$3,120.00
10	Install 8" gate valve	1	EA	\$473.00	\$473.00	\$975.00	\$975.00
11	Install 10" pipe sleeve	4	EA	\$1,100.00	\$4,400.00	\$980.00	\$3,920.00
12	Install 8" pipe sleeve	1	EA	\$1,100.00	\$1,100.00	\$920.00	\$920.00
13	Saw-cut, remove and replace asphalt (6" thick)	550	SF	\$6.80	\$3,740.00	\$6.30	\$3,465.00
14	Excavate and haul native materials away	70	CY	\$25.30	\$1,771.00	\$22.53	\$1,577.10
15	Import sand bedding including compaction	15	TN	\$13.70	\$205.50	\$20.70	\$310.50
16	Import roadbase including compaction	50	TN	\$16.80	\$840.00	\$22.46	\$1,123.00
17	Pressure test new waterline	1	LS	\$1,012.00	\$1,012.00	\$2,800.00	\$2,800.00
18	Install new pressure reducing vavle and box including gravel	1	LS	\$9,500.00	\$9,500.00	\$18,809.00	\$18,809.00
19	Install two parallel 2" schedule 40 PVC conduit pipes (30" deep)	50	LF	\$13.60	\$680.00	\$34.80	\$1,740.00
20	Mobilization and Traffic Control	1	LS	\$6,648.00	\$6,648.00	\$6,800.00	\$6,800.00
Total (Items 1-20)				\$36,976.40		\$57,210.90	

Water Line for Chase Lane PRV Station 2017 Project # 17-080

BID RESULTS FOR THE PRV PIT Date 11/2/2017

PIPING

- | | | |
|----|----------------------------|-------------|
| 1. | Mountainland Supply | \$18,432.69 |
| 2. | Western Water Works Supply | \$19,175.50 |
| 3. | Ferguson | \$19,288.44 |
| 4. | HD Supply | No Bid |

CLA-VAL

- | | | | |
|----|--------------|-------------------|-------------|
| 1. | Mountainland | Only one supplier | \$13,981.25 |
|----|--------------|-------------------|-------------|

Mag Meter

- | | | | |
|---|-----------|-------------------|------------|
| 1 | Waterford | Only one supplier | \$2,560.45 |
|---|-----------|-------------------|------------|

PRV Vault

- | | | | |
|---|------------|-------------------|------------|
| 1 | Dura-Crete | Only one supplier | \$7,937.00 |
|---|------------|-------------------|------------|

We have reviewed the bid for materials from Mountainland Supply for the piping for \$18,432.69 and for the CLA-VAL for 113,981.25. Waterford for the Mag Meter for 2,560.45. Dura-Crete for \$7,937.00 plus tax on all of the suppliers. We recommend awarding this bid to Mountainland Supply and find they meet all of the specifications.

A grand total of all four vendors for 42,911.39

Respectfully submitted,

Michael Carlson
Water Department Supervisor

MC/sd

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 3

Short Title: Consider Nomination of Ron's Phillip 66 Service Station for the National Register of Historic Places

Initiated By: Landmarks Commission

Scheduled Time: 7:10

SUBJECT

RECOMMENDATION

The Landmarks Commission and Community Development staff recommend the Council approve the nomination of Ron's Phillip 66 Service Station for the National Register of Historic Places. The City Manager, however, recommends that if the Council supports this nomination, they make it clear in the record that this nomination should not be interpreted to mean the City is committing to preserve this structure if the City purchases the land for expansion of the William R. Smith Park (formerly Founders Park)—for reasons explained in the Background section below.

BACKGROUND

The attached Transmittal Report from Community Development Department staff explains why the Landmarks Commission recommends this property be nominated for the National Register of Historic Places. Since the Landmarks Commission initiated this action, the City Council is being asked to support and advance the nomination to the State agency that considers such nominations within Utah. The State Board would consider this nomination in its January 2018 meeting and, if approved, would forward their recommendation to the federal agency that manages the National Register.

The Transmittal Report refers to the City Hall/Founders Park Master Plan that was approved by the City Council in 2001 and added to the City's General Plan as an advisory plan to be used to guide future decisions regarding the acquisition and improvement of land between Founders Park (now William R. Smith Park) and the City Hall/Museum property. The study on which the 2001 Plan was based concluded that traffic operations on Main Street would be improved by realigning the north driveway so it lines up with the Post Office entrance, thereby eliminating the conflicting left-turn movements that now occur frequently. Therefore, preservation of this former service station building would negate that outcome. The City Hall/Founders Park Master Plan can, of course, be amended at some point if the Council desires; but the City Manager wants the Council to be aware of this potential impact.

The City Manager's greatest concern, however, about the City supporting this nomination is that it may appear to be a commitment from the City to preserve this building if it acquires the property for expansion of the William R. Smith Park. Considering the City's financial position, current revenue streams, and significant unfunded projects already on the Parks Capital Improvement Plan, he does not foresee the City's ability to preserve, restore and maintain this structure without affecting funding for current City services and infrastructure. Therefore, while he appreciates the history associated with this site, he recommends that if the Council supports this nomination, that they also make a clear statement that their action should not be interpreted to be a commitment to preserve the building if the City acquires the property in the future.

An information sheet about the National Register--provided by the Utah Division of State History--is attached. It explains benefits and restrictions of the program, rights of owners, and results of listing in the National Register.

ATTACHMENTS:

Description

- ▢ 11-08-2017 Staff Report re Ron Randall's service station
- ▢ National Register Information

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

**STAFF REPORT
TRANSMITTAL TO THE CITY COUNCIL**

**APPLICATION: NOMINATION TO THE NATIONAL REGISTER OF HISTORIC
PLACES**

**PROPERTY: RON RANDALL SERVICE STATION
278 NORTH MAIN STREET**

**OWNER: RON RANDALL
PO BOX 316, CENTERVILLE, UT 84014**

**RECOMMENDATION: LANDMARKS COMMISSION RECOMMENDS
APPROVAL TO CITY COUNCIL**

Background

The National Register of Historic Places is the nation's official list of buildings, structures, objects, sites and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering and culture. This list recognizes resources of local, state and national significance which have been documented and evaluated according to uniform standards and criteria.



In the spring of 2017, the Landmarks Commission hired Korral Broschincky to research the Ron Randall Service Station at 278 North Main Street to see if it would be eligible for the National Register of Historic Places.

Procedure

12.61.070 Nominations to the National Register of Historic Places

Nomination. The Landmarks Commission, with the approval of the property owner of record and a final recommendation by the City Council, may prepare, assist, or submit nominations for select historic assets to the National Register of Historic Places. Submittals shall follow all state and national nomination requirements.

Criteria and Research

The following is a summary of the research of Korral Brochscinsky, our professional consultant in historic preservation, and her findings on the Ron Randall Service Station:

Architectural Significance:

During a devastating windstorm, Ron's original service station blew down in 1959. It was rebuilt the next spring, 1960, under the design of Phillips Petroleum's architect, Clarence Reinhardt, who used their "New Look" for this new station, which was still a prototype at that point. This style included the (now iconic) upwardly canted triangular canopy, a design that was influenced by the fins found on automobiles and rockets of the time period. The "New Look" also included the Harlequin paint design, which were red sideways triangles meeting at the tips. Mr. Randall, in an interview with Ms. Broschinsky, said this style of design was meant to evoke bow-ties, which the attendants were required to wear at the time. The Harlequin design has since been painted over, but could easily be restored at a later date if desired. This "New Look" building was finished in spring of 1960.

While over 3,000 examples of this style of building were built during this decade, the Randall station is unique due to its continued usage, the unique footprint of the building, maintained integrity, and the remaining service pumps. There are currently four other Phillip's 66 Gas stations listed on the National Register of Historic Places, but none of which are the post-war "New Look" with the triangular canopy and stepped building. While there are about a dozen gas stations on the Nation register now, there are none of this exact size and style.

Local significance

This station not only shows historic significance through its unique architecture, but also through its contributions to the community of Centerville for over fifty years. This station is said to be the longest running single owner business in Centerville.

The station was built and operated by Ron Randall, a lifelong resident of Centerville. This station not only provided automobile fuel and repairs, but his brother, Tom Randall, made deliveries to fill fuel tanks of local farmer's equipment and stocked heating oil for its rural residential customers. Ron also adapted the service station to provide horse shoeing for his personal horses and those of his neighbors. Many in the community still see Ron ride his horses to work every day, as he has converted the back of the lot of this property into a horse stable. Ron's Service

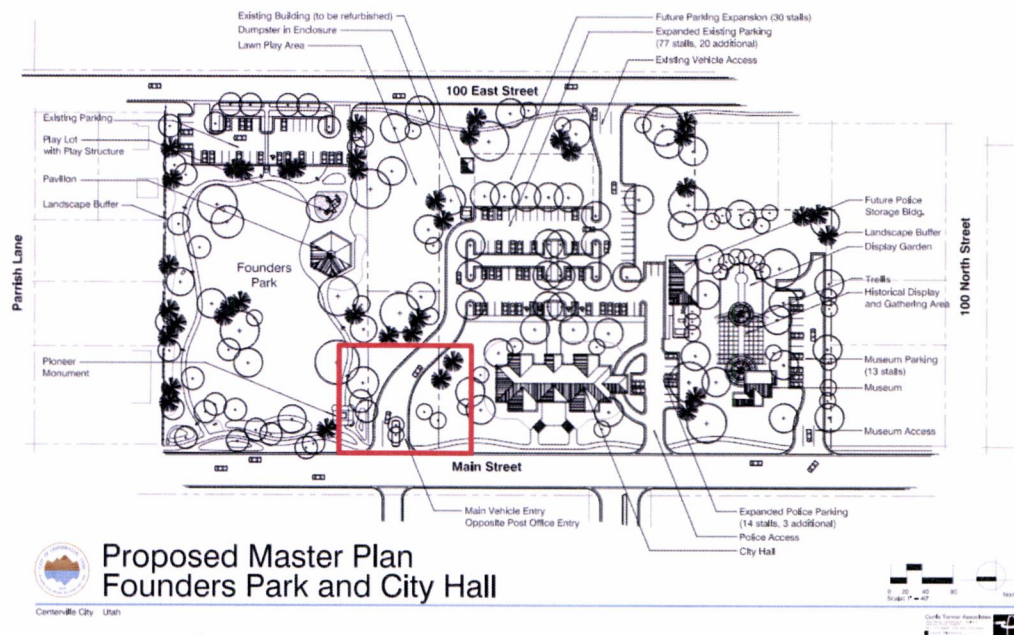
Station turned into a local gathering spot, where you could buy tickets to a local event, or simply sip on a Coke and talk about the latest happenings within the community. Many people from Centerville have fond memories of this station growing up, and have a vivid image of Ron in their head when they think of Centerville's history.

General Plan

It states in **12-480-2 (3)(a)** that a Master Plan for City Hall and Founders Park exists, after a consultation done by James Glascock in 2000.

“It is the City’s intent that the City Hall/ Founders Park Master Plan should be referred to as an advisory and guidance document for future planning and development of the City Hall and Founders Park property. Future land use and development of the City Hall/ Founders Park area should generally follow the policies and guidelines of the City Hall/ Founders Park Master Plan, as developed by James Glascock and reviewed by the City Council in 2001, or as amended. While the City Hall/ Founders Park Master Plan, which envisions the future inclusion of land not owned by the City, does not have a specific time frame for the eventual completion of the entire plan, the City should make adequate precautions to make sure that needed land is acquired to assure the proper completion of the City Hall Founders Park Master Plan area.”

As this City Hall/ Founders Park Master Plan by James Glascock shows, the area where Ron Randall’s service station is now, is replaced with an expanded driveway for City Hall. This driveway expansion was planned to line up with the post office driveway across the street.



The Landmarks Commission and Community Development Staff believe that the preservation of this property does not directly interfere with the Master Plan for City Hall and Founders Plan. The widening of the driveway to City Hall can still be accommodated at a lesser degree, and would not immediately or directly interfere with a future park and parking lot expansion. Ron's station has a small footprint, but is large enough space that it can be can be refurbished, reinvented and repurposed for other uses if it is preserved. Other gas stations on the National Register have been repurposed and transitioned into uses such as convenient stores, banks, ice cream parlors, and tourism offices. Creative reuse for this building is certainly a possibility in the long term future.

Historic Preservation Plan [Section -8]

It is also a stated goal in the General Plan to continue to further encourage Historic Preservation in the City, including the number of locally and nationally recognized sites.

12-480-8, Goal 2: Expand the number of local and national sites.

Centerville's historic structures and sites are an important aspect of the identity of the community and should be celebrated and preserved. This goal help to encourage these preservation efforts.

Consequences for the Owner

“Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting.”

- National Park Service U.S. Department of the Interior
nation
 - o <https://www.nps.gov/nr/faq.htm#restrictions>

This listing is simply to recognize, honor, and celebrate the historic buildings throughout our country. There ARE tax credits and some grants available to these property owners if they chose to apply them.

Centerville City as a local entity also places NO restrictions on property owners if their property is listed on our locally or nationally recognized historic registers. We DO offer discounts on building permits if the owners maintains the building's historical integrity as an incentive, if any renovations were to be done on the building.

Conclusion

The job of the Landmarks Commission is to promote and preserve historical buildings as a celebration of Centerville's past. This includes local and national recognition of buildings that

show distinct characteristics of a historical time period, as well as the education and promotion of these structures and stories to the community at large. Ron Randall's service station shows both architectural and cultural significance, as a unique Phillip's 66 "New Look" gas station that has been maintained since 1960, and has held great significance within the Centerville community as a community hub and resource. From the viewpoint of the Landmarks Commission, there is no doubt that this building deserves the recognition and preservation as many other historic structures throughout the nation. Community Development Staff does not believe this preservation would significantly interfere with the General Plan in a way that cannot be amended or adjusted in order to maintain this historical asset. Some amendments to the City Hall/ Founders Park Master Plan may be necessary, but possible, in order to incorporate this historic structure into its Master Plan in the long term future in order to as preserve this community's cherished history.

SUMMARY OF LANDMARKS COMMISSION ACTIONS

On October 26th, 2017, the Landmarks Commission recommended for the City Council to APPROVE the recommendation of the Ron Randall Service Station at 278 North Main Street to the National Register of Historic Places. Ron Randall was also present to approve of this motion.

Commissioner	Yes	No	ABSENT
Brian Plummer	X		
Brent Christison	X		
Vivian Talbot	X		
Jeanne Randall	X		
Matthew Larsen	X		
Greg Call			X
Kevin Eggett			X

National Register--Benefits and Restrictions

What is the National Register?

The National Register of Historic Places is the official federal list of properties that are significant in American history, architecture, archeology, and engineering.

What sites in Utah are on the National Register?

All types of sites and properties are represented -- from mansions to prehistoric pit houses, limekilns to LDS tithing offices, suspension bridges to rock art sites. In Utah there are over 1000 individual sites and over 50 historic and archeological districts containing several thousand additional sites. A complete listing of National Register sites in Utah can be obtained from the Office of Historic Preservation.

Why would someone list their property on the National Register?

While listing on the National Register is primarily an honorary recognition of the historic or architectural significance of a property, owners also list their buildings to qualify for federal and/or state rehabilitation tax credits or grants, when available. Listing on the National Register can also help educate the public and change a community's perception of its historic and cultural resources.

Does listing limit an owner's property rights?

Listing in the National Register does not interfere with a private property owner's right to alter, manage or dispose of the listed property. The owner is not required to restore or maintain the property or open it to the public. Local preservation ordinances, where present, may have some implication for a building owner.

What are the requirements for listing? OR Is my house eligible?

To be eligible for the National Register, a building must: (1) be at least 50 years old, (2) retain its architectural integrity [A rule of thumb: Would the original owner still recognize the building?], and (3) be significant. This significance can be national, state-wide, or even local, but must fall within at least one of the following categories: (A) association with important events, (B) association with significant persons, (C) architectural significance, or (D) archeological significance.

Who can nominate properties to the National Register?

Any interested person can research and nominate any property to the National Register. The legal owner has the right to object to, and prevent, the listing of their private property.

What is the process?

Research and document the property (call and ask for the Intensive Level Survey/Research guide) and submit current photos of the property with your early research results for a preliminary review. Next, prepare the National Register nomination form using the results of your research and documentation and the review suggestions. Coordinate with the local historic preservation commission, if one is present in your area. The completed nomination is then presented to the Board of State History for review. With their approval, it is then submitted to the National Park Service in Washington, DC for a final review. The staff of the Office of Historic Preservation is available to review and direct your research and nomination at any time -- consult with them early. The entire nomination process usually takes about six months.

Is there money available for restoration?

Limited matching grants are occasionally available for the preservation of properties listed on the National Register -- contact the Office of Preservation in April to see if grants will be available that year. We can also provide information about the federal and state rehabilitation investment tax credits and direct you to other possible funding sources, as well as providing technical **preservation or maintenance information**.

Where do I go for National Register forms, bulletins, answers, etc.?

Contact: Cory Jensen or Chris Hansen
Office of Historic Preservation
Utah Division of State History
300 S. Rio Grande Street
Salt Lake City, UT 84101-1182
Phone 801/245-7225

Our website: heritage.utah.gov National Register website: www.cr.nps.gov/nr/index.htm

RIGHTS OF OWNERS TO COMMENT AND/OR OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit, to the State Historic Preservation Officer, a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Office shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property (see below).

If you choose to object to the listing of your property, the notarized objection must be submitted to P. Bradford Westwood, State Historic Preservation Officer, 300 S. Rio Grande Street, Salt Lake City, Utah 84101, before the Utah Board of State History meets to consider the nomination. Other comments regarding the nomination of this property should also be directed to Mr. Martin prior to the meeting date. A copy of the nomination and information on the National Register and the Federal and State tax provisions are available from the above address on request.

RESULTS OF LISTING IN THE NATIONAL REGISTER

Eligibility for Federal tax provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Act of 1981, and Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for the "substantial rehabilitation" of historic commercial, industrial, and rental residential buildings. (The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936.) The Tax Treatment Extension Act of 1980 provides Federal tax deduction for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal or professional counsel or the appropriate local Internal Revenue Service office for assistance in determining tax consequences. For further information on certification requirements, please refer to 36 CFR 67.

Eligibility for State tax provisions: S. B. No. 42 passed during the 1993 General Session of the Utah State Legislature created a state income tax credit for the rehabilitation of historic (i.e., National Register listed) residential buildings, either owner-occupied or rental. The credit is 20% of the cost of rehabilitation work totaling more than \$10,000. All of the proposed rehabilitation work must meet the Secretary of the Interior's "Standards for Rehabilitation" and must be pre-approved by the State Historic Preservation Office. Rules implementing these tax provisions are still being developed. Contact the Historic Preservation Office for more information.

Consideration in planning for Federal, federally licensed and federally assisted projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800 or contact the Regulatory Assistance section of the Division of State History.

Consideration in issuing a surface coal-mining permit: In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal-mining permit where coal is located. For further information, please refer to 30 CFR 700 et. seq.

Qualification for Federal or State grants for historic preservation when available: Presently, limited funding may be available through the Certified Local Government program. Direct grants to property owners are also occasionally available. For information about possible grants, contact the Office of Preservation Utah Division of State History.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 4

Short Title: Public Hearing - Zoning Code Amendments - Hillside Overlay Lot Widths - CZC 12.42.040

Initiated By: Chad Morris, Applicant

Scheduled Time: 7:20

SUBJECT

Consider the proposed Zoning Code Amendments to CZC 12.42.040 regarding lot width standards for development within the Hillside Overlay Zone - Ordinance No. 2017-30

RECOMMENDATION

Approve Ordinance No. 2017-30 amending Section 12.42.040 of the Centerville Zoning Code regarding lot widths for development within the Hillside Overlay Zone.

BACKGROUND

On October 25, 2017, the Planning Commission reviewed and recommended approval of the proposed amendments (with revisions recommended by staff) to Section 12.42.040 of the Centerville Zoning Code regarding lot widths for development within the Hillside Overlay Zone. The Staff Transmittal Report for this application is attached.

ATTACHMENTS:

Description

- ☐ CC Staff Report re PC recommendation
- ☐ Ordinance No. 2017-30 - Hillside Overlay Lot Widths
- ☐ PC Staff Report re Hillside Overlay Amendment
- ☐ 10-25-2017 PC minutes - pages 1-2
- ☐ Petitioner's Submittal for Hillside Overlay Amendment

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

PLANNING COMMISSION TRANSMITTAL REPORT

APPLICANT: CHAD MORRIS
533 WEST VALLEY DRIVE
CENTERVILLE CITY, UT 84014
(chadmorris33@gmail.com)

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

APPLICANT REQUEST: AMEND THE ZONING CODE – HILLSIDE OVERLAY-
RELATING TO MINIMUM LOT WIDTH REQUIREMENTS

PC RECOMMENDATION: APPROVE AMENDING THE HILLSIDE OVERLAY
REGULATIONS WITH MODIFICATIONS
RECOMMENDED BY THE CITY'S DEVELOPMENT
REVIEW COMMITTEE (DRC)

BACKGROUND

The petitioner desires to amend the Hillside Overlay's minimum lot width requirement for slopes over 10%, which currently is set at 100 feet. The proposed amendment creates a two-foot increment increase, from the base zone standard, for every 1% slope over 10%. The applicant's argument states that the amendment "allows variation based on the lot's topography rather than a one size fits all" approach. The petitioner believes the "text amendment would be a fair method to determine lots widths...and still allow the City to reach the goal of the Hillside Overlay Zone...[taking] a giant step in bringing a greater amount of fairness into the zoning code" (*see the petitioner's submittal documents*).

PLANNING COMMISSION RECOMMENDATION

On October 25th, the Planning Commission made a motion to recommend APPROVAL of the proposed Hillside Overlay amendment, as modified below:

12.42.040 Development Requirements

- (b) Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area

requirement for lots between 20% and 30%. All lots ~~in~~ located within slope areas more than 10% and below 15% ~~must shall require be~~ platted a minimum lot width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet wide at the setback line, ~~except for the~~ Notwithstanding the foregoing, all lots in agricultural zones shall require a minimum lot ~~where the width must be no less than of~~ 125 feet at the setback line.

Suggested Reasons for the Action (Findings):

- a. 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.
- b. The Planning Commission finds that amendments consistent with the goals, objectives and policies of the City’s General Plan, as presented in the staff report.
- c. The Planning Commission finds that the “one size fits all” 100 feet provision coupled with the cut and fill provisions, can lead to undesirable lot development on hillslopes.
- d. The Planning Commission finds that the amendment allows for variation based on the lot’s topography rather than a one size fits all” approach that bears improved fairness in the use of the overlay ordinance.
- e. Therefore, the Planning Commission finds that the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.

Planning Commission Vote (5-0):

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

ORDINANCE NO. 2017-30

AN ORDINANCE AMENDING SECTION 12.42.040 OF THE CENTERVILLE ZONING CODE REGARDING MINIMUM LOT WIDTHS FOR LOTS WITHIN THE HILLSIDE OVERLAY ZONE

WHEREAS, the City has received an application to amend the Zoning Code to amend the minimum lot width requirements for lots within the Hillside Overlay Zone; and

WHEREAS, the proposed amendments to the Zoning Code regarding minimum lot widths within the Hillside Overlay Zone were reviewed by the Planning Commission and forwarded to the City Council with a positive recommendation; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code regarding minimum lot widths within the Hillside Overlay Zone are in the best interest of the City and the public and will provide reasonable regulation and protection for development within the hillside; 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 12.42.040 of the Centerville Zoning Code regarding Development Requirements in the Hillside Overlay Zone is hereby amended to revise the minimum lot widths as more particularly provided as follows:

12.42.040 Development Requirements

- (a) Requirements for all Lots. Every lot in the Hillside Overlay Zone shall have at least 5,000 square feet of contiguous space which has a slope of less than 30%. This space may be no less than 50 feet wide at any given point. This buildable area must be undisturbed or virgin slope. Certain limited hillside areas may be considered as either natural or man-made "anomalies" such as gravel pit operations or other artificial disturbances based upon size, location, and history of slope, and may be included within the buildable area as may be recommended by the Planning Commission. Lots shall allow dwelling structures to be located within 250 feet of a public street. All main and accessory buildings shall be built on the buildable area.
- (b) Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%. All lots ~~in-located~~ within slope areas ~~greater more~~ greater than 10% ~~and less than 15%~~ and less than 15% ~~must-shall require be~~

~~platted~~ a minimum lot width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet wide at the setback line. ~~except for the~~ Notwithstanding the foregoing, all lots in agricultural zones shall require a minimum lot ~~where the width must be no less than of~~ 125 feet at the setback line.

- (c) Lot Density for Planned Unit Developments and Dwelling Groups. The density limitations for the underlying zone shall apply except where, under a conditional use permit, the Planning Commission determines that additional buildable area, lot size, yard requirements or other condition is needed. All buildings shall be built on the buildable area. All dwelling units shall be built within 250 feet of a public street, or private street that has been approved by the Planning Commission. Dwellings and accessory structures may not occupy more than 40% of the lot area in any hillside area.
- (d) Maximum Impervious Material Coverage. The maximum allowable coverage of a lot in the Hillside Overlay Zone by impervious material shall be 40% of the total lot area, or 5,000 square feet, whichever is less.
- (e) Front Yard Setback. The minimum front yard setback in the Hillside Overlay Zone may be reduced to not less than 20 feet, provided the average slope of the lot exceeds 20% as recommended by the City Engineer.

Section 2. Findings. The amendments to the Zoning Code adopted herein are based on the following findings:

- a. The City Council finds that the “decision to amend the Zoning Code is a matter within the legislative discretion of the City Council” as described in CZC 12.21.060(a)(1)(C).
- b. The City Council finds that the amendments to the Zoning Code are consistent with the goals, objectives and policies of the City’s General Plan as set forth in the Staff Report dated October 25, 2017.
- c. The City Council finds that the “one size fits all” 100 feet provision coupled with the cut and fill provisions, can lead to undesirable lot development on hillslopes.
- d. The City Council finds that the amendment allows for variation based on the lot’s topography rather than a one size fits all” approach that bears improved fairness in the use of the overlay ordinance.
- e. The City Council finds the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.

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

Section 4. 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 5. 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 21st DAY OF NOVEMBER, 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**

APPLICANT: CHAD MORRIS
533 WEST VALLEY DRIVE
CENTERVILLE CITY, UT 84014
(chadmorris33@gmail.com)

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

APPLICANT REQUEST: AMEND THE ZONING CODE – HILLSIDE OVERLAY-
RELATING TO MINIMUM LOT WIDTH
REQUIREMENTS

RECOMMENDATION: CONSIDER RECOMENDING THE DEVELOPMENT
REVIEW COMMITTEE’S (DRC) VERSION OF THE
PROPOSED AMENDMENT

BACKGROUND

The petitioner desires to amend the Hillside Overlay’s minimum lot width requirement for slopes over 10%, which currently is set at 100 feet. The proposed amendment creates a two-foot increment increase, from the base zone standard, for every 1% slope over 10%. The applicant’s argument states that the amendment “allows variation based on the lot’s topography rather than a one size fits all” approach. The petitioner believes the “text amendment would be a fair method to determine lots widths...and still allow the City to reach the goal of the Hillside Overlay Zone...[taking] a giant step in bringing a greater amount of fairness into the zoning code” (*see the petitioner’s submittal documents*).

TEXT AMENDMENT REVIEW AND ANALYSIS (12.21.080.e)

Zoning Code Amendments - Pursuant to the City’s Zoning Ordinance, 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. Additionally, CZC 12.21.80.e. lists one (1) criterion for considering a text amendment petition. The following is a summary of staff’s review of the matter:

1. **Is the proposed text or map amendment consistent with the goals, objectives and policies of the City’s General Plan?**

GP SECTION 12-420-2.3. RESIDENTIAL DEVELOPMENT POLICIES. The following policies are adopted specifically for the achievement of the citizens' desires for “*Residential Development*” in Centerville.

“The hillsides and naturally wooded canyons east of the City should be provided protection from indiscriminate development to assure retention of the natural slopes and vegetation.”

GP SECTION 12-440-3. NATURAL HAZARDS POLICIES. The following policies are adopted specifically for the achievement of the citizens' desires for “*Natural Hazards*” in Centerville.

“Earthquake or seismic hazards have been identified as a significant potential problem in Centerville. All future residential developments should take into consideration the location of the fault lines and other seismically-related hazards. Centerville City shall require the advice of competent geotechnical advisors when development is proposed in seismic hazard areas”

STAFF’S REVIEW AND CONCLUSIONS

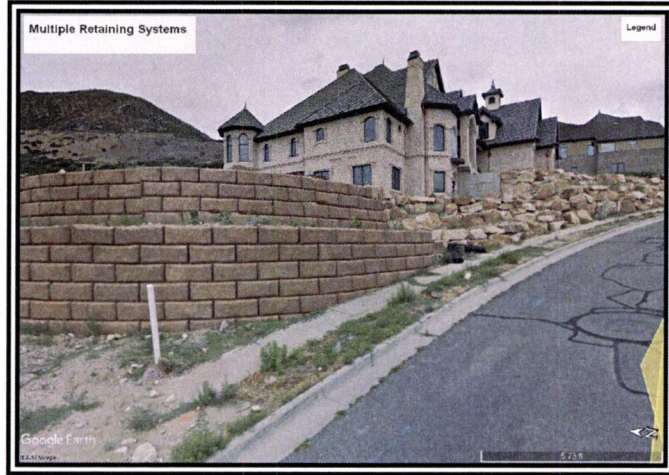
Generally, the proposed changes are consistent with the General Plan’s and existing Zoning Ordinance desires for development to be contextually developed in relation to topography and slope stability. However, it is staff’s position that the current provisions of the Hillside Overlay Zone are woefully inadequate or outdated with regards to the “*slope stability*” and “*indiscriminate development*” matters. Particularly this is evident with how “cuts and fills” are managed in the ordinance. Although, cut and fill standards are different than the lot width minimums, staff generally agrees that the “one size fits all” 100 feet provision coupled with the cut and fill provisions, often leads to undesirable lot development on hillslopes. These concerns can be summarized as follows:

- A narrow frontage lot (*i.e. base minimums*) often lends itself to the construction of retaining walls to create sufficient build area for a lot.
- A larger than needed frontage unnecessarily leads to multiple retaining systems, as allowed by the code, often for the purpose to flatten the lot not only for a home, but for a home owners desire to capitalize on creating yard space, pools, sports courts, etc.
- Open market costs of home development are Centerville is oriented for persons with income levels sufficient to invest in substantial retaining systems. Consequently, the larger the property the more



likely the owner has desires to flatten hillslopes for a variety of accessories uses and structures.

Upon submittal of the applicant's request, the City's Development Review Committee (DRC) concluded that maintaining an increase lot frontage for hillslope development is warranted but, an excessive minimum lot frontage also results in undesirable development. The DRC concluded that the "one size fits all" provision of 100 feet is an inadequate approach. However, the proposed increment system is also questionable for the DRC. The City Engineer believes that hillslopes above 15% have greater potential problems. The City Street Standards allow roadway grades up to 12%, limit road grades up to 15% and prohibit road grades above 15%. Consequently, the increment recommended by the City Engineer is to divide hillslopes in to three (3) categories; 0 to 10% with base zone lot widths; above 10% and under 15% with an 80-foot lot width, and 15% or over maintain the 100-foot lot width. Note: development is prohibited on hillslopes over 30%. Therefore, the DRC supports the following modified language for the amendment:



12.42.040 Development Requirements

- (b) Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%. All lots ~~in~~ located within slope areas more than 10% and below 15% ~~must~~ shall be platted with a minimum lot width of 80 feet at setback line. All lots within slope areas 15% or greater shall be platted with a minimum lot width of 100 feet wide at the setback line. Except for ~~the~~ all lots located in agricultural zones, ~~where~~ the lot width ~~must~~ shall be no less than 125 feet.

The DRC acknowledges that first element of this standard is also outdated and additionally believes that the entire overlay ordinance needs substantial rework. However, the petition before the City, at this time, is limited to the minimum lot widths for hillslopes. The DRC does not believe the proposed amendment adds further problems at present.

PLANNING STAFF RECOMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Ordinance regarding the proposed R-M Zone amendments – I hereby make a motion for the Planning Commission to recommend to the City Council to approve the proposed Hillside Overlay amendment, as modified below:

12.42.040 Development Requirements

- (b) Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%. All lots ~~in~~ located within slope areas more than 10% and below 15% ~~must~~ shall be platted with a minimum lot width of 80 feet at setback line. All lots within slope areas 15% or greater shall be platted with a minimum lot width of 100 feet wide at the setback line. Except for ~~the~~ all lots located in agricultural zones, ~~where~~ the lot width ~~must~~ shall be no less than 125 feet.

Suggested Reasons for the Action (Findings):

- a. *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.*
- b. *The Planning Commission finds that amendments consistent with the goals, objectives and policies of the City’s General Plan, as presented in the staff report.*
- c. *The Planning Commission finds that the “one size fits all” 100 feet provision coupled with the cut and fill provisions, can lead to undesirable lot development on hillslopes.*
- d. *The Planning Commission finds that the amendment allows for variation based on the lot’s topography rather than a one size fits all” approach that bears improved fairness in the use of the overlay ordinance.*
- e. *Therefore, the Planning Commission finds that the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.*

1 **PLANNING COMMISSION MINUTES OF MEETING**
2 **Wednesday, October 25, 2017**
3 **7:00 p.m.**
4

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

8 **MEMBERS PRESENT**

9 Kevin Daly
10 Kathy Helgesen
11 David Hirschi, Chair
12 Logan Johnson
13 Becki Wright (arrived at 7:09 p.m.)
14

15 **MEMBERS ABSENT**

16 Cheylynn Hayman
17 Gina Hirst
18

19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director
21 Lisa Romney, City Attorney
22 Katie Rust, Recording Secretary
23

24 **STAFF ABSENT**

25 Cassie Younger, Assistant Planner
26

27 **VISITORS**

28 Interested citizens (see attached sign-in sheet)
29

30 **PLEDGE OF ALLEGIANCE**

31
32 **OPENING COMMENT/LEGISLATIVE PRAYER** Commissioner Daly
33

34 **PUBLIC HEARING – ZONING TEXT AMENDMENT WITH THE HILLSIDE OVERLAY**
35

36 Cory Snyder, Community Development Director, explained that the petitioner desires to
37 amend the Hillside Overlay's minimum lot width requirement for slopes over 10%, which
38 currently is set at 100 feet. The proposed amendment would create a two-foot increment
39 increase, from the base zone standard for every 1% slope over 10%. He said the applicant has
40 expressed that the amendment "allows variation based on the lot's topography rather than a one
41 size fits all" approach. Mr. Snyder showed an aerial image of the Ford Canyon Subdivision to
42 demonstrate the proposed change.
43

44 Chad Morris, applicant, said he believes allowing a lot width of 80 feet would allow for a
45 more desirable neighborhood without all the different types of retaining, and would give more
46 opportunity to construct homes of different values. He suggested the change would be helpful
47 for all residential neighborhoods on the hillside.
48

49 Chair Hirschi opened a public hearing at 7:16 p.m., and closed the public hearing seeing
50 that no one wished to comment. Commissioner Helgesen made a **motion** to recommend the

City Council approve the proposed Hillside Overlay amendment with reasons for the action (a) – (e). Commissioner Daly seconded the motion.

Reasons for the Action (Findings):

- a. The Planning Commission finds that the “decision to amend the . . . zoning ordinance is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a)(1)(B).
- b. The Planning Commission finds that amendments consistent with the goals, objectives and policies of the City’s General Plan, as presented in the staff report.
- c. The Planning Commission finds that the “one size fits all” 100 feet provision coupled with the cut and fill provisions, can lead to undesirable lot development on hill slopes.
- d. The Planning Commission finds that the amendment allows for variation based on the lot’s topography rather than a “one size fits all” approach that bears improved fairness in the use of the overlay ordinance.
- e. Therefore, the Planning Commission finds that the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.

Lisa Romney, City Attorney, suggested minor changes to the language of the Zoning Text Amendment. Commissioners Helgesen and Daly agreed to incorporate her suggested changes into the motion. Responding to a question from Commissioner Wright, Mr. Snyder confirmed the City Engineer was comfortable with the recommended cap of 15% for an 80-foot lot width. He said staff believes the Zoning Text Amendment will potentially provide greater flexibility in the future. Chair Hirschi suggested that a deeper review of the Hillside Overlay should be on the Planning Commission goal list for 2018. The motion passed by unanimous vote (5-0).

CONDITIONAL USE PERMIT FOR CUPBOP CATERING

Commissioner Johnson made a **motion** to table discussion of this issue to the November 15, 2017 Planning Commission meeting. Commissioner Wright seconded the motion, which passed by unanimous vote (5-0).

DRAFT AMENDMENTS TO CZC 12.48 SOUTH MAIN STREET CORRIDOR OVERLAY ZONE

Utah law requires a review of the City’s Moderate Income Housing Plan every two years. A joint work session is scheduled with the City Council and the Planning Commission to discuss the Moderate Income Housing Plan on November 15th. In preparation for that work session, Mr. Snyder presented draft amendments to the South Main Street Corridor Overlay that move away from form-based code and incorporate Public Space Plan elements (available with the agenda on NovusAgenda). The draft amendments include a proposed use list, but do not include guidelines for existing nonconformities. Commissioner Wright said she likes the flexibility and the pragmatic approach, but emphasized that she would not want the changes to devalue property. She expressed a desire to be sensitive and recognize property rights. Chair Hirschi responded that changing the form-based Overlay would not necessarily change property values. Commissioner Wright said she wonders if changing the Overlay is a step toward rezoning.

Mr. Snyder explained that the draft amendments reduce the boundaries for the South Main Street Corridor. Chair Hirschi expressed appreciation for the work Mr. Snyder put into the draft amendments, and said he is convinced now that the market will dictate what will happen on Main Street, with City influence through design guidelines and the Public Space Plan. He



CENTERVILLE CITY

ZONE TEXT AMENDMENT APPLICATION

655 North 1250 West • Centerville, Utah 84014
Phone 801-292-8232 Fax 801-292-8251

DESCRIPTION OF PROPOSED

CHANGE(S) Minimum lot width at setback line based on slope.

CHAPTER 12.42 (Hillside Overlay zone) SECTION 12.42.040 (b)

APPLICANT INFORMATION

NAME CHAD MORRIS COMPANY NAME _____
MAILING ADDRESS 533 W. VALLEY DR. CITY / ST / ZIP CENTERVILLE, UT 84014
PHONE 801-856-4969 FAX _____ EMAIL chadmorris33@gmail.com

SIGNATURE OF APPLICANT [Signature]

SEE NOTE 1

DATE 10/4/2017

AGENT INFORMATION

NAME _____ COMPANY NAME _____
MAILING ADDRESS _____ CITY / ST / ZIP _____
PHONE _____ FAX _____ EMAIL _____

SIGNATURE OF AGENT _____

SEE NOTE 1

DATE _____

DEPOSIT MUST ACCOMPANY THIS APPLICATION - SEE ATTACHED FEE SCHEDULE

RECEIVED OCT 05 2017	Rec'd / Initials <u>DW</u>	Assigned Project Name	
Fee/Deposit Attached	Y or <u>(N)</u>	Amount Fee Paid	\$ 0.00
		Amount of Deposit Paid	\$ -250.00

Fee transferred from B2A
Previous Check #: 108
APP. 10-8-14-17

Note 1: Deposits will be applied toward the cost of required engineering and/or legal services invoiced to the City. Developer/Applicant will be refunded or billed any difference without markup. Hourly rates for these services will be provided upon request. Also any errors or corrections needed for submitted plans are the responsibility of the developer/applicant. Initial here for acknowledgement of deposits

CURRENT TEXT:

12.42.040(b)

Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%. ***All lots in slope areas more than 10% must be platted a minimum of 100 feet wide at the setback line***, except for the lots in agricultural zones where the width must be no less than 125 feet.

DESCRIPTION OF PROPOSED CHANGES(S):

Remove the 100 feet width minimum for lots with a slope greater than 10% by amending the text to the following:

- ***All lots in slope areas between 10% and 30% must be platted with the minimum widths at the setback line based on the table below:***

Slope %	Lot Width in ft
10-10.9	62
11-11.9	64
12-12.9	66
13-13.9	68
14-14.9	70
15-15.9	72
16-16.9	74
17-17.9	76
18-18.9	78
19-19.9	80
20-20.9	82
21-21.9	84
22-22.9	86
23-23.9	88
24-24.9	90
25-25.9	92
26-26.9	94
27-27.9	96
28-28.9	98
29-30	100

RECEIVED OCT 05 2017

REASONING FOR THE TEXT CHANGE(S):

The purpose in proposing this zone text amendment is to allow variation based on an individual lot's topography, rather than a one size fits all fix. The table presented for the zone text amendment would be a fair method to determine widths at the setback and still allow the City to reach the goal of the Hillside Overlay Zone.

While it is understandable to require more width at the setback for lots with a great deal of slope, the current code does not take into consideration the varying degrees of slope of lots found within the Hillside Overlay Zone. As the code currently stands a lot with 9.9% slope would only require 60 feet at the setback, whereas a lot with 10% slope would require 100 feet of width at the setback. As ridiculous as it is to have such discrepancy (40 feet) in setback widths due to 0.1% slope, it is equally bizarre to eliminate all discrepancy for lots with slopes between 10% and 30%. By accepting the above table, I believe the City can take a giant step in bringing a greater amount of fairness into the zoning code.

RECEIVED OCT 05 2017

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 5.

Short Title: PDO Zoning Map Amendment and Conceptual Plan - Legacy Commons - 1250 West Parrish Lane (Northwest Corner)

Initiated By: Spencer Wright, Applicant

Scheduled Time: 7:40

SUBJECT

TABLED FROM OCTOBER 17, 2017

Consider the proposed Zoning Map Amendment for approximately 8.49 acres of property located at 1250 West Parrish Lane from Commercial-Very High to Commercial Very High/Planned Development Overlay and Conceptual Plan for the Legacy Commons PDO - Ordinance No. 2017-29

RECOMMENDATION

Adopt Ordinance No. 2017-29 (**after replacing Exhibit B with updated conceptual site plans**) amending the Centerville Zoning Map by changing the zoning of approximately 8.49 acres of property located at 1250 West Parrish Lane from Commercial-Very High to Commercial Very High/Planned Development Overlay and accepting the Conceptual Plan for the Legacy Commons PDO.

BACKGROUND

On October 17, 2017, the City Council reviewed and held a public hearing on this matter. The Council thereafter tabled action on the matter to the next City Council meeting on November 8, 2017. Since the previous City Council meeting, the Applicant has submitted additional information as described in the following email:

From: Spencer Wright [mailto:Spencer@wrightdevelopmentgroup.net]

Sent: Wednesday, November 01, 2017 2:17 PM

To: Cory Snyder; Steve Thacker

Subject: Legacy Commons - 1250 W. Parrish Lane

Cory/Steve:

Pursuant to our conversations, please find attached the following:

1. Updated conceptual site plan – changes have been made to show a proposed ingress into the hotel property along with a slight modification in the layout of the SE corner of the residential portion of the project;
2. Updated phasing plan – changes indicate that the building permit for the hotel will be pulled prior to a building permit for any residential construction
3. Updated financial analysis – changes have been made to address questions by City Manager Steve Thacker and in consultation with Randy Sant of RS Consultants.

Additionally, the council may have already seen the following drawings but I am including them here just in case they have not or if you would like to include them again:

1. Proposed hotel elevations
2. Conceptual commercial elevations

Please let me know if you have any additional questions or comments.

Best regards,

Spencer

Spencer H. Wright

Wright Development Group

1178 W. Legacy Crossing Blvd., Ste. 100

Centerville, Utah 84014

P: (801) 773-7339

C: (801) 628-9462

spencer@wrightdevelopmentgroup.net

www.wrightdevelopmentgroup.net

The updated submittals are attached (including, Concept Plan, Benefits Analysis, Conceptual Commercial Elevations, Phasing Plan, and Hotel Elevations)--*following the attachments carried forward from the October 17 meeting packet.*

The Police Chief also followed up on the Council's question about school bus service to this area. He spoke with the School District's Transportation Director and learned that a special needs bus has been servicing this area, which includes providing rides for pre-school children, but does not service regular students. He also learned, however, that regular school bus service will begin serving this area on Monday, November 6 because the 10-student minimum threshold has now been met. The students will be bused to Taylor Elementary School.

Two of the attachments--"Development Examples--Values Per Acre" and "Map of Selected Areas for Values Comparison" were submitted by Councilwoman Fillmore for the prior meeting and have been attached again along with all of the other documents attached to the prior meeting's staff report.

ATTACHMENTS:

Description

- ▢ 10-17-17 CC Staff Report - Legacy Commons
- ▢ Ordinance No. 2017-29 - Legacy Commons PDO
- ▢ Legacy Commons PDO Submittal
- ▢ 09-27-17 PC Staff Report - Legacy Commons
- ▢ 9-27-2017 PC minutes re Legacy Commons
- ▢ H Elevation
- ▢ Hotel Elevations
- ▢ Copy of Centerville Benefits Analysis

- ▣ Development Examples-Values Per Acre
- ▣ Map of Selected Areas for Values Comparison
- ▣ Updated Concept Plan
- ▣ Updated Phasing Plan
- ▣ Updated Hotel Elevation
- ▣ Updated Benefits Analysis
- ▣ Updated Commercial Elevations

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

PLANNING COMMISSION TRANSMITTAL REPORT

APPLICANT: **WRIGHT DEVELOPMENT GROUP
C/O SPENCER WRIGHT
1178 W. LEGACY CROSSING BLVD. SUITE 100
CENTERVILLE, UTAH 84014
(spencer@wrightdevelopmentgroup.net)**

PROPERTY: **NORTHWEST CORNER OF PARRISH LANE & 1250 WEST**

ACREAGE: **APPROXIMATELY 8.4 ACRES, COMPRISED OF:**
 ○ *OWNER'S = 06-006-0082 – 5.92 AC*
 ○ *UDOT's – EXCESS R-O-W LEGACY PARKWAY:*
 ■ *06-006-0083 – 1.63*
 ■ *06-006-0102 - 0.94*

ZONING: **COMMERCIAL - VERY HIGH (C-VH)**

APPLICATIONS: **1. REZONE PETITION PROPERTIES FROM C-VH
TO C-VH / PLANNED DEVELOPMENT (C-H/PD):**

 **2. PLANNED DEVELOPMENT OVERLAY, WITH
CONCEPTUAL PLAN ACCEPTANCE, AND
CONCEPTUAL SUBDIVISION FOR A MASTER
PLANNED MIXED-USE SECTOR PROJECT:**
 a. Hotel Site
 b. Commercial Sites
 Multi-Family Residential Dwellings

PC RECOMMENDATION: **APPROVAL OF THE LEGACY COMMONS
DEVELOPMENT PDO REQUEST**

BACKGROUND

The proposed master plan project (*aka, Legacy Commons*) is located within “the Parrish-Legacy Corridor District” [*West Centerville Neighborhood Plan*]. The project provides a unique opportunity to develop a mixed commercial/residential planned development through rezoning using the Planned Development Overlay

allowance of the City's Zoning Ordinance. The master planned project (*see attachments for this report*) would consist of the following:

Land Uses Proposed:

- Hotel Use – 1.73 acres, Max. Four-story Main Building (60 feet in height).
- Commercial Uses (e.g. restaurant & coffee house) – 1.25 acres, two (2) sites (*heights are proposed as 1-story buildings*)
- Multi-family Residential Uses - 5.20 acres, consisting of:
 - Max. 3-story Main Buildings (*45 feet in height*)
 - 111 Dwelling Units
 - 236 Parking Spaces with 92 parking stalls in garages
 - 1.60 acres Open Space (*31% of the Residential Area*)

Shorelands Commerce Park Style Building Design Theme – The submitted development plan only addresses the expected residential building design for the project. The residential design depicts a low slope-roof (*an adapted contemporary prairie style*) building architecture with colors compatible with Shorelands Commerce Park color palette located further north in the West Centerville Neighborhood. This proposed residential style, with the units fronting streets and pathways with parking hidden behind the building, creates a greater sense of community/neighborhood in this mixed-use project. This design is much more compatible with the streetscape design and trail system path proposed along 1250 West setting up the ability to connect to the 1250 West pedestrian overpass of Legacy Parkway located further to the north.

The development plan does not address the design concepts for the hotel and commercial sites. Unless, the PDO approval addresses the design differently, the project remains subject the Parrish Lane Gateway Design standards with regards to expected architectural building design (*see CZC 12.63.040*).

Site Layout & Landscaping Theme – The site will not be accessed from Parrish Lane. It is important to note during a partial acquisition of the property for the Legacy Parkway, UDOT paid the value of an access to Parrish Lane and established a “no access restriction” for the property. Staff meet with the Region 1 office and they have expressed that UDOT has “no intention” to resell the access right to Parrish Lane. Consequently, all access to the project site will be from 1250 West. As proposed, there are two (2) planned accesses; one primarily for the hotel and commercial uses and the other for residential uses. Nonetheless, the interior drive lanes will be integrated within the entire development.

The hotel and commercial uses will still be located along Parrish Lane and the south corner and southern portion of 1250 West. The residential uses will be located behind (from Parrish Lane) and also fronting the northern portion of the property along 1250 West, along the proposed trail/pathway. The proposed landscaping theme, particularly along Parrish Lane and 1250 West appears to be exactly the drought tolerant style used in the Legacy Trails project (*across the Parrish Lane to the south*). Additionally, the same fencing and pedestrian style street lighting fixtures will be used along 1250 West. Interior project landscaping is depicted; however, the plans are conceptual at this point and the design details are unidentified with the exception of the proposed treescaping.

Site Plan/Subdivision, Phased Construction – The site and subdivision (2 *development lots*) will be prepared as one development site to support the development in its entirety. However, construction activities are to be phased as independent lots, as follows:

- *Phase One – Multi-family Residential Buildings & related elements (Lot 1).*
- *Phase Two – Hotel/Commercial Buildings (Lot 2)*

SUMMARY OF PLANNING COMMISSION'S ACTIONS, MOTIONS, AND VOTE:

On September 27, 2015, the Planning Commission held a hearing, discussed the request, and forwarded a recommendation to APPROVE the Legacy Commons PDO Rezone and Conceptual Plan, as follows:

- a. The **Development Design for the Legacy Commons** shall be substantially consistent with the plan layout received by the City on September 07, 2017.
- b. The **Land Uses** shall consist of the following:
 - Hotel Use – 1.73 acres, Max. Four-story Main Building (60 feet in height, if a CUP is approved by the City).
 - Commercial Uses (e.g. restaurant & coffee house) – 1.25 acres, two (2) sites (*heights are proposed as 1-story buildings*)
 - Multi-family Residential Uses - 5.20 acres, consisting of:
 - *Max. 3-story Main Buildings (45 feet in height)*
 - *111 Dwelling Units*
 - *236 Parking Spaces with 92 parking stalls in garages*
 - *1.60 acres Open Space (31% of the Residential Area)*
- c. The **Architecture and Building Design Theme** shall consist of the following:
 - A Shorelands Commerce Park color palate or other tones deemed compatible with the surrounding development, as approved with a final site plan.
 - The design of the Hotel and Commercial Uses shall be subject to

the Parrish Lane Gateway Design Standards (CZC 12.63).

- The residential design shall be consistent with the submitted Denver based project (*Aster Town Center*) concepts consisting of a low slope-roof (*an adapted contemporary prairie style*) building architecture meeting the approved PDO color palette.
- The residential style and layout shall consist of, with the units fronting streets and pathways with parking hidden behind the building, as depicted on the Conceptual Plan.
- The primary pedestrian streetscape design and trail system path shall be provided along 1250 West, as depicted on the Concept Plan, which creates the ability to connect to the 1250 West pedestrian overpass of Legacy Parkway locate further to the north.
- A secondary streetscape (non-pedestrian) design shall be provided along Parrish Lane, with landscaping and fencing, as depicted on the Concept Plan and compatible with the design across the street to the south.
- The Hotel use shall be subject to the “Increased Height” provision of CZC 12.34.080.

d. The **Site Layout & Landscaping Theme** shall consist of the following:

- Site Access will be from 1250 West Street consisting of two (2) planned accesses; one primarily for the hotel and commercial uses and the other for residential uses, as depicted on the Concept Plan.
- As part of any related development final development approval, the southern access for the commercial uses shall deemed acceptable to the City upon review by a traffic engineer to establish whether it is a limited or full turn-movement access point.
- All interior drive lanes shall be integrated within the entire development, as depicted on the Concept Plan.
- The hotel and commercial uses will be located along Parrish Lane and the south corner and southern portion of 1250 West, as depicted on the Concept Plan.
- The residential uses will be located behind (*from Parrish Lane*) and also fronting the northern portion of the property along 1250 West, along the proposed trail/pathway, as depicted on the Concept Plan.
- The Common Area amenities shall be provided in an integrated manner and internal pathways shall be provided connecting to the residential units, as depicted on the Concept Plan.
- The proposed landscaping theme, particularly along Parrish Lane and 1250 West is to be compatible with the drought tolerant style used in the Legacy Trails project (*across the Parrish Lane to the south*).
- The fencing and pedestrian style street lighting fixtures shall be used along 1250 West, as depicted on the Concept Plan.
- The fencing and parking lot lighting along Parrish Lane shall be

- consistent with the styles used along 1250 West.
 - Interior project landscaping shall be consistent with the treescaping shown on the conceptual plan – a final detailed landscaping plan shall be prepared and submitted with any final development application.
 - A screen wall or fence shall be provided along the northern property boundary to buffer the residential units from the adjacent I-H zone, as depicted on the Concept Plan.
 - The bench and water feature shall be provided at the intersection corner of Parrish Lane/1250 West and shall be compatible with the design plan concepts implemented for the Parrish-Legacy CDA.
- e. The **Site Plan/Subdivision and Phased Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities may be phased as independent lots, as follows:
- *Phase One – Multi-family Residential Buildings & related elements (Lot 1)*
 - *Phase Two – Hotel/Commercial Buildings (Lot 2)*
- f. The **Development Variations Allowed** for the Legacy Commons are limited to the following:
- *Parrish Lane Gateway Design Standards (12.63)* - The development plan is to relocate the pedestrian oriented amenities that normally abut the Parrish Lane Corridor to the 1250 West Corridor.
 - *Lot Side Lines/Right Angles (15.05.020)* – The side line (north-south) between the two lots may have a right-angle jog, which is a design consequence of the interior access lanes amongst the various uses

(Suggested Reasons for Action -Findings)

- a) The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.
- b) The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000-sq. ft.
- c) The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidence by the following:
- d) Farmington Station Park was developed after the West Centerville Plan adoption.
- e) Farmington Station Park has likely saturated the market for developing medium box type commercial uses.
- f) To date, Legacy Crossing at Parrish Lane provides space for medium box type commercial uses and Legacy Trails provided two (2) smaller commercial lots that have not yet come to full fruition.
- g) Limiting the allowance of other types of multi-family development negatively impacts the planned allowance of multi-family development

- at this node in the West Centerville Neighborhood.
- h) Not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by UDOT's ability selling off excess public property, which could become a nuisance in the future.
 - i) Master Planning the entire area is better suited to address any impacts than to piecemeal development under already long list of permitted commercial uses.
 - j) Lastly, considering a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.

Planning Commission Vote (5-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson			(Recused)
Daley			X
Hayman	X		
Wright	X		
Helgesen	X		

PREVIOUS PLANNING COMMISSION MEETINGS HELD ON THIS MATTER

- ✓ March 08, 2017 – Petition Initially Presented to the Planning Commission

ORDINANCE NO. 2017-29

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 8.49 ACRES OF CERTAIN REAL PROPERTY AS DESCRIBED HEREIN FROM COMMERCIAL-VERY HIGH (C-VH) TO COMMERCIAL-VERY HIGH/PLANNED DEVELOPMENT OVERLAY (C-VH/PD) AND APPROVING THE CONCEPTUAL PLAN FOR THE LEGACY COMMONS PLANNED DEVELOPMENT

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

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property regarding commercial policies for West Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Commercial-Very High (C-VH) to Commercial-Very High/Planned Development Overlay (C-VH/PD) as more particularly provided herein; and

WHEREAS, as part of the Planned Development Overlay (PDO) Zone requirements, requests for PDO zoning shall include a conceptual site plan for review and acceptance by the City Council concurrent with the rezoning decision; and

WHEREAS, the proposed amendments to the Centerville Zoning Map and Conceptual Plan for the Legacy Crossing Planned Development as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Map and approval of the Conceptual Site Plan.

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

Section 1. PDO Rezone and Conceptual Plan Approval. Subject to conditions of approval set forth in Section 2, the real property located at 1250 West Parrish Lane consisting of approximately 8.49 acres as more particularly described in the legal descriptions set forth in **Exhibit A**, attached and incorporated herein by this reference, is hereby rezoned and changed from Commercial-Very High (C-VH) to Commercial-Very High/Planned Development Overlay (C-VH/PD) and the Conceptual Site Plan for the Legacy Crossing PDO, as more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference, is hereby approved by the City Council.

Section 2. Conditions of PDO Approval. The PDO Rezone and Conceptual Plan for the Legacy Commons PDO are subject to the following conditions of approval:

- a. The **Development Design for the Legacy Commons** shall be substantially consistent with the plan layout received by the City on September 7, 2017.
- b. The **Land Uses** shall consist of the following:

- Hotel Use – 1.73 acres, Max. Four-story Main Building (60 feet in height, if a CUP is approved by the City).
 - Commercial Uses (e.g. restaurant & coffee house) – 1.25 acres, two (2) sites (*heights are proposed as 1-story buildings*)
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 - 1.60 acres Open Space (31% of the Residential Area)
- c. The **Architecture and Building Design Theme** shall consist of the following:
- A Shorelands Commerce Park color palate or other tones deemed compatible with the surrounding development, as approved with a final site plan.
 - The design of the Hotel and Commercial Uses shall be subject to the Parrish Lane Gateway Design Standards (CZC 12.63).
 - The residential design shall be consistent with the submitted Denver based project (*Aster Town Center*) concepts consisting of a low slope-roof (*an adapted contemporary prairie style*) building architecture meeting the approved PDO color palette.
 - The residential style and layout shall consist of, with the units fronting streets and pathways with parking hidden behind the building, as depicted on the Conceptual Plan.
 - The primary pedestrian streetscape design and trail system path shall be provided along 1250 West, as depicted on the Concept Plan, which creates the ability to connect to the 1250 West pedestrian overpass of Legacy Parkway located further to the north.
 - A secondary streetscape (non-pedestrian) design shall be provided along Parrish Lane, with landscaping and fencing, as depicted on the Concept Plan, and compatible with the design across the street to the south.
 - The Hotel use shall be subject to the “Increased Height” provision of CZC 12.34.080.
- d. The **Site Layout & Landscaping Theme** shall consist of the following:
- Site Access will be from 1250 West Street consisting of two planned accesses; one primarily for the hotel and commercial uses and the other for residential uses, as depicted on the Concept Plan.
 - As part of any related development final development approval, the southern access for the commercial uses shall deemed acceptable to the City upon review by a traffic engineer to establish whether it is a limited or full turn-movement access point.
 - All interior drive lanes shall be integrated within the entire development, as depicted on the Concept Plan.

- The hotel and commercial uses will be located along Parrish Lane and the south corner and southern portion of 1250 West, as depicted on the Concept Plan.
 - The residential uses will be located behind (*from Parrish Lane*) and also fronting the northern portion of the property along 1250 West, along the proposed trail/pathway, as depicted on the Concept Plan.
 - The Common Area amenities shall be provided in an integrated manner and internal pathways shall be provided connecting to the residential units, as depicted on the Concept Plan.
 - The proposed landscaping theme, particularly along Parrish Lane and 1250 West, is to be compatible with the drought tolerant style used in the Legacy Trails project (*across the Parrish Lane to the south*).
 - The fencing and pedestrian style street lighting fixtures shall be used along 1250 West, as depicted on the Concept Plan.
 - The fencing and parking lot lighting along Parrish Lane shall be consistent with the styles used along 1250 West.
 - Interior project landscaping shall be consistent with the treescaping shown on the conceptual plan. A final detailed landscaping plan shall be prepared and submitted with any final development application.
 - A screen wall or fence shall be provided along the northern property boundary to buffer the residential units from the adjacent I-H zone, as depicted on the Concept Plan.
 - The bench and water feature shall be provided at the intersection corner of Parrish Lane and 1250 West and shall be compatible with the design plan concepts implemented for the Parrish-Legacy CDA.
- e. **The Site Plan/Subdivision and Phased Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities may be phased as independent lots, as follows:
- *Phase One – Multi-family Residential Buildings & related elements (Lot 1)*
 - *Phase Two – Hotel/Commercial Buildings (Lot 2)*
- f. **The Development Variations Allowed for the Legacy Commons** are limited to the following:
- *Parrish Lane Gateway Design Standards (12.63)* - The development plan is to relocate the pedestrian oriented amenities that normally abut the Parrish Lane Corridor to the 1250 West Corridor.
 - *Lot Side Lines/Right Angles (15.05.020)* – The side line (north-south) between the two lots may have a right-angle jog, which is a design consequence of the interior access lanes amongst the various uses.

Section 3. Findings for PDO Approval. The rezone of the subject property to C-VH/PD and corresponding Conceptual Plan approval for the Legacy Commons PDO is based on the following findings:

- a. The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.
- b. The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000 sq. ft.
- c. The market conditions are not ripe now, nor likely in the future, for medium box commercial uses as evidence by the following:
- d. Farmington Station Park was developed after the West Centerville Plan adoption.
- e. Farmington Station Park has likely saturated the market for developing medium box type commercial uses.
- f. To date, Legacy Crossing at Parrish Lane provides space for medium box type commercial uses and Legacy Trails provided two smaller commercial lots that have not yet come to full fruition.
- g. Limiting the allowance of other types of multi-family development negatively impacts the planned allowance of multi-family development at this node in the West Centerville Neighborhood.
- h. Not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by UDOT's ability selling off excess public property, which could become a nuisance in the future.
- i. Master Planning the entire area is better suited to address any impacts than to piecemeal development under already long list of permitted commercial uses.
- j. Lastly, a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.

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. Effective Date. Subject to conditions of approval set forth in Section 2, this Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 17th DAY OF OCTOBER, 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.

EXHIBIT A

Legacy Commons PDO Rezone Property Descriptions

All of Parcel No. 06-006-0082

BEG ON THE N LINE OF PARRISH LANE AT A PT S 0°01' E 145.25 FT & S 89°59' W 2075.19 FT & N 20°54'57" E 316.18 FT FR THE E 1/4 COR OF SEC 12-T2N-R1W, SLM IN THE CITY OF CENTERVILLE; & RUN TH N 20°54'57" E 389.56 FT; TH N 89°59' E 380.50 FT, M/L, TO THE W LINE OF A 100 FT WIDE STATE HWY R/W; TH S 0°12'30" W 650.0 FT ALG SD HWY TO A PT 60.0 FT N OF THE CENTER LINE OF SD PARRISH LANE; TH S 88°15' W 295.96 FT; TH S 88°01'05" W 18.11 FT TO A PT OF A 767.22 FT RAD CURVE TO THE RIGHT 486.57 FT (LC BEARS N 63°53'23" W 478.46 FT); TH N 45°43'17" W 96.965 FT TO THE POB. CONT. 5.972 ACRES.

All of Parcel No. 06-006-0083

A PARCEL OF LAND IN FEE FOR A CONNECTION ROAD INCIDENT TO THE CONSTRUCTION OF A FREEWAY KNOWN AS PROJECT NO 0067; BEING PART OF AN ENTIRE TRACT OF PPTY SIT NW 1/4 SE 1/4 OF SEC 12-T2N-R1W, SLM; THE BNDRY OF SD PARCEL OF LAND ARE DESC AS FOLLOWS: BEG IN THE N'LY R/W LINE OF THE EXIST PARRISH LANE AT THE SW COR OF SD ENTIRE TRACT, WH PT IS 632.518 M (2075.19 FT) N 89°54'28" W ALG THE 1/4 SEC LINE & 44.272 M (145.25 FT) S FR THE E 1/4 COR OF SD SEC 12 AS MONU WITH A CO BRASS CAP; & RUN TH N 20°54'57" E (EQUALS HWY N 20°58'50" E) 96.372 M (316.18 FT) ALG THE W'LY BNDRY LINE OF SD ENTIRE TRACT; TH S 45°43'17" E (HWY BEARING) 29.555 M (96.965 FT) TO THE PT OF TANGENCY WITH A 233.850 M (767.22 FT) RAD CURVE TO THE LEFT; TH SE'LY 148.307 M (486.57 FT), M/L, ALG THE ARC OF SD CURVE TO THE N'LY R/W LINE OF PARRISH LANE (NOTE: CHORD TO SD CURVE BEARS S 63°53'23" E (HWY BEARING) FOR A DIST OF 145.834 M (478.46 FT)); TH N 88°01'05" E (EQUALS HWY N 88°31'23" E) 5.521 M (18.11 FT), M/L, ALG SD N'LY R/W LINE TO THE W'LY R/W LINE OF 1250 W STR; TH S 88°01'05" W (EQUALS HWY S 88°31'23" W) 95.698 M (313.97 FT), M/L, ALG SD N'LY R/W LINE; TH S 0°05'00" W (EQUALS HWY S 0°09'31" W) 2.996 M (9.83 FT); TH S 89°56'14" W (EQUALS HWY N 89°59'38" W) 101.982 M (334.59 FT), M/L, CONT ALG SD N'LY R/W LINE TO THE POB AS SHOWN ON THE OFFICAL MAP OF SD PROJECT ON FILE IN THE OFFICE OF THE UDOT. CONT. 1.639 ACRES

All of Parcel No. 06-006-0102

SIT IN THE SW 1/4 NE 1/4 OF SEC 12-T2N-R1W, SLM; THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE NE COR OF SD ENTIRE TRACT, WH PT IS 139.64 FT S 0°01' E (EQUALS HWY S 0°01'43" E), 2075.66 FT S 89°59' W (EQUALS HWY N 89°59'38" W) TO A PT IN THE N'LY R/W LINE OF PARRISH LANE & 704.80 FT N 20°58'50" E (EQUALS HWY BEARING N 20°54'57" E) FR THE E 1/4 COR OF SD SEC 12 AS MONU WITH A CO BRASS CAP; & RUN S 89°54'19" W (HWY BEARING EQUALS DEED OF RECORD S89°56'14" W) 168.84 FT, M/L, ALG THE N'LY BNDRY LINE OF SD ENTIRE TRACT TO THE E'LY R/W LINE OF A HWY KNOWN AS PROJECT NO 0067; TH ALG SD E'LY R/W LINE THE FOLLOWING THREE (3) COURSES: (1) S 9°10'08" W 266.43 FT TO A PT OF TANGENCY WITH A 49.21 FT RAD CURVE TO THE LEFT; TH (2) S'LY 47.15 FT ALG THE ARC OF SD CURVE (NOTE: CHORD TO SD CURVE BEARS S 18°16'34" E FOR A DIST OF 45.36 FT); TH (3) S 45°43'17" E 80.90 FT, M/L, TO THE E'LY BNDRY LINE OF SD ENTIRE TRACT; TH N 20°58'50" E (HWY EQUALS DEED OF RECORD N 20°54'57" E) 388.62 FT, M/L, ALG SD E'LY BNDRY TO THE PT OF BEG. CONT 0.992 ACRES

EXHIBIT B

Legacy Commons PDO Conceptual Site Plan and Details

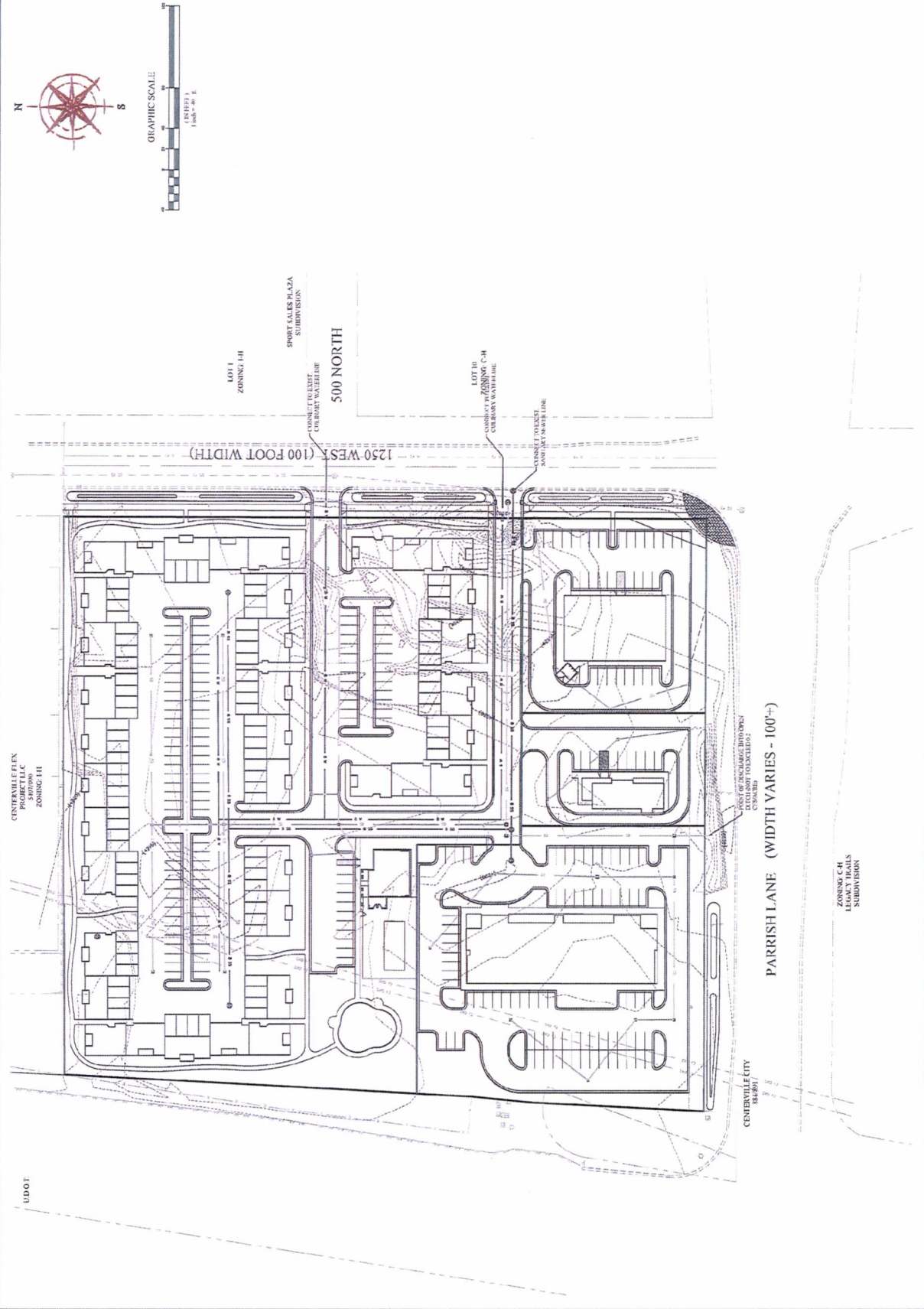
FOCUS
ENGINEERING AND SURVEYING, LLC
25 WEST CENTER STREET
MIDVALE, UTAH 84047 PH (801) 392-0075
www.focusllc.com

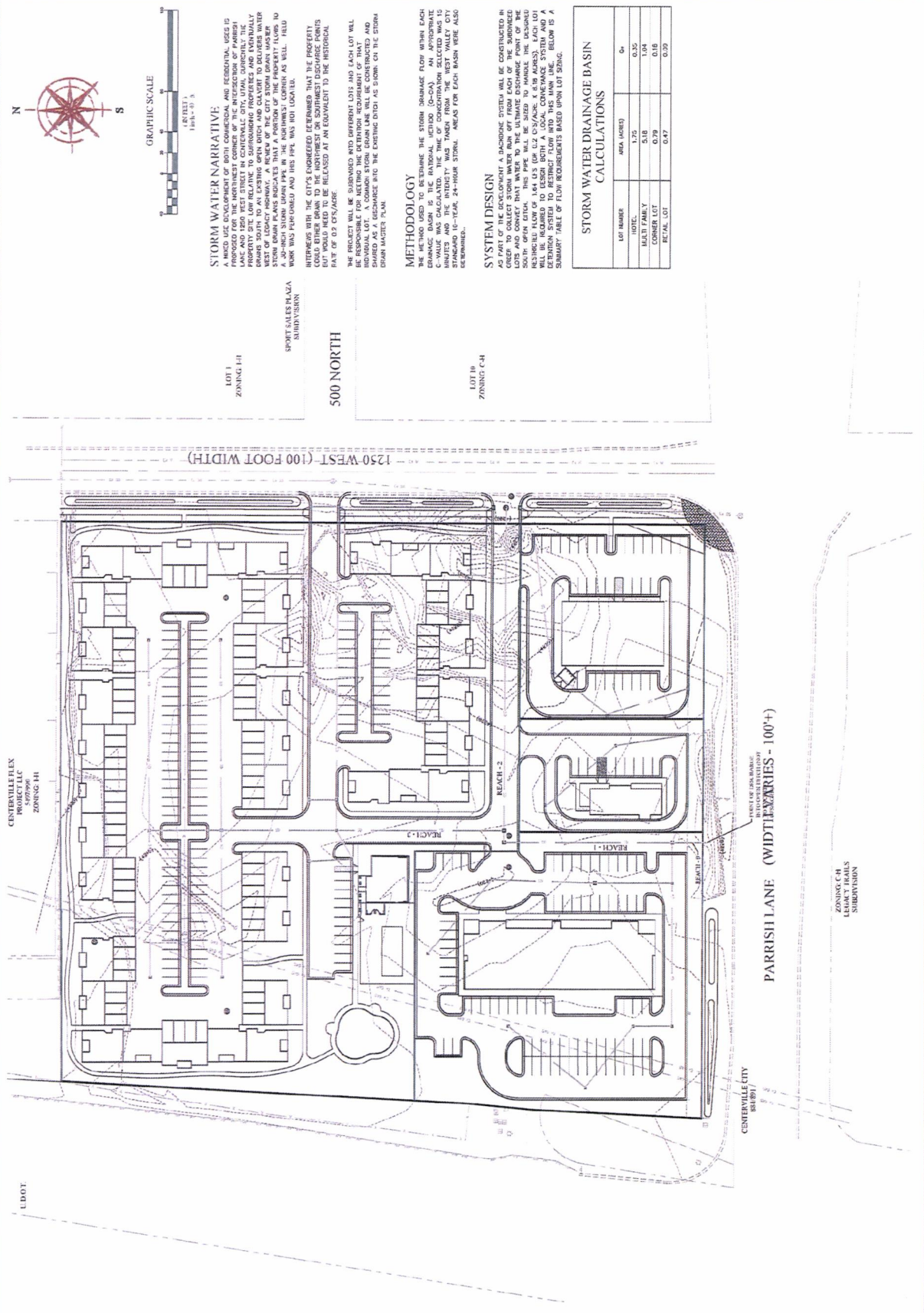
**CENTERVILLE MIXED USE
CENTERVILLE, DAVIS COUNTY, UTAH
UTILITY PLAN**

REVISION	DATE	BY	CHKD
1	10/11/17	JD	JD
2	10/11/17	JD	JD
3	10/11/17	JD	JD
4	10/11/17	JD	JD
5	10/11/17	JD	JD
6	10/11/17	JD	JD
7	10/11/17	JD	JD
8	10/11/17	JD	JD
9	10/11/17	JD	JD
10	10/11/17	JD	JD
11	10/11/17	JD	JD
12	10/11/17	JD	JD
13	10/11/17	JD	JD
14	10/11/17	JD	JD
15	10/11/17	JD	JD
16	10/11/17	JD	JD
17	10/11/17	JD	JD
18	10/11/17	JD	JD
19	10/11/17	JD	JD
20	10/11/17	JD	JD

UTILITY PLAN			
DATE	10/11/17	BY	JD
CHKD	JD	DATE	10/11/17
SCALE	AS SHOWN		

C02





do briefly verify that I am a Professional Land Surveyor as required by the Code of Ethics, Chapter 22 of Utah Code, Title 73B in accordance with Table 3B.

David A. Lusk
Department of Sociology
University of California, San Diego
La Jolla, CA 92037

if the NEUA and NEUA of Section 12, Township 2 North

A portion of the 20274 and 21214 of date 12, February 2 1960, along 1 Wye, Salt Lake River, Northern, Centre, Utah were particularly abundant. Large specimens are present in the following: 20274, 21214, 21215, 21216, 21217, 21218, 21219, 21220, 21221, 21222, 21223, 21224, 21225, 21226, 21227, 21228, 21229, 21230, 21231, 21232, 21233, 21234, 21235, 21236, 21237, 21238, 21239, 21240, 21241, 21242, 21243, 21244, 21245, 21246, 21247, 21248, 21249, 21250, 21251, 21252, 21253, 21254, 21255, 21256, 21257, 21258, 21259, 21260, 21261, 21262, 21263, 21264, 21265, 21266, 21267, 21268, 21269, 21270, 21271, 21272, 21273, 21274, 21275, 21276, 21277, 21278, 21279, 21280, 21281, 21282, 21283, 21284, 21285, 21286, 21287, 21288, 21289, 21290, 21291, 21292, 21293, 21294, 21295, 21296, 21297, 21298, 21299, 21300, 21301, 21302, 21303, 21304, 21305, 21306, 21307, 21308, 21309, 21310, 21311, 21312, 21313, 21314, 21315, 21316, 21317, 21318, 21319, 21320, 21321, 21322, 21323, 21324, 21325, 21326, 21327, 21328, 21329, 21330, 21331, 21332, 21333, 21334, 21335, 21336, 21337, 21338, 21339, 21340, 21341, 21342, 21343, 21344, 21345, 21346, 21347, 21348, 21349, 21350, 21351, 21352, 21353, 21354, 21355, 21356, 21357, 21358, 21359, 21360, 21361, 21362, 21363, 21364, 21365, 21366, 21367, 21368, 21369, 21370, 21371, 21372, 21373, 21374, 21375, 21376, 21377, 21378, 21379, 21380, 21381, 21382, 21383, 21384, 21385, 21386, 21387, 21388, 21389, 21390, 21391, 21392, 21393, 21394, 21395, 21396, 21397, 21398, 21399, 21400, 21401, 21402, 21403, 21404, 21405, 21406, 21407, 21408, 21409, 21410, 21411, 21412, 21413, 21414, 21415, 21416, 21417, 21418, 21419, 21420, 21421, 21422, 21423, 21424, 21425, 21426, 21427, 21428, 21429, 21430, 21431, 21432, 21433, 21434, 21435, 21436, 21437, 21438, 21439, 21440, 21441, 21442, 21443, 21444, 21445, 21446, 21447, 21448, 21449, 21450, 21451, 21452, 21453, 21454, 21455, 21456, 21457, 21458, 21459, 21460, 21461, 21462, 21463, 21464, 21465, 21466, 21467, 21468, 21469, 21470, 21471, 21472, 21473, 21474, 21475, 21476, 21477, 21478, 21479, 21480, 21481, 21482, 21483, 21484, 21485, 21486, 21487, 21488, 21489, 21490, 21491, 21492, 21493, 21494, 21495, 21496, 21497, 21498, 21499, 21500, 21501, 21502, 21503, 21504, 21505, 21506, 21507, 21508, 21509, 21510, 21511, 21512, 21513, 21514, 21515, 21516, 21517, 21518, 21519, 21520, 21521, 21522, 21523, 21524, 21525, 21526, 21527, 21528, 21529, 21530, 21531, 21532, 21533, 21534, 21535, 21536, 21537, 21538, 21539, 21540, 21541, 21542, 21543, 21544, 21545, 21546, 21547, 21548, 21549, 21550, 21551, 21552, 21553, 21554, 21555, 21556, 21557, 21558, 21559, 21560, 21561, 21562, 21563, 21564, 21565, 21566, 21567, 21568, 21569, 21570, 21571, 21572, 21573, 21574, 21575, 21576, 21577, 21578, 21579, 21580, 21581, 21582, 21583, 21584, 21585, 21586, 21587, 21588, 21589, 21590, 21591, 21592, 21593, 21594, 21595, 21596, 21597, 21598, 21599, 21600, 21601, 21602, 21603, 21604, 21605, 21606, 21607, 21608, 21609, 21610, 21611, 21612, 21613, 21614, 21615, 21616, 21617, 21618, 21619, 21620, 21621, 21622, 21623, 21624, 21625, 21626, 21627, 21628, 21629, 21630, 21631, 21632, 21633, 21634, 21635, 21636, 21637, 21638, 21639, 21640, 21641, 21642, 21643, 21644, 21645, 21646, 21647, 21648, 21649, 21650, 21651, 21652, 21653, 21654, 21655, 21656, 21657, 21658, 21659, 21660, 21661, 21662, 21663, 21664, 21665, 21666, 21667, 21668, 21669, 21670, 21671, 21672, 21673, 21674, 21675, 21676, 21677, 21678, 21679, 21680, 21681, 21682, 21683, 21684, 21685, 21686, 21687, 21688, 21689, 21690, 21691, 21692, 21693, 21694, 21695, 21696, 21697, 21698, 21699, 21700, 21701, 21702, 21703, 21704, 21705, 21706, 21707, 21708, 21709, 21710, 21711, 21712, 21713, 21714, 21715, 21716, 21717, 21718, 21719, 21720, 21721, 21722, 21723, 21724, 21725, 21726, 21727, 21728, 21729, 21730, 21731, 21732, 21733, 21734, 21735, 21736, 21737, 21738, 21739, 21740, 21741, 21742, 21743, 21744, 21745, 21746, 21747, 21748, 21749, 21750, 21751, 21752, 21753, 21754, 21755, 21756, 21757, 21758, 21759, 21760, 21761, 21762, 21763, 21764, 21765, 21766, 21767, 21768, 21769, 21770, 21771, 21772, 21773, 21774, 21775, 21776, 21777, 21778, 21779, 21780, 21781, 21782, 21783, 21784, 21785, 21786, 21787, 21788, 217

KNOW ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SURVEYED INTO LOTS AND SECTIONS TO BE HEREAFTER BE KNOWN AS

DO HERELY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SITUON ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY DEMANDS OR OTHER ENCUMBRANCES ON THIS DEDICATED PARCELS WHICH WILL INTERFERE WITH THE CITY'S USE, OCEATION, AND MAINTENANCE OF THE STREETS. IN WITNESS WHEREOF, WE HAVE HEREINTO SET OUR HANDS

TUES DAY OF

[illegible]

ONLY USE
ON THE
STATE OF UTAH

AD 20 PERSONALLY APPEARED
TO ME, _____, a duly qualified
notary public in and for the county of
Uta h, and that the said _____
acknowledged to me that he is the
owner of the premises therein described
for the purposes therein mentioned.

ALL CREDITORS MUST FILE WITHIN _____
 A POTTERY PUBLIC COMMISSIONED BY
 OF RESIDING IN _____ COUNTY

RECORDED # _____

PRINTED FULL NAME OF NOTARY _____

DATE _____ TIME _____ ROOM _____ PAGE _____

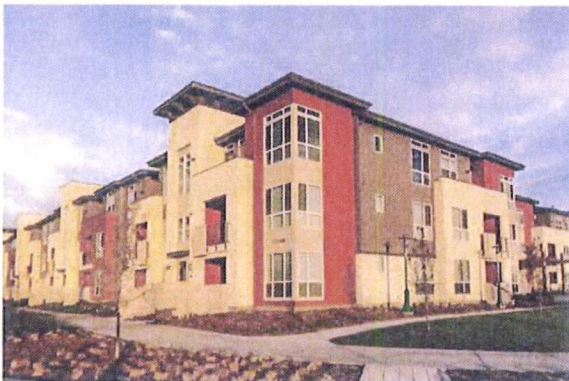
STATE OF UTAH, COUNTY OF DAVIS
 RECORDED AND RETURNED AT THE REQUEST OF _____

3 _____
THE _____

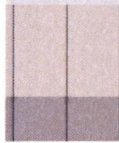


ASTER TOWN CENTER

Denver, CO
Forest City Stapleton





	Stucco Tan Stucco
	Lap Siding Tan Hardie Board
	Lap Siding Dark Brown Hardie Board
	Lap Siding Green Hardie Board
	Standing Seam London Gray Aluminum
	Asphalt Shingles Weathered Wood
	Trim Tan Stained Timber

BUILDING MATERIAL BOARD

SITE PLAN AND LANDSCAPE PLAN

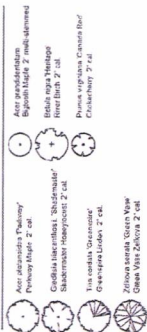
DATE	1-24-07	FORM	GD
		Job #	15-206

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LEGAL DESCRIPTIONS

LEGAL DESCRIPTIONS

TREE LEGEND

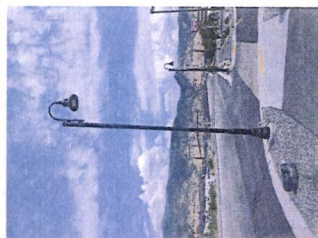
SPORT SALES PLAZA
SUBDIVISION

LOT 1
ZONING: I-H

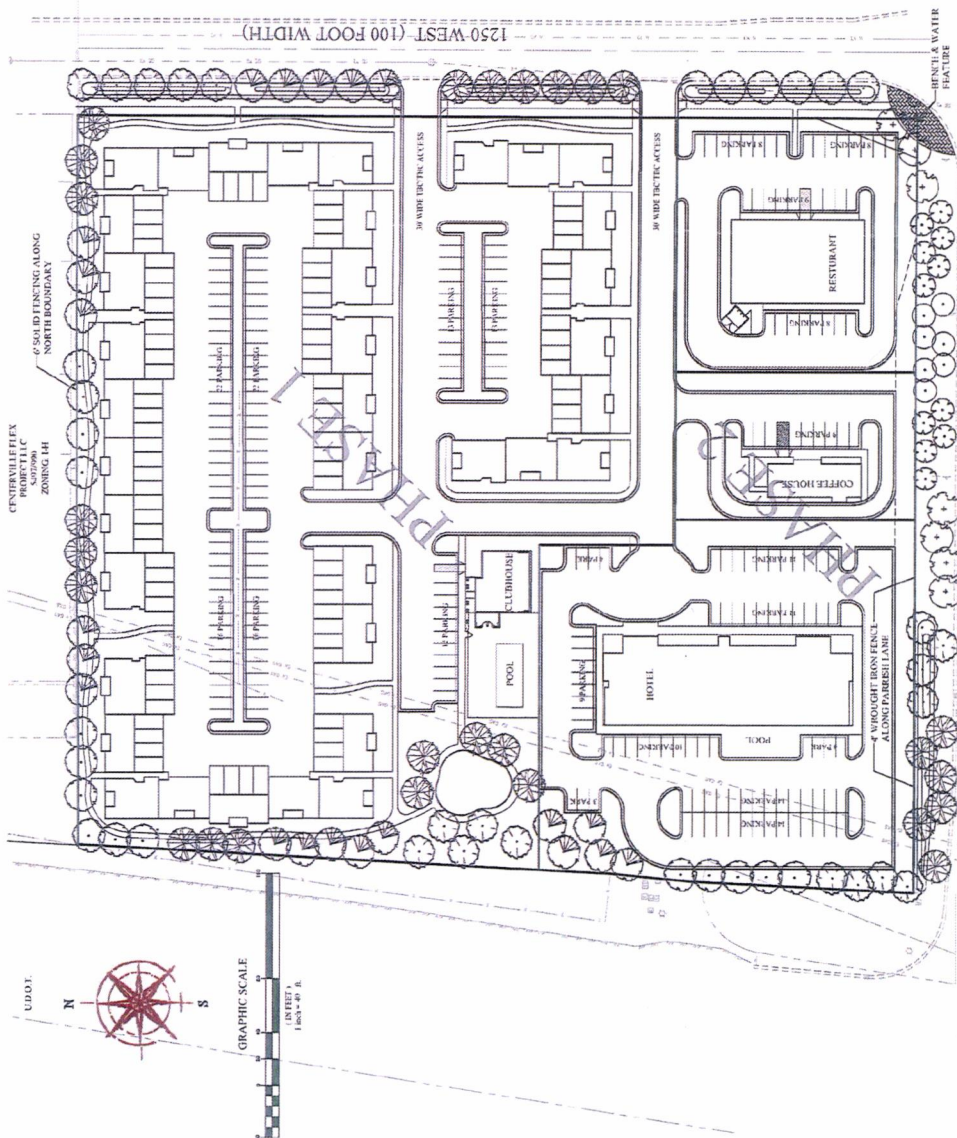
500 NORTH



4' WROUGHT IRON FENCE

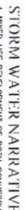


DECORATIVE LIGHTING



PARRISH LANE (WIDTH VARIES - 100'+-)

**ZONING, C-H
LEGACY TRAILS
SUBDIVISION**



A RECENT U.S. DEPARTMENT OF HOUSING, EDUCATION, AND RECONSTRUCTION (HEED) STUDY OF THE EFFECTS OF THE 1953-54 FLOOD IN THE CITY OF NEW ORLEANS, LOUISIANA, INDICATES THAT THE FLOODING OF CANAL LANE AND 1260 WEST STREET IN CENTRAL-CITY STATIONED A SIGNIFICANT ECONOMIC LOSS TO THE CITY. THE STUDY INDICATES THAT THE FLOODING OF CANAL LANE AND 1260 WEST STREET STATIONED A SIGNIFICANT ECONOMIC LOSS TO THE CITY. THE STUDY INDICATES THAT THE FLOODING OF CANAL LANE AND 1260 WEST STREET STATIONED A SIGNIFICANT ECONOMIC LOSS TO THE CITY.

500 NORTH-

METHODOLOGY

THE METHOD USED TO DETERMINE THE STORM DRAINAGE FLOW WITHIN EACH DRAINAGE BASIN IS THE RATIONAL METHOD (2-6). AN APPROPRIATE C-VALUE WAS CALCULATED. THE TIME OF CONCENTRATION SELECTED WAS 1 MINUTE, AND THE INTENSITY WAS TAKEN FROM THE WEST VALLEY CITY STANDARD 10-YEAR, 24-HOUR STORM. AREAS FOR EACH BASIN WERE ALSO RECORDED.

SYSTEM DESIGN

LOT NUMBER	AREA (ACRES)	Q ₁
110701	1.75	0.35
MULTI FAMILY	5.16	1.04
COMMERCIAL LOT	0.79	0.16
RETAIL LOT	0.47	0.39

REVISION BLOCK		
#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

CENTERVILLE MIXED USE

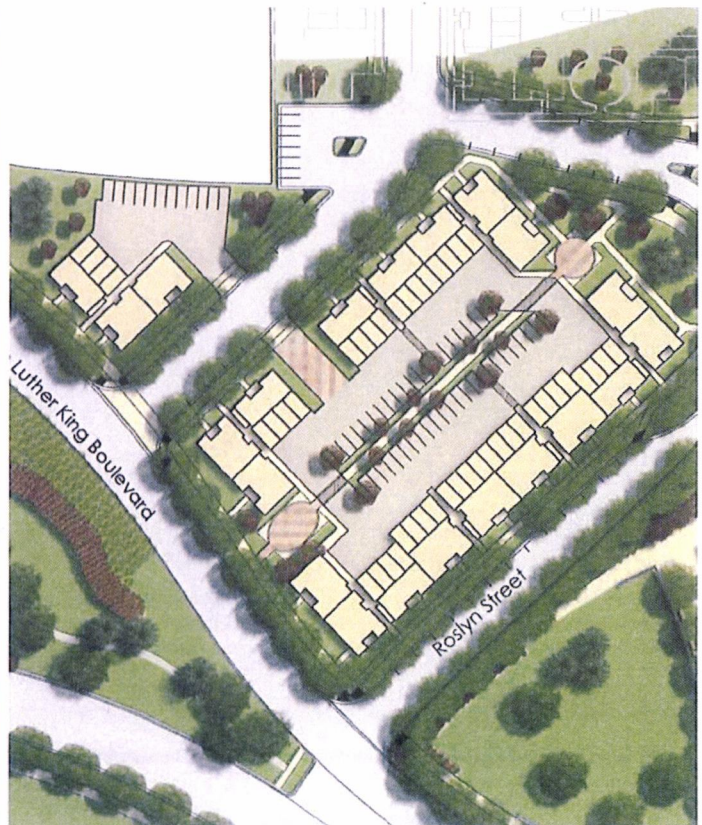
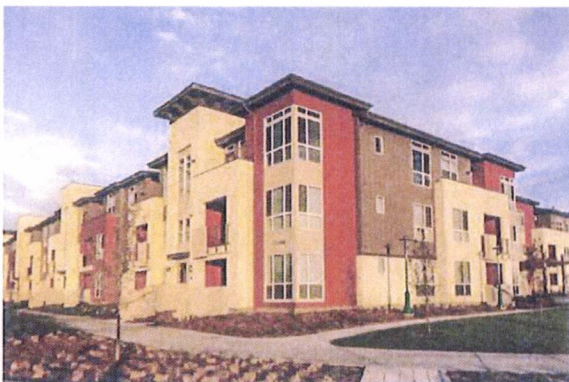
CENTERVILLE, DAVIS COUNTY, UTAH

DRAINAGE PLAN

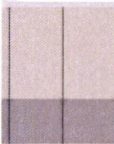
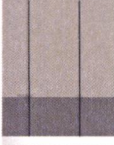
FOCUS
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 FH: (313) 352-0075
www.focusllc.com

ASTER TOWN CENTER

Denver, CO
Forest City Stapleton





	Stucco Tan Stucco		Lap Siding Tan Hardie Board		Lap Siding Dark Brown Hardie Board		Lap Siding Green Hardie Board		Standing Seam London Gray Aluminum		Asphalt Shingles Weathered Wood		Trim Tan Stained Timber
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BUILDING MATERIAL BOARD

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

STAFF REPORT AGENDA: ITEM 3

APPLICANT: **WRIGHT DEVELOPMENT GROUP
C/O SPENCER WRIGHT
1178 W. LEGACY CROSSING BLVD. SUITE 100
CENTERVILLE, UTAH 84014
(spencer@wrightdevelopmentgroup.net)**

PROPERTY: **NORTHWEST CORNER OF PARRISH LANE & 1250 WEST**

ACREAGE: **APPROXIMATELY 8.4 ACRES, COMPRISED OF:**
 ○ *OWNER'S = 06-006-0082 – 5.92 AC*
 ○ *UDOT's – EXCESS R-O-W LEGACY PARKWAY:*
 ▪ *06-006-0083 – 1.63*
 ▪ *06-006-0102 - 0.94*

ZONING: **COMMERCIAL - VERY HIGH (C-VH)**

APPLICATIONS: **1. REZONE PETITION PROPERTIES FROM C-VH TO C-VH / PLANNED DEVELOPMENT (C-H/PD):**

 **2. PLANNED DEVELOPMENT OVERLAY, WITH
CONCEPTUAL PLAN ACCEPTANCE, AND
CONCEPTUAL SUBDIVISION FOR A MASTER
PLANNED MIXED-USE SECTOR PROJECT:**
 a. Hotel Site
 b. Commercial Sites
 c. Multi-Family Residential Dwellings

BACKGROUND & GENERAL INTRODUCTION OF THE PROJECT

The proposed master plan project (*aka, Legacy Commons*) is located within “the Parrish-Legacy Corridor District” [*West Centerville Neighborhood Plan*]. The project provides a unique opportunity to develop a mixed commercial/residential planned development through rezoning using the Planned Development Overlay allowance of the City’s Zoning Ordinance. The master planned project (*see attachments for this report*) would consist of the following:

Land Uses Proposed:

- Hotel Use – 1.73 acres, Max. Four-story Main Building (60 feet in height).
- Commercial Uses (e.g. restaurant & coffee house) – 1.25 acres, two (2) sites (*heights are proposed as 1-story buildings*)
- Multi-family Residential Uses - 5.20 acres, consisting of:
 - *Max. 3-story Main Buildings (45 feet in height)*
 - *111 Dwelling Units*
 - *236 Parking Spaces with 92 parking stalls in garages*
 - *1.60 acres Open Space (31% of the Residential Area)*

Shorelands Commerce Park Style Building Design Theme – The submitted development plan only addresses the expected residential building design for the project. The residential design depicts a low slope-roof (*an adapted contemporary prairie style*) building architecture with colors compatible with Shorelands Commerce Park color palette located further north in the West Centerville Neighborhood. This proposed residential style, with the units fronting streets and pathways with parking hidden behind the building, creates a greater sense of community/ neighborhood in this mixed-use project. This design is much more compatible with the streetscape design and trail system path proposed along 1250 West setting up the ability to connect to the 1250 West pedestrian overpass of Legacy Parkway located further to the north.

The development plan does not address the design concepts for the hotel and commercial sites. Unless, the PDO approval addresses the design differently, the project remains subject to the Parrish Lane Gateway Design standards with regards to expected architectural building design (*see CZC 12.63.040*).

Site Layout & Landscaping Theme – The site will not be accessed from Parrish Lane. It is important to note during a partial acquisition of the property for the Legacy Parkway, UDOT paid the value of an access to Parrish Lane and established a “no access restriction” for the property. Staff met with the Region 1 office and they have expressed that UDOT has “no intention” to resell the access right to Parrish Lane. Consequently, all access to the project site will be from 1250 West. As proposed, there are two (2) planned accesses; one primarily for the hotel and commercial uses and the other for residential uses. Nonetheless, the interior drive lanes will be integrated within the entire development.

The hotel and commercial uses will still be located along Parrish Lane and the south corner and southern portion of 1250 West. The residential uses will be located behind (from Parrish Lane) and also fronting the northern portion of the property along 1250 West, along the proposed trail/pathway. The proposed landscaping theme, particularly along Parrish Lane and 1250 West appears to be exactly the drought tolerant style used in the Legacy Trails project (*across the Parrish Lane to the south*). Additionally, the same fencing and pedestrian style street lighting fixtures will be used along 1250 West. Interior project landscaping is depicted; however, the plans are conceptual at this point and the design details are unidentified with the exception of the proposed treescaping.

Site Plan/Subdivision, Phased Construction – The site and subdivision (2 *development lots*) will be prepared as one development site to support the development in its entirety. However, construction activities are to be phased as independent lots, as follows:

- *Phase One – Multi-family Residential Buildings & related elements (Lot 1).*
- *Phase Two – Hotel/Commercial Buildings (Lot 2)*

GENERAL APPLICATION REVIEW AND APPROVAL PROCESS

OVERVIEW - The development application consists of master planning approximately eight (8) acres of property (*see Conceptual Site Plan Exhibits*). With this PDO project proposal, there are two mandatory application processes that the Planning Commission will be considering. These PDO review processes are as follows:

- ✓ **Rezone the land of the development project from C-VH to C-VH/PD** – The Planning Commission will be reviewing a petition to rezone properties to a Planned Development Overlay status. The Planning Commission should be reminded that the request for the multi-family residential uses may only be allowed using the Commercial Planned Development provisions of the Planned Development Overlay Zone (*i.e. a PD zone designation*). Thus, the Commission will be considering whether to recommend an overlay rezone to “PD” to the City Council.
- ✓ **PDO Zone Conceptual Site Plan** – According to the PDO provisions, a request for PDO approval an associated conceptual site plan is a mandatory requirement in conjunction with any PDO rezone request. Thus, the Commission will also be reviewing the concept plan and making a recommendation to the Council that ties the conceptual site plan to a PDO zone change, if approved by the City.
- ✓ **PDO Zone Conceptual Subdivision Plan** – According to provisions an application for subdivision approval may proceed concurrently with an application for a planned development. Compliance with the requirements of a PDO provision does not exempt any development from meeting the requirements of CMC 15 (*Subdivisions*) except as may be modified pursuant to the provisions of the associated PDO approval.

REZONE PROCESS OVERVIEW AND STAFF COMMENT FOR THE REQUEST FOR AN OVERLAY PDO ZONE DESIGNATION

A. **Zone Map Amendments** - Pursuant to the City’s Zoning Ordinance, the “decision to amend the...zoning map is a matter of within the legislative discretion of the City Council as described in Section 12.21.060.a.” Nevertheless, the Zoning Ordinance provides to the owner of this site the ability to make a request for a PDO designation. The purpose of a PDO designation is to allow design flexibility, integration, clustering, optimum land planning than what is possible under conventional zoning regulations. Thus, without a

guarantee, a project meeting the PDO development standards is eligible to be considered for a PDO designation.

B. Process and Public Comment and Decision - The Planning Commission shall review and hold a public hearing regarding the application and shall thereafter submit its recommendation for approval, approval with modifications, or denial thereof to the City Council. Following receipt of a recommendation from the Planning Commission, the City Council shall hold another public hearing on the application. After due consideration, the City Council may approve, approve with modifications, or deny the proposed amendment request.

C. Staff Review of the Rezone Standards of Approval - Section 12.21.080.e of the City Zoning Ordinance sets forth the following factors for considering a general rezone request:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;

- ✓ General Plan Policy Section 12-420-6, West Centerville Neighborhood Plan, Goal #2 - "Create and Develop the Parrish-Legacy Gateway Corridor District."

In summary, this goal and its associated objectives involve the following:

- *Ensuring that zoning supports proper development of the gateway*
- *Compliance with the Parrish Lane Design Guidelines*
- *Controlling or limiting types of commercial uses with a size cap of 125,000 square feet*
- *Use of a residential component in a development project is capped at 15 units per gross acre*
- *Use of entryway features and proper landscaping*

Staff Response: The area around the four corners of 1250 West and Parrish Lane has been zoned to Commercial-Very High (C-VH). This area is the core or anchor point of the Parrish-Legacy Gateway District. Additionally, the area would be subject to the Parrish Lane Design Guidelines. However, the General Plan has a maximum building size limit of 125,000 feet, which is small to medium box type commercial use. Furthermore, the proposed resident component is depicted at the limit of 15 units per gross acre. Staff believes that the request for the rezone to PDO to allow a master plan project that integrates commercial and residential uses is in harmony of the stated goal and associated objectives of the West Centerville Neighborhood Plan.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

Staff Response: The immediate surrounding uses consist of industrial, commercial, and two (2) existing similar mixed-use centers. The opportunity to develop a gateway mix of hotel, commercial, multi-family residences will be a significant enhancement that would add additional value to surrounding properties and provide some services

and needs missing in the area. Specifically, the major office uses would benefit from providing hotel space for the Class “A” Office buildings located in the neighborhood and just across the freeway. The hotel provides options for companies to host events, particularly training seminars for their employees and clients.

Finally, staff believes that this is the last and final segment to implement the multi-family residential element that was originally envisioned at this neighborhood node. A strong multi-family neighborhood identity creates synergy for this particular housing style, which in turn promotes continued investment in maintenance and upkeep for to encourage housing product longevity and stability.

3. The extent to which the proposed amendment may adversely affect adjacent property;

Staff Response: The commercial uses are already permitted in the C- VH Zone. Staff also takes the position that “master planning” the entire area is better suited to address any impacts than to piecemeal development under an already long list of permitted uses. Thus, considering a PDO rezone provides an enhanced tool to address any concerns.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Staff Response: The proposed PDO zoning change involve vacant properties that have yet to be developed in an area that infrastructure and services already exist. Regardless of what uses are developed, the traffic impact would be of the greatest concern. A previous traffic report (*i.e. CDA Creation by A-Trans*) for this node indicated that generally there was capacity for the expected land use pattern. However, the I-15 interchange would experience increased delays during peak times at the ultimate build-out of the CDA. Additionally, the State has now installed the long-desired traffic signal at 1250 West/Parrish Lane. This maximizes the ability to manage traffic in this area.

For staff, the largest concern this site is vehicle access and circulation. Nevertheless, this concern can be best addressed in the review and acceptance of the site plan approval processes. For the Planning Staff, not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by selling off excess public property. Allowing a PDO development to occur gives greater opportunity to coordinate a shared access and common internal circulation lanes. Nonetheless, the proposed plan does depict a new access onto 1250 West located between the 1250 West/Parrish Lane intersection and 500 North. This new access is potential cause for concern for the City Engineer and Public Works Director. Staff believes that a Traffic Study would help evaluate this concern and also, the City should consider whether a limited right in/right out on Parrish Lane would potentially alleviate some problems, akin to what has been done directly south across Parrish Lane. Nonetheless, a limited right-in/right-out would significantly impact the ability to market and develop the commercial uses (*i.e.*

restaurant and coffee house) or create delays in the development of the proposed lot.

Planning Staff's Conclusions for Generally Supporting a PDO Rezone Request -

Staff believes that the proposed Legacy Commons Mixed Use project is a viable and desirable development scenario for the Parrish-Legacy Gateway area. The supportive arguments are as follows:

- a. The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.
- b. The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000-sq. ft.
- c. The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidence by the following:
 - i. Farmington Station Park was developed after the West Centerville Plan adoption.
 - ii. Farmington Station Park has likely saturated the market for developing medium box type commercial uses.
- d. To date, Legacy Crossing at Parrish Lane provides space for medium box type commercial uses and Legacy Trails provided two (2) smaller commercial lots that have not yet come to full fruition.
- e. Limiting the allowance of other types of multi-family development negatively impacts the planned allowance of multi-family development at this node in the West Centerville Neighborhood.
- a. Not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by UDOT's ability selling off excess public property, which could become a nuisance in the future.
- f. Master Planning the entire area is better suited to address any impacts than to piecemeal development under already long list of permitted commercial uses.
- g. Lastly, considering a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.

PDO CONCEPTUAL PLAN REVIEW PROCESS & STAFF COMMENT

In association with the above requested rezone petition, the developer is also asking for approval of a conceptual site plan that is associated (*required*) with a PDO rezone request. The PDO development provisions are to be used in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations.

A. Approval Procedure - Land shall be placed in a PDO zone pursuant to a zoning map amendment as set forth in Section 12-21-080 of the Zoning Ordinance. The following shall be submitted in conjunction with an application for a zoning map amendment:

- ✓ *An Existing Conditions Inventory as required by Chapter 12-50 of this Title; and*
- ✓ *A conceptual site plan as provided in Section 12-21-110 of [the Zoning Ordinance].*

Staff Response:

Existing Conditions Inventory – The development plans provided address the exiting topography of the site, depicted as an underlay of the proposed site layout. The plans also provide a wetland mitigation approval from the U.S. Army Corps of Engineers. However, that permit has an expiration date of January 20, 1997. It is not known if the work approved was completed and/or deemed acceptable by the Army Corps of Engineers. There is a significant amount of site work needed to remove a large amount of debris, particularly any concrete left on the site from the old construction contractor use.

Conceptual Site Plan – The development plans consist of three (3) sheets depicting the following: 1) Site Layout and Landscaping Plan; 2) Preliminary Utility Plan; and 3) Site Drainage Plan. Additionally, an introductory Architectural Design Plan from a project in Denver has been submitted for the multi-family residential component of the proposed development.

- B. Approval Criteria - Submittal of an application for a PDO Zone does not guarantee that the zone or a conceptual site plan will be approved. A Zoning Map amendment and conceptual site plan may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds:
1. *The proposed PDO Zone and associated conceptual site plan:*
 - a) Does not conflict with any applicable policy of the General Plan;
 - b) Meets the purpose and intent of this Chapter as set forth in CZC 12.41.010;
 - c) Allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations;
 - d) Meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by this Chapter;
 - e) Meets the density limitations of the General Plan; and
 - f) If a residential density bonus is authorized, provides superior site design and increased amenities, as provided in CZC 12.41.080(c), which ameliorate the potential impact of increased density; and

Staff Response: As indicated earlier the proposed PDO is consistent with Goal 2 of the West Centerville Neighborhood Plan. The proposed development consists of an integrated mixture of uses that exceeds the standard C-VH Zoning for the property. Additionally, the relocation of the expected Parrish Lane Gateway provisions over to 1250 West is more compatible with the layout and site given that the property is located adjacent to the Legacy Interchange where pedestrian related amenities would conflict with UDOT's interchange design. Due to this project being a Commercial Planned Center with a General Plan density cap, no residential density bonus can be authorized.

2. *The applicant has:*

- a) Sufficient control over the property to be developed to ensure development will occur as approved;
- b) The financial capability to carry out the planned development project; and
- c) The capability to start construction within one year of final plan approval.

Staff Response: The developer current owns a significant portion of the development site and has the remaining land under a contract purchase from UDOT. It is staff's understanding that the developer has an interested party to purchase and construct the hotel site. Additionally, the developer will construct the residential component and will offer to the open market the commercial sites. As was discussed in similar previous PDO reviews, it is problematic to scrutinize the financial capacity of a specific person or entity. Thus, staff will leave this matter for the Planning Commission and applicant to further discuss.

C. Approval Standards – The following table is provided as a summary of the applicable standards of the ordinance, as listed in CZC 12.41.100:

<i>PDO Standard</i>	<i>Development Plan Concept</i>	<i>Compliance</i>	<i>Staff Comments</i>
Access	An Integrated Access and Drive Lane Design	YES	City Engineer is concerned about south 1250 West access point
Building Heights	Hotel Use – 60 feet Commercial – 1-story Multi – 45 feet	Generally, YES *	* CUP is required for the hotel height
Common Areas	Multi-use trail/pathway along the 1250 West frontage Common yards for Multi-family w/ Club House/ Play Area	Likely	LS design details are largely unidentified with the exception of the proposed treescaping
Required Improvements	Preliminary Utility Plan has been provided	Likely	None
Residential use types for commercial planned PDOs	111 multi-family units depicted must not exceed 15 units per acre for entire development and a max bldg. height of 45 feet	YES	132 units could potentially be allowed
Track Perimeter Setback (8' side yard only)	Plan provide a north boundary side yard setback – distance not noted on plan	Likely	Adjacent land to the north has a side yard lot.
Wall and Fences	6-foot solid fence along north boundary of an adjacent zone	YES	Adjacent Zone is I-H

D. Variations Requested (CZC 12.41.070) – The following is a summary of the variation requested with the proposed development:

- a. Parrish Lane Gateway Design Standards (12.63) - At the suggestion of the planning staff, the development plan relocates the pedestrian oriented amenities that normally abut the Parrish Lane Corridor to the 1250 West Corridor. This idea capitalizes on the opportunity to create a northern access segment to the Legacy

Trail system connecting Parrish Lane to the 1250 West overpass located further north. Establishing the Parrish/1250 West node and the existing 1250 West Overpass node, lends greater opportunity to apply for regional and state funding programs to develop alternative modes of transportation. Requiring a pedestrian element that terminates at the Legacy Parkway ramps is rather fruitless.

- b. Lot Side Lines/Right Angles (15.05.020) – The concept subdivision plan depicts two (2) lots. The side line (north-south) between the two lots has a right-angle jog that is a design consequence of the interior access lanes amongst the various uses.

CONCEPTUAL SUBDIVISION PLAN ACCEPTANCE (CMC 15)

The Planning Commission may approve or reject the proposed concept plan and may make findings and recommendations regarding the submitted concept plan, specifying any inadequacy in the information submitted, noncompliance with City ordinances or regulations, or questionable or undesirable design and/or engineering. Alternatively, the Planning Commission may refer the Concept Plan to the City Council for its review and approval or rejection. However, in the case of a PDO request the concept plan becomes part of the City Council's decision in granting any such approval.

Additionally, the Planning Commission is hold a public hearing and review the submitted concept plan for compliance with the General Plan, Zoning Code, Subdivision Ordinance, and other applicable ordinances and regulations. Staff believes that such issues have already been adequately addressed with review criteria for PDO and Conceptual Site Plan approvals and will not further address any matters in this section of the report.

PLANNING STAFF RECOMMENDATIONS

As the Planning Commission may previously recall in the recent past, the applicant's desire was to assess the Planning Commission's, City Council's, and overall the public's tolerance for their development proposal, due to the residential density request, and their submittal was relatively simple and largely inadequate to address specific PDO criteria and standards. When the previous plan was provided to the City Council, the Council resisted to provide any guidance and counseled the applicant to re-submit in greater detail in order for the proposal to be adequately reviewed to achieve a full recommendation from the Commission. Over the past few months the applicant and staff have had several communications regarding the merits of the development and proposed layout and design resulting in the design layout being presented.

In spite of the a few shortcomings mentioned in this report, the development proposal substantially addresses the issues related to a PDO approval. Rather than try to perfect the development proposal, staff is forwarding a recommendation in a manner allows the process to continue to the level of Council decision. If the Commission believes otherwise, then tabling the matter with specific directives to be completed may be the preferred route.

Suggested Staff Motions for the proposed PDO Rezone/Concept Plan for the Planning Commission:

Motion #1 - I hereby make a motion for the Planning Commission to recommend approval for the PDO Rezone and Conceptual Plan for the Legacy Commons, as follows:

- a. The **Development Design for the Legacy Commons** shall be substantially consistent with the plan layout received by the City on September 07, 2017.
- b. The **Land Uses** shall consist of the following:
 - Hotel Use – 1.73 acres, Max. Four-story Main Building (60 feet in height, if a CUP is approved by the City).
 - Commercial Uses (e.g. restaurant & coffee house) – 1.25 acres, two (2) sites (*heights are proposed as 1-story buildings*)
 - Multi-family Residential Uses - 5.20 acres, consisting of:
 - Max. 3-story Main Buildings (45 feet in height)
 - 111 Dwelling Units
 - 236 Parking Spaces with 92 parking stalls in garages
 - 1.60 acres Open Space (31% of the Residential Area)
- c. The **Architecture and Building Design Theme** shall consist of the following:
 - A Shorelands Commerce Park color palate or other tones deemed compatible with the surrounding development, as approved with a final site plan.
 - The design of the Hotel and Commercial Uses shall be subject to the Parrish Lane Gateway Design Standards (CZC 12.63).
 - The residential design shall be consistent with the submitted Denver based project (*Aster Town Center*) concepts consisting of a low slope-roof (*an adapted contemporary prairie style*) building architecture meeting the approved PDO color palette.
 - The residential style and layout shall consist of, with the units fronting streets and pathways with parking hidden behind the building, as depicted on the Conceptual Plan.
 - The primary pedestrian streetscape design and trail system path shall be provided along 1250 West, as depicted on the Concept Plan, which creates the ability to connect to the 1250 West pedestrian overpass of Legacy Parkway locate further to the north.
 - A secondary streetscape (non-pedestrian) design shall be provided along Parrish Lane, with landscaping and fencing, as depicted on the Concept Plan and compatible with the design across the street to the south.
 - The Hotel use shall be subject to the “Increased Height” provision of CZC 12.34.080.
- d. The **Site Layout & Landscaping Theme** shall consist of the following:
 - Site Access will be from 1250 West Street consisting of two (2) planned accesses; one primarily for the hotel and commercial uses and the other for residential uses, as depicted on the Concept Plan.
 - As part of any related development final development approval, the southern access for the commercial uses shall deemed acceptable to the City upon review by a traffic engineer to establish whether it is a limited or full turn-movement access point.
 - All interior drive lanes shall be integrated within the entire development, as depicted on the Concept Plan.
 - The hotel and commercial uses will be located along Parrish Lane and the south corner and southern portion of 1250 West, as depicted on the

Concept Plan.

- The residential uses will be located behind (*from Parrish Lane*) and also fronting the northern portion of the property along 1250 West, along the proposed trail/pathway, as depicted on the Concept Plan.
 - The Common Area amenities shall be provided in an integrated manner and internal pathways shall be provided connecting to the residential units, as depicted on the Concept Plan.
 - The proposed landscaping theme, particularly along Parrish Lane and 1250 West is to be compatible with the drought tolerant style used in the Legacy Trails project (*across the Parrish Lane to the south*).
 - The fencing and pedestrian style street lighting fixtures shall be used along 1250 West, as depicted on the Concept Plan.
 - The fencing and parking lot lighting along Parrish Lane shall be consistent with the styles used along 1250 West.
 - Interior project landscaping shall be consistent with the treescaping shown on the conceptual plan – a final detailed landscaping plan shall be prepared and submitted with any final development application.
 - A screen wall or fence shall be provided along the northern property boundary to buffer the residential units from the adjacent I-H zone, as depicted on the Concept Plan.
 - The bench and water feature shall be provided at the intersection corner of Parrish Lane/1250 West and shall be compatible with the design plan concepts implemented for the Parrish-Legacy CDA.
- e. The **Site Plan/Subdivision and Phased Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities may be phased as independent lots, as follows:
- *Phase One – Multi-family Residential Buildings & related elements (Lot 1)*
 - *Phase Two – Hotel/Commercial Buildings (Lot 2)*
- f. The **Development Variations Allowed** for the Legacy Commons are limited to the following:
- *Parrish Lane Gateway Design Standards (12.63)* - The development plan is to relocate the pedestrian oriented amenities that normally abut the Parrish Lane Corridor to the 1250 West Corridor.
 - *Lot Side Lines/Right Angles (15.05.020)* – The side line (north-south) between the two lots may have a right-angle jog, which is a design consequence of the interior access lanes amongst the various uses

(*Suggested Reasons for Action -Findings*)

- b. The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.
- c. The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000-sq. ft.
- d. The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidence by the following:
- i. Farmington Station Park was developed after the West Centerville Plan adoption.

- ii. Farmington Station Park has likely saturated the market for developing medium box type commercial uses.
- e. To date, Legacy Crossing at Parrish Lane provides space for medium box type commercial uses and Legacy Trails provided two (2) smaller commercial lots that have not yet come to full fruition.
- f. Limiting the allowance of other types of multi-family development negatively impacts the planned allowance of multi-family development at this node in the West Centerville Neighborhood.
- g. Not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by UDOT's ability selling off excess public property, which could become a nuisance in the future.
- h. Master Planning the entire area is better suited to address any impacts than to piecemeal development under already long list of permitted commercial uses.
- i. Lastly, considering a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.

for Action (a) through (f) as outlined in the Staff Report. Commissioner Helgesen seconded the motion. The motion passed by unanimous vote (6-0).

Directives:

1. Preliminary Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance.
2. Preliminary Subdivision Plat shall also meet the requirements of the Hillside Overlay Preliminary Review, as listed in CZC 12.42.030(c).
3. Dimension of lots and building area are amended to meet the standards as outlined in the Hillside Overlay Development Standards in CZC 12.42.040.
4. A cash bond shall be established for the demolition of the existing accessory building on Lot 3, until a primary use (residential) is established on Lot 3.
5. Lot 3 lot lines can be adjusted accordingly in order to preserve the historic home on Lot 4, as depicted in the Conceptual Plat, and as allowed in CMC 15.05.020(d). Other lots shall have the required right angles as the side lines of the lots.

Reasons for Action:

- (a) *The conceptual subdivision appears to be consistent with the General Plan.*
- (b) *Adequately meets the Subdivision Ordinance Standards in CMC 15-5.*
- (c) *With changes, this plan has the potential to meet the Development Standards for the Hillside Overlay for a single-family subdivision, as stated in CZC 12.42.*
- (d) *The applicable review standards of the Subdivision Ordinance pertaining to a Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.*
- (e) *No accessory use shall be established on the lot until a primary use is established [CZC 12.32.040].*
- (f) *The Planning Commission may recommend exception to the Lot Standards regarding the side lines of lots, as stated in CMC 15.05.020(d).*

**PUBLIC HEARING – ZONE MAP AMENDMENT AND CONCEPTUAL PLAN –
LEGACY COMMONS – NW CORNER OF 1250 WEST AND PARRISH LANE**

Commissioner Johnson excused himself from the meeting for this agenda item due to a conflict of interest.

Cory Snyder, Community Development Director, reviewed the history of this property located at the northwest corner of Parrish Lane and 1250 West. Generally, the applicant wishes to use the West Centerville Neighborhood Plan that allows for mixed use with both commercial and residential uses.

1 Mr. Snyder outlined a few of the issues with the property including access to the
2 property from Parrish Lane that is owned by the Utah Department of Transportation
3 (UDOT). The applicant and Staff have both met with UDOT separately to discuss the
4 access issues. At a conceptual level, the City Engineer believes this proposal could
5 move forward and reach a consensus as more detailed plans are presented.

6
7 Mr. Snyder next outlined the uses of the property which include a hotel, two
8 commercial pads (such as a restaurant and coffee house), and residential units. As far
9 as the layout of the design, Mr. Snyder reviewed the Parrish Lane Design Guidelines
10 and how they were applied to the project. Part of the discussion with the applicant has
11 been to use concrete instead of asphalt as a better product in the market place and a
12 better way to the trail. Mr. Snyder considers this type of project would create synergy in
13 this neighborhood and that opposition to density on the Westside of Centerville is low.
14 At this time, with the amount of details provided by the applicant, Staff recommends
15 moving forward with the proposed PDO rezone amendment.

16
17 Spencer Wright, applicant, addressed the Commission regarding the property
18 and proposed development. Applicant desires to have this PDO applied to this property
19 with commercial on the southern portion and residential, multi-family, on the northern
20 portion.

21
22 Mr. Wright explained the hotel developer is a local group that owns other hotels
23 in the area. The proposed hotel would be four (4) stories and include about one hundred
24 (100) rooms. Mr. Wright was unsure whether the hotel would include conference and
25 meeting rooms but feels it could be included.

26
27 Commissioner Wright asked for clarification regarding the color palette. The
28 applicant is open to suggestions and would like to use a color scheme that the City
29 approves of and that meet the Design Standards.

30
31 At 8:24 p.m., Chair Hirschi opened the public hearing. Seeing no one wishing to
32 comment, Chair Hirschi closed the public hearing.

33
34 Commissioner Hayman expressed excitement for this use and feels it is a great
35 use of the space.

36
37 Commissioner Hirst made a **motion** that the Planning Commission recommend
38 approval for the PDO Rezone and Conceptual Plan for the Legacy Commons, with the
39 Directives (a) through (f) as outlined in the Staff Report and with the Reasons for Action
40 (a) through (h) outlined in the Staff Report with corrected numbering. Commissioner
41 Hayman seconded the motion. The motion passed by unanimous vote (5-0).

42
43 Directives:

44
45 a. The **Development Design for the Legacy Commons** shall be
46 substantially consistent with the plan layout received by the City on
47 September 7, 2017.

48
49 b. The Land **Uses** shall consist of the following:

- **Hotel Use** – 1.73 acres, Max. Four-story Main Building (60 feet in height, if a CUP is approved by the City).
 - **Commercial Uses (e.g. restaurant & coffee house)** – 1.25 acres, two (2) sites (heights are proposed as 1-story buildings)
 - **Multi-family Residential Uses** - 5.20 acres, consisting of:
 - Max. 3-story Main Buildings (45 feet in height)
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- c. The Architecture and Building Design Theme shall consist of the following:
- A Shorelands Commerce Park color palate or other tones deemed compatible with the surrounding development, as approved with a final site plan.
 - The design of the Hotel and Commercial Uses shall be subject to the Parrish Lane Gateway Design Standards [CZC 12.63].
 - The residential design shall be consistent with the submitted Denver based project (*Aster Town Center*) concepts consisting of a low slope-roof (*an adapted contemporary prairie style*) building architecture meeting the approved PDO color palette.
 - The residential style and layout shall consist of, with the units fronting streets and pathways with parking hidden behind the building, as depicted on the Conceptual Plan.
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 - The Hotel use shall be subject to the “Increased Height” provision of [CZC 12.34.080].
- d. The **Site Layout & Landscaping Theme** shall consist of the following:
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 - The hotel and commercial uses will be located along Parrish Lane and the south corner and southern portion of 1250 West, as depicted on the Concept Plan.

- The residential uses will be located behind (from Parrish Lane) and also fronting the northern portion of the property along 1250 West, along the proposed trail/pathway, as depicted on the Concept Plan.
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 - The fencing and parking lot lighting along Parrish Lane shall be consistent with the styles used along 1250 West.
 - Interior project landscaping shall be consistent with the treescaping shown on the conceptual plan – a final detailed landscaping plan shall be prepared and submitted with any final development application.
 - A screen wall or fence shall be provided along the northern property boundary to buffer the residential units from the adjacent I-H zone, as depicted on the Concept Plan.
 - The bench and water feature shall be provided at the intersection corner of Parrish Lane/1250 West and shall be compatible with the design plan concepts implemented for the Parrish-Legacy CDA.
- e. The **Site Plan/Subdivision and Phased Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities may be phased as independent lots, as follows:
- *Phase One – Multi-family Residential Buildings & related elements (Lot 1)*
 - *Phase Two – Hotel/Commercial Buildings (Lot 2)d*
- f. The **Development Variations Allowed** for the Legacy Commons are limited to the following:
- *Parrish Lane Gateway Design Standards [Section 12.63]* - The development plan is to relocate the pedestrian oriented amenities that normally abut the Parrish Lane Corridor to the 1250 West Corridor.
 - *Lot Side Lines/Right Angles [CZC 15.05.020]* – The side line (north-south) between the two lots may have a right-angle jog, which is a design consequence of the interior access lanes amongst the various uses.

Reasons for Action:

- (a) *The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.*
- (b) *The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000-sq. ft.*

- (c) *The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidence by the following:*
- *Farmington Station Park was developed after the West Centerville Plan adoption*
 - *Farmington Station Park has likely saturated the market for developing medium box type commercial uses*
- (d) *To date, Legacy Crossing at Parrish Lane provides space for medium box type commercial uses and Legacy Trails provided two (2) smaller commercial lots that have not yet come to full fruition.*
- (e) *Limiting the allowance of other types of multi-family development negatively impacts the planned allowance of multi-family development at this node in the West Centerville Neighborhood.*
- (f) *Not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by UDOT's ability selling off excess public property, which could become a nuisance in the future.*
- (g) *Master Planning the entire area is better suited to address any impacts than to piecemeal development under already long list of permitted commercial uses.*
- (h) *Lastly, considering a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.*

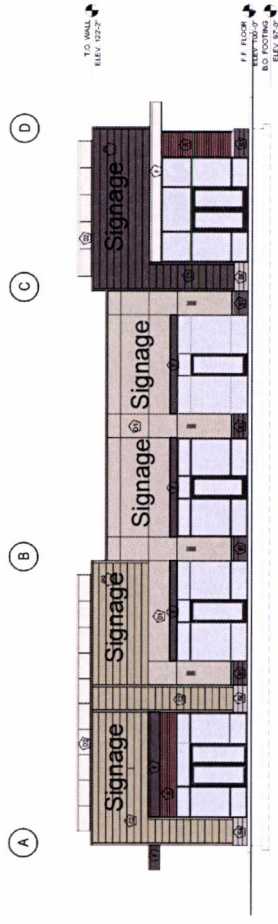
PUBLIC HEARING – ZONE TEXT AMENDMENTS FOR RESIDENTIAL MEDIUM ZONES

Cory Snyder, Community Development Director, provided a summary on the matter. The General Plan caps R-L at four (4) units per acre, medium density is four (4) to eight (8) with high density as eight (8) to twelve (12). The issue is with zoning and the General Plan not being congruent. In order to resolve this, Staff proposes creating an R-M global architecture of the multi-family zones and the R-M-4 is the lower base. The goal is not to allow the General Plan to be interpreted as only R-M-4. Staff agrees that the R-L Zone should be revisited in the future regarding single-family at five (5) units per acre versus multi-family that is only at four (4) units per acre. This issue is not addressed in this proposal.

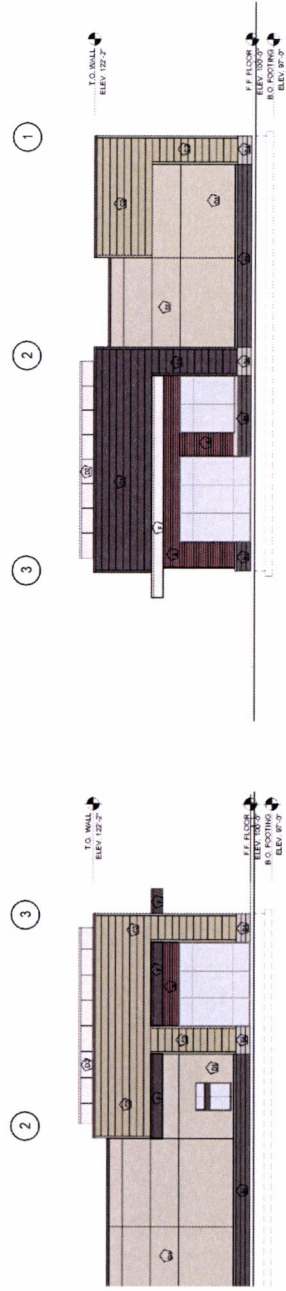
Commissioner Wright expressed that she is uncomfortable with the idea of four (4) units an acre being termed Medium Density.

Mr. Snyder explained the General Plan currently does not permit residential density at five (5) units an acre for single-family but it does allow for four (4) units multi-family in a multi-family expected zone. This allows for townhomes that are generally considered more affordable than single-family stand-alone dwellings. This is required under residential medium.

City Attorney Lisa Romney commented that Section 12-420-2 of the General Plan defines low density residential as 0-4, medium density residential as 5-8, and high density residential as 9-12 units per acre. Staff agreed with Ms. Romney and reiterated

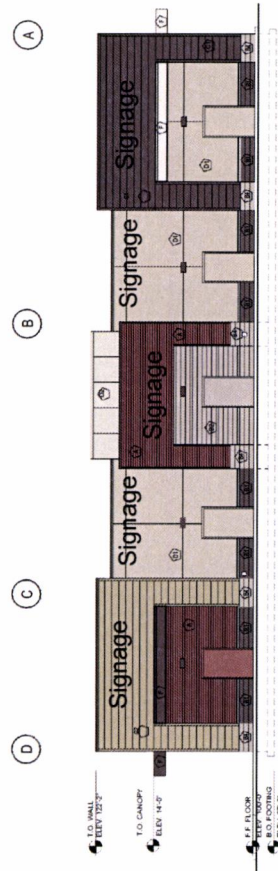


NORTH ELEVATION - H
SCALE 1/8" = 1'-0"



EAST ELEVATION - H
SCALE 1/8" = 1'-0"

WEST ELEVATION - H
SCALE 1/8" = 1'-0"



SOUTH ELEVATION - H
SCALE 1/8" = 1'-0"

FINISH LEGEND:

- 1. TYPE III WOOD SIDING WITH LAP BOARD INSTALLATION, CLEAR FINISH
- 2. CMU
- 3. BRIT FAYED BURNED RED, 4"X6" SEAL
- 4. BRIT FAYED BURNED RED, 4"X6" SEAL
- 5. METAL SIDING, METAL DESIGNER SERIES 1/2" FLAT PANEL
- 6. SIGNATURE 300 MEDIUM BRONZE
- 7. EPS INSULATION
- 8. 1/2" X 3/4" LUMBER, FINISH
- 9. PAINTED COPING, MED SIGNATURE 300
- 10. MATCH C1, BRONZE TO METAL FINISH
- 11. STEEL TRUSS, PAINTED, BRONZE WALLS, MATCH MED MEDIUM BRONZE
- 12. ALUMINUM SIDING, BRONZE TRUSS, BRONZE WALLS, MATCH MED MEDIUM BRONZE



Summary of City Tax Benefit

Property Tax	\$ 407,512
Sales Tax	\$ 127,200
Franchise Tax	\$ 169,923
Total Tax Benefit	\$ 704,635

Property Tax

Apartment (Units)	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
140										
Total Apartments Taxable Value	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	\$ 4,704,615	
Apartment Tax Increment										
Total Levy	\$ 18,038	\$ 18,038	\$ 18,038	\$ 18,038	\$ 18,038	\$ 18,038	\$ 18,038	\$ 18,038	\$ 18,038	\$ 162,347

140										
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Hotel (Rooms)	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
400										
Total Hotel Taxable Value	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	\$ 5,847,380	
Hotel Tax Increment										
Total Levy	\$ 22,419	\$ 22,419	\$ 22,419	\$ 22,419	\$ 22,419	\$ 22,419	\$ 22,419	\$ 22,419	\$ 22,419	\$ 201,725

400										
-----	--	--	--	--	--	--	--	--	--	--

Office	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
6,300										
Total Office Taxable Value	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	\$ 1,142,797	
Office Tax Increment										
Total Levy	\$ 4,382	\$ 4,382	\$ 4,382	\$ 4,382	\$ 4,382	\$ 4,382	\$ 4,382	\$ 4,382	\$ 4,382	\$ 31,621

6,300										
-------	--	--	--	--	--	--	--	--	--	--

Retail	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
1,927										
Total Retail Taxable Value	\$ 271,994	\$ 271,994	\$ 271,994	\$ 271,994	\$ 271,994	\$ 271,994	\$ 271,994	\$ 271,994	\$ 271,994	
Retail Tax Increment										
Total Levy	\$ 1,043	\$ 1,043	\$ 1,043	\$ 1,043	\$ 1,043	\$ 1,043	\$ 1,043	\$ 1,043	\$ 1,043	\$ 8,343

1,927										
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Total Tax Increment	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
Davis County (100%)	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 58,275
County Library (30%)	\$ 1,083	\$ 1,083	\$ 1,083	\$ 1,083	\$ 1,083	\$ 1,083	\$ 1,083	\$ 1,083	\$ 1,083	\$ 9,342
Davis School District (100%)	\$ 25,770	\$ 25,770	\$ 25,770	\$ 25,770	\$ 25,770	\$ 25,770	\$ 25,770	\$ 25,770	\$ 25,770	\$ 214,785
Centerville City (50%)	\$ 5,186	\$ 5,186	\$ 5,186	\$ 5,186	\$ 5,186	\$ 5,186	\$ 5,186	\$ 5,186	\$ 5,186	\$ 43,561
Weber Basin Water Conservancy District (80%)	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 4,936
Mosquito Abatement District - Davis (80%)	\$ 367	\$ 367	\$ 367	\$ 367	\$ 367	\$ 367	\$ 367	\$ 367	\$ 367	\$ 3,058
South Davis Sewer District (30%)	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 8,151
South Davis Recreation District (100%)	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$ 8,151
Total Tax Increment Collected	\$ 40,457	\$ 40,457	\$ 40,457	\$ 40,457	\$ 40,457	\$ 40,457	\$ 40,457	\$ 40,457	\$ 40,457	\$ 343,808

Sales Tax

Sales Tax Assumptions	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
Average Retail Sales	\$ 210.00									
Retail Square Feet	1,927									
New Retail Sales Tax to City	50%									
Annual Growth	2%									
Effective Sales Tax Rate	0.600%									
Hotel Assumptions	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
Hotel Rooms	100									
Average Nightly Rate	60									
New Hotel Sales Tax to City	100%									
Annual Growth	2%									

City Sales Tax Benefit	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
Retail Sales Tax Generation	\$ 1,214	\$ 1,238	\$ 1,263	\$ 1,288	\$ 1,314	\$ 1,340	\$ 1,367	\$ 1,395	\$ 1,422	\$ 11,842
Hotel Sales Tax Generation	\$ 11,876	\$ 12,063	\$ 12,250	\$ 12,437	\$ 12,624	\$ 12,811	\$ 13,000	\$ 13,188	\$ 13,376	\$ 115,358
Total City Sales Tax Generation	\$ 13,090	\$ 13,301	\$ 13,513	\$ 13,725	\$ 13,938	\$ 14,151	\$ 14,367	\$ 14,583	\$ 14,798	\$ 127,200

Franchise Tax

City Franchise Tax Benefit	2019	2020	2021	2022	2023	2024	2025	2026	2027	Totals
Electricity	\$ 12,565	\$ 12,880	\$ 13,202	\$ 13,532	\$ 13,870	\$ 14,217	\$ 14,572	\$ 14,936	\$ 15,310	\$ 122,083
Natural Gas	\$ 2,739	\$ 2,808	\$ 2,878	\$ 2,950	\$ 3,024	\$ 3,099	\$ 3,177	\$ 3,256	\$ 3,337	\$ 27,267
Water	\$ 3,618	\$ 3,693	\$ 3,769	\$ 3,846	\$ 3,924	\$ 4,003	\$ 4,083	\$ 4,164	\$ 4,246	\$ 34,159
Total City Franchise Tax Generation	\$ 17,922	\$ 18,381	\$ 19,849	\$ 20,332	\$ 20,824	\$ 21,320	\$ 21,825	\$ 22,346	\$ 22,893	\$ 183,509

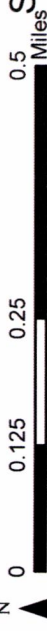
West Side/CVH Values per acre

<u>Area of City</u>	<u>Value</u>	<u>Acreage</u>	<u>Market Value per Acre</u>	<u>Taxable Value</u>	<u>Taxable Value per Acre</u>
All of Legacy Crossing Area**	\$51,948,300	28.7	\$1,810,045	\$39,298,061	\$1,369,270
Proposed NW corner of Parrish Gateway		8.5		\$11,966,786	\$1,409,515
WalMart store	\$16,475,000	20	\$823,750	\$16,475,000	\$823,750
WalMart strip mall, Chili's + RBs + Chedl	\$5,116,325	3.9	\$1,311,878	\$5,116,325	\$1,311,878
WalMart town homes	\$15,245,200	7.5	\$2,032,693	\$8,384,860	\$1,117,981
WalMart Ivory Homes	\$30,072,820	23.3	\$1,290,679	\$14,959,722	\$642,048
WalMart Development Area Totals*	\$66,909,345	54.7 *	\$1,223,206	\$44,935,907	\$821,497
Storage sheds**	\$2,391,998	4.67	\$512,205		
Syro Steel	\$3,200,000	9.89	\$323,559		
Industrial**					
Between 1250 West & RR					
- Parrish to 775 N	\$22,521,340	50.8	\$443,333	\$22,369,609	\$440,347
- 775 N to 1000 N	\$10,814,470	29.5	\$366,592	\$10,814,474	\$366,592

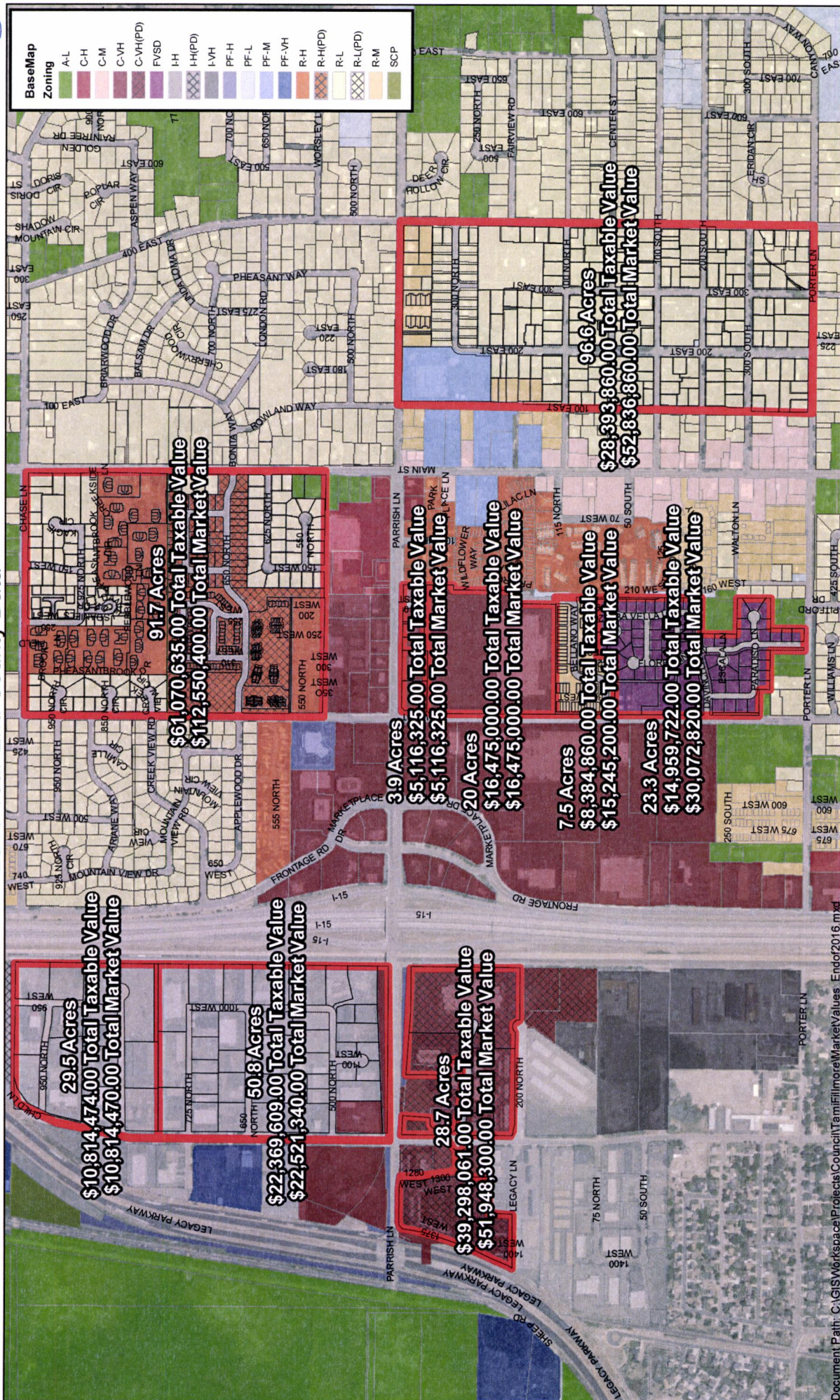


Date: 10/17/2017

Select Areas - Total Taxable & Market Values 2016 Year End County Data



Market Value Data Source: Davis County





CONCEPT LAND USE

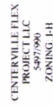
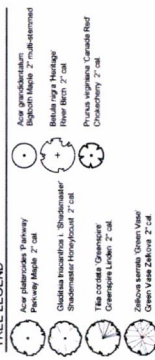
LOCATED IN CENTERVILLE, DAVIS COUNTY, UTAH

ORIGINAL PROPERTY	8.18 ACRES
COMMERCIAL PROPERTY	125 ACRES
HOTEL PROPERTY	173 ACRES (MAX. HEIGHT OF 4 STORIES AND 60' TALL)
MULTI-FAMILY PROPERTY	173 ACRES (MAX. HEIGHT OF 3 STORIES AND 45' TALL)
OPEN SPACE FOR MULTI-FAMILY	160 ACRES (1%)
MULTI-FAMILY UNITS	111
CONDOMINIUMS	173 ACRES
PARKING INTERIOR	235-236
PARKING EXTERIOR	236
TOTAL PARKING SPACES	90

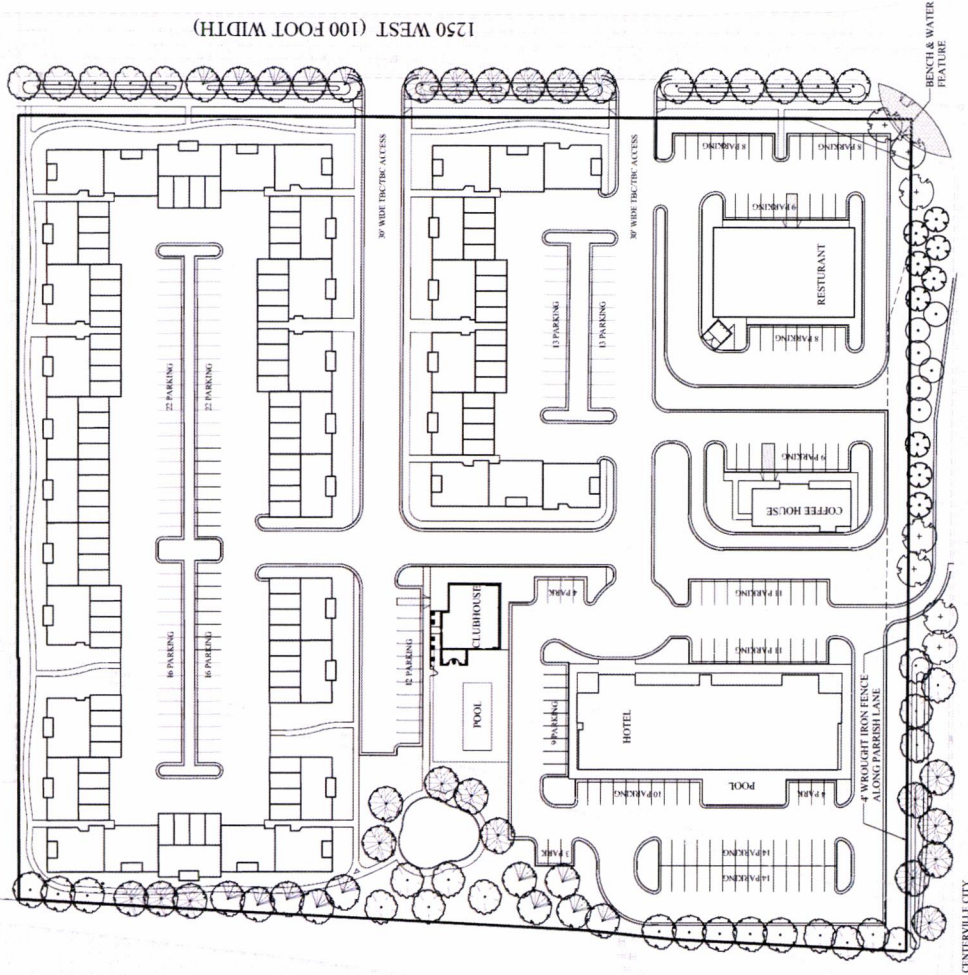
OWNER/DEVELOPER
WRIGHT DEVELOPMENT GROUP, INC.
1178 WEST LEGACY CROSSING BLVD SUITE 100
CENTERVILLE, UTAH 84014
(801) 773-7239
CONTACT SPENCER MORGENTHAU

LEGAL DESCRIPTIONS

TRF | LEGEND



UDOT



PARRISH LANE (WIDTH VARIES - 100'+)

CENTERVILLE CITY
558.4/5821

ZONING: C-H
LEGACY TRAILS
SUBDIVISION

CENTERVILLE PROPERTY
CENTERVILLE, DAVIS COUNTY, UTAH
Concept Plan

REVISION BLOCK		DATE	DESCRIPTION

CONCEPT PLAN

Scale	1"=40'	Drawn	AW
Date	10-27-17	Job #	15-206

Q



LOCATED IN CENTERVILLE, DAVIS COUNTY, UTAH

OWNER/DEVELOPER
WRIGHT DEVELOPMENT GROUP, INC.
1178 WEST LEGACY CROSSING BLVD. SUITE 100
CENTERVILLE, UTAH 84014
(801) 773-7339
CONTACT: SPENCER WRIGHT

[illegible]

	<i>Asp. nidulans</i> 2' culture Pathway made 2' cell	<i>Asp. nidulans</i> Baptist Made 2' multi stemmed
	<i>Gleditsia triacanthos</i> 1' Shaded under Shaded under Honeycomb 2' cell	<i>Rebula sp. 1' Hologram</i> Reb. Born 2' cell
	<i>Tilia cordata</i> 2' Culture Greenhouse Under 2' cell	<i>Pinus virginiana</i> Canada Red? Cherry 2' cell
	<i>Zellula viridis</i> Open Vase Green Vase Zellula 2' cell	



CENTERVILLE FLEX
PROJECT LLC
5497/990
ZONING: I-H

1250 WEST (100 FOOT WIDTH)

LOT 1
ZONING: I-H

SPORTS
SUNDAY

500 NORTH

LOT 10
ZONING: C-H

PARRISH LANE (WIDTH VARIES - 100'+)

ZONING: C-H
LEGACY TRAILS
SUBDIVISION

REVISION BLOCK		DATE	DESCRIPTION
1			
2			
3			
4			
5			
6			

CONCEPT
PLAN

Scale:	1"=40'	Drawn:	AW
Date:	10-31-17	Job #:	15-206
Sheet:			

R



Projected Centerville City Revenues - NWC of Parrish Lane and 1250 West, Centerville, Utah

<u>Total Revenue to Centerville City</u>		
Total Tax Benefit	\$	752,577
Impact Fee Revenue	\$	405,165
Total Revenue to Centerville City	\$	1,157,742

Summary of City Tax Benefit	
Property Tax	\$ 397,264
Sales Tax	\$ 185,390
Franchise Tax	\$ 169,923
Fractal Tax Benefit	\$ 752,577

Property Tax

Total Apartments Taxable Value	
Apartment Tax Increment	
Total Levy	0.011115

Hotel (rooms)	100
Total Hotel Taxable Value	
Hotel Tax Increment	
Total Levy	0.012125

Office	6,300
Total Office Taxable Value	
Office Tax Increment	
County Fee	\$ 0.000000

	1927
Total	
Total Retail Taxable Value	
Retail Tax increment:	

[illegible]

*In addition to the 50% shown here, an additional 50% increment would also be realized by Centerville City.

Sales Tax	
Total Sales Tax Deductions	
New age Retail sales	\$ 210.00
Retail Square Feet	1,927
Annual Growth	2%
Estimated Annual Tax Rate	0.8%
Total Assessed Value	110.00
Hold Room:	
Occupancy Rate	60%
Average Nightly Rate	\$ 90.00
Room Count	100
Annual Growth	2%

City Sales Tax Benefit	
Hotel Sales Tax Generation	
Hotel Sales Tax Generation	
Total City Sales Tax Generation	

City Franchise Tax Benefit	
Electricity	
Natural Gas	
Telecom	
Total City Franchise Tax Generation	

City Impact Fees
Park
Fire
Storm Drain / Water
Total Estimated Impact Fees

SCALE 1" = 10'

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 6

Short Title: Zoning Code Amendment - "Catering, Limited" in C-M Zone

Initiated By: Nate Hatch, Applicant

Scheduled Time: 8:00

SUBJECT

TABLED FROM OCTOBER 17, 2017

Consider the proposed Zoning Code Amendment to CZC 12.12.040 regarding Definitions and CZC 12.36.040 regarding Table of Uses, to add a new definition for "Catering, Limited" and to add this new use to the Table of Uses in the Commercial Medium (C-M) Zone - Ordinance No. 2017-27

RECOMMENDATION

Approve Ordinance No. 2017-27 amending various sections of the Zoning Code, including CZC 12.12.040 regarding Definitions and CZC 12.36.040 regarding Table of Uses, to add a new definition for "Catering, Limited" and to add this new use to the Table of Uses in the Commercial Medium (C-M) Zone, based on the findings and recommendations of the Planning Commission.

BACKGROUND

On September 27, 2017, the Planning Commission reviewed and recommended approval of proposed amendments to the Zoning Code, including CZC 12.12.040 regarding Definitions and CZC 12.36.040 regarding Table of Uses, to add a new definition for "Catering, Limited" and to add this new use to the Table of Uses in the Commercial Medium (C-M) Zone.

On October 17, 2017, the City Council reviewed and held a public hearing on this matter. The Council thereafter tabled action on the matter to the next City Council meeting on November 8, 2017.

The Staff Transmittal Report for this application is attached.

ATTACHMENTS:

Description

- ☐ 10-17-17 CC Staff Report - Catering, Limited in C-M Zones
- ☐ Ordinance No. 2017-27 - Catering, Limited
- ☐ 9-27-17 PC Staff Report - Catering, Limited in C-M Zones
- ☐ 9-27-2017 PC minutes pgs 1-3 re Catering, Limited in C-M Zones

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

PLANNING COMMISSION TRANSMITTAL REPORT

APPLICANT: NATE HATCH
CAL-CO MANAGED DBA
CUP-BOP KOREAN BBQ
299 S 1200 W
FARMINGTON, UT 84025
801.867.6283

APPLICATION: CREATE DEFINITION “CATERING, LIMITED” AND ALLOW SUCH
DEFINITION IN COMMERCIAL MEDIUM ZONES

PC RECOMMENDATION: RECOMMEND APPROVAL

Background

CupBop is a fast growing business, involving mobile food trucks, brick and mortar fast-casual restaurants, and a catering business for special events. They need an industrial standard kitchen space in order to prepare their food to sell off site in places like universities, stadiums, and other entertainment venues. They are currently interested in a site on Main Street and 200 South, next to Unity Hair Salon. There will be no seating or food available for purchase for individuals at this location. Jade Hill Restaurant used to be at the location under a Conditional Use Permit, but with the change in tenants and uses, this Permit has expired. Currently, there is no definition or use for catering services in our Code.

DEFINITIONS

The closest current definitions in our code would be: “Restaurant, general” or “Restaurant, fast food”, neither of which would qualify as what Cup Bop does – prepare food on site, then cater to larger venues and businesses offsite. Fast food and restaurants are not currently permitted in the Commercial Medium zone, which is largely made up of smaller office business, like laundry facilities and dentists. Long established businesses like Cutler’s Cookies and Sandwiches and Pizza Perfect are considered non-conforming uses and could not be built today.

Proposed definition:

Catering, limited: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption with a *limited* number of catering transport vehicles. Includes catering for food for single event-based food services and contractual agreements for a specified period of time. This use does NOT include mobile food trucks or carts, or any other mobile food service uses.

LOCATION AND USE

C-M Zone Purpose: The purpose of the C-M Zone is to provide areas for commercial activities and professional offices which have less than 10,000 square feet of floor area. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development (CZC 12.30.d).

C-M Zone Locations: As depicted on the City's Zoning Map, the C-M District locations are quite limited in Centerville. They are only located within the South Main Street Corridor area, along Main Street, from Parrish Lane to Porter Lane (*see map at right – areas in pink*).



CONSIDERING ZONING CODE AMENDMENTS – 12.21.080.

Is the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives and policies of the General Plan?

Main Street Commercial Area [General Plan 12-430-2.2].

The area on Main Street between 400 South (Porter Lane) and 400 North (Parrish Lane) has been regarded as the traditional commercial center of Centerville, though in reality it never became a strong focal point. The Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years. Restoration or revitalization should be encouraged

South Main Street Corridor-Wide Vision [GP 12-280-7]:

GOAL 1 - Promote the South Main Street Corridor as the cultural, civic, and community heart of Centerville by providing a careful balance of land uses, which serve residents, businesses, and visitors.

Staff Response: Promoting other uses, such as catering services and food preparation at this site, aligns itself accordingly with the General Plan. The Plan promotes revitalization and restoration of spaces of this corridor, which would naturally expand the permitted uses in order to attract more businesses other than medical and office, which are prevalent on this street. Ideally, this

“revitalization” would come with some type of design guidelines that would ensure and enhance this street aesthetically that does not inhibit turnover of businesses, as to be discussed in a future Main Street Overlay Zone.

This use, in particular, does not “cater” to *local* needs, due to the fact that all of the food will be served in other locations around the region. This use also requires possibility many large trucks and trailers would be needed to fulfill this use. In some ways, this is less traffic than other businesses that have customers coming and going throughout the day, because there will only be trucks and employees as the parking and traffic at the location. But noticeable, all C-M zones are on Main Street, and are therefore very nearby to residential communities and the historic district. That being taken into mind, the correct and adequate traffic circulation, parking, loading and unloading facilities, etc., should be examined during the site plan process to ensure the safety and comfort of the surrounding properties and residents, and should therefore require a Conditional Use Permit. This is also why the definition states that only a “limited” number of trucks should be provided. Staff realizes that a the number of trucks necessary would differ based on the size and capacity of the business, so it is expected that this “limiting” number of trucks would be established at the Conditional Use Permit. The CUP has the authority to impose *“as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title.”* [12.21.100.e. (2)]

In thinking holistically about the zones and their highest and best use throughout the city, staff believes that “Catering, limited” should be a Conditional Use Permit in all Commercial Zones, and a Permitted Use in all Industrial Zones. In this report, the staff chose to limit this report to only the applicant’s specific request.

The Planning Commission stated in the meeting it would like to direct Staff to examine other zones, in addition to C-M, to allowed Permitted and Conditional Use Permits for this use.

PLANNING STAFF RECOMMENDATIONS & VOTE

On September 27, 2017, the Planning Commission made a motion to recommend APPROVAL of the stated definition of “Catering, Limited” and the allowed use of a Conditional Use Permit in Commercial Medium Zones, with the following directives:

1. Parking calculations should be established by the zoning administrator at the time the use is approved.

Reasons for Action

- a. 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.C.
- b. The new definition of “Catering, limited” while listing it as a Conditional Use in commercial Medium zones is consistent with the goals, objectives and policies of the General Plan [12-420-2.2]
- c. 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.
- d. 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.
- e. Therefore, the Planning Commission finds that opportunities to encourage restoration or revitalization ought to be permissible.
- f. Parking Calculations for uses not provided shall be determined by the Zoning Administrator using the nearest compatible use [12.52.060]

Planning Commission Vote (4-2):

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

ORDINANCE NO. 2017-27

AN ORDINANCE AMENDING SECTION 12.12.040 OF THE CENTERVILLE ZONING CODE TO ADD A NEW DEFINITION FOR "CATERING, LIMITED," AND AMENDING SECTION 12.36.040 OF THE SAME REGARDING TABLE OF USES

WHEREAS, the City has received an application to amend the Zoning Code to add a new definition for "Catering, Limited" and to allow such use as a conditional use within the Commercial-Medium (C-M) Zone; and

WHEREAS, the proposed amendments to the Zoning Code regarding catering service 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 "Catering, Limited," and to allow such use as a conditional use in the Commercial-Medium (C-M) Zone; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code to create a new definition for "Catering, Limited" and to allow such use in the Commercial-Medium (C-M) Zone 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 "Catering, Limited" as more particularly provided as follows:

12.12.040 Definitions

* * *

Catering, Limited: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption with a limited number of catering transport vehicles. Includes catering for food for single event-based food services and contractual agreements for a specified period of time. This use does NOT include mobile food trucks or carts, or any other mobile food service uses.

* * *

Section 2. Amendment. Section 12.36.040 of the Centerville Zoning Code regarding Table of Uses for Commercial Uses is hereby amended to allow “Catering, Limited” as a conditional use in the Commercial-Medium (C-M) Zone 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
Catering, Limited	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N

* * *

Section 3. Findings. The amendments to the Zoning Code adopted herein are based on the following findings:

- a. The City Council finds that the “decision to amend the Zoning Code is a matter within the legislative discretion of the City Council” as described in CZC 12.21.060(a)(1)(C).
- b. The new definition of “Catering, Limited,” while listing it as a Conditional Use in Commercial-Medium (C-M) Zone, is consistent with the goals, objectives and policies of the General Plan [12-420-2.2]
- c. The City Council 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.
- d. The City Council 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.
- e. The City Council finds that opportunities to encourage restoration or revitalization ought to be permissible.
- f. Parking calculations for uses not provided shall be determined by the Zoning Administrator using the nearest compatible use [CZC 12.52.060].

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 17th DAY OF OCTOBER, 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**

APPLICANT: **NATE HATCH
CAL-CO MANAGED DBA
CUP-BOP KOREAN BBQ
299 S 1200 W
FARMINGTON, UT 84025
801.867.6283**

APPLICATION: **CREATE DEFINITION “CATERING, LIMITED” AND
ALLOW SUCH DEFINITION IN COMMERCIAL
MEDIUM ZONES**

STAFF RECOMMENDATION:

Background

CupBop is a fast growing business, involving mobile food trucks, brick and mortar fast-casual restaurants, and a catering business for special events. They need an industrial standard kitchen space in order to prepare their food to sell off site in places like universities, stadiums, and other entertainment venues. They are currently interested in a site on Main Street and 200 South, next to Unity Hair Salon. There will be no seating or food available for purchase for individuals at this location. Jade Hill Restaurant used to be at the location under a Conditional Use Permit, but with the change in tenants and uses, this Permit has expired. Currently, there is no definition or use for catering services in our Code.

DEFINITIONS

The closest current definitions in our code would be: “Restaurant, general” or “Restaurant, fast food”, neither of which would qualify as what Cup Bop does – prepare food on site, then cater to larger venues and businesses offsite. Fast food and restaurants are not currently permitted in the Commercial Medium zone, which is largely made up of smaller office business, like laundry facilities and dentists. Long established businesses like Cutler’s Cookies and Sandwiches and Pizza Perfect are considered non-confirming uses and could not be built today.

North American Industry Classifications System Definition

Caterers (NAICS)

This industry comprises establishments primarily engaged in **providing single event-based food services**. These establishments generally have equipment and vehicles to transport meals and snacks to

reality it never became a strong focal point. The Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years. **Restoration or revitalization should be encouraged**

Main Street Commercial Area [GP 12-480-2.2.b].

The area on Main Street between 400 North (Parrish Lane) and 400 South (Porter Lane) is generally regarded as the traditional commercial area of Centerville, though in reality it never became a strong focal point. The present structure of commercial development with its numerous individual properties, small frontages, short setbacks, and older buildings tends to work against the possibility of any large scale, unified commercial development.

1. The Main Street commercial area shall be allowed to remain as a convenience and specialty shopping area. To encourage any larger scale commercial development would be detrimental to surrounding residential areas and to the future function ability of Main Street as an arterial road.
2. The Main Street commercial area is old and somewhat deteriorating. Significant commercial viability is not likely to occur unless some type of restoration or revitalization is encouraged. Centerville City should seriously consider the preparation of a revitalization plan for this area.
3. Future commercial development in the Main Street area should conform to performance guidelines which require landscaping, appropriate parking, minimal traffic impact upon Main Street, and buffering from adjacent residential areas.
4. To preserve the residential integrity of surrounding areas, future commercial development on Main Street shall not be allowed south of 400 South or north of 400 North, and shall not extend more than one-half block east of Main Street

South Main Street Corridor-Wide Vision [GP 12-280-7] :

GOAL 1 - Promote the South Main Street Corridor as the cultural, civic, and community heart of Centerville by providing a careful balance of land uses, which serve residents, businesses, and visitors.

Staff Response: Promoting other uses, such as catering services and food preparation at this site, aligns itself accordingly with the General Plan. The Plan promotes revitalization and restoration of spaces of this corridor, which would naturally expand the permitted uses in order to attract more businesses other than medical and office, which are prevalent on this street. Ideally, this “revitalization” would come with some type of design guidelines that would ensure and enhance this street aesthetically that does not inhibit turnover of businesses, as to be discussed in a future Main Street Overlay Zone.

This use, in particular, does not “cater” to *local* needs, due to the fact that all of the food will be served in other locations around the region. This use also requires possibility many large trucks and trailers would be needed to fulfill this use. In some ways, this is less traffic than other businesses that have customers coming and going throughout the day, because there will only be trucks and employees as the parking and traffic at the location. But noticeable, all C-M zones

are on Main Street, and are therefore very nearby to residential communities and the historic district. That being taken into mind, the correct and adequate traffic circulation, parking, loading and un-loading facilities, etc, should be examined during the site plan process to ensure the safety and comfort of the surrounding properties and residents, and should therefore require a Conditional Use Permit. This is also why the definition states that only a “limited” number of trucks should be provided. Staff realizes that a the number of trucks necessary would differ based on the size and capacity of the business, so it is expected that this “limiting” number of trucks would be established at the Conditional Use Permit. The CUP has the authority to impose “*as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title.*” [12.21.100.e.(2)]

In thinking holistically about the zones and their highest and best use throughout the city, staff believes that “Catering, limited” should be a Conditional Use Permit in all Commercial Zones, and a Permitted Use in all Industrial Zones. In this report, the staff chose to limit this report to only the applicant’s specific request.

PROPOSED MOTION

MOTION ONE

I hereby make a Motion for the Planning Commission to recommend APPROVAL of the stated definition of “Catering, Limited” and the allowed use of a Conditional Use Permit in Commercial Medium Zones, with the following directives:

1. Parking calculations should be established by the zoning administrator at the time the use is approved.

Reasons for Action

- a. 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.C.
- b. The new definition of “Catering, limited” while listing it as a Conditional Use in commercial Medium zones is consistent with the goals, objectives and policies of the General Plan [12-420-2.2]
- c. 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.
- d. 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.

- e. Therefore, the Planning Commission finds that opportunities to encourage restoration or revitalization ought to be permissible.
- f. Parking Calculations for uses not provided shall be determined by the Zoning Administrator using the nearest compatible use [12.52.060]

MOTION TWO:

I hereby make a motion that the Planning Commission recommends that Staff further examine the acceptable zones for this use and review amending the zoning code accordingly.

Reasons for action:

- a. 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.C.
- b. The new definition of “Catering, limited” may be an acceptable use in All Commercial Zones and Industrial Zones.

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, September 27, 2017**

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

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

8
9 **MEMBERS PRESENT**

10 Cheylynn Hayman

11 Kathy Helgesen

12 David Hirschi, Chair

13 Gina Hirst

14 Becki Wright

15 Logan Johnson

16
17 **MEMBER ABSENT**

18 Kevin Daly

19
20 **STAFF PRESENT**

21 Cory Snyder, Community Development Director

22 Lisa Romney, City Attorney

23 Cassie Younger, Assistant Planner

24 Katie Farnsworth, Recording Secretary

25
26 **VISITORS**

27 Interested citizens (see attached sign-in sheet)

28
29 **PLEDGE OF ALLEGIANCE**

30
31 **OPENING COMMENT/LEGISLATIVE PRAYER**

Chair Hirschi

32
33 **PUBLIC HEARING – ZONE TEXT AMENDMENT – “CATERING, LIMITED” IN**
34 **C-M ZONES**

35
36 Cassie Younger, Assistant Planner reviewed the Staff Report outlining the history
37 of CupBop, the applicant, and their desire to establish a location with an industrial
38 kitchen to provide catering services. Ms. Younger explained that the Zoning Code
39 currently does not contain a definition for catering services.

40
41 Ms. Younger presented the proposed new definition for “Catering, Limited” to be
42 added to the Table of Uses to include both catering and food services contract including
43 a *limited* number of catering transport vehicles. A specific number of permitted catering
44 transport vehicles was intentionally not included due to differences in size and capacity
45 of businesses. By using the term *limited*, the definition should sufficiently prohibit a large

1 fleet of vehicles at any given location. The definition specifically calls out the prohibition
2 of mobile food trucks, food carts, or any other mobile food service uses.

3
4 Ms. Younger noted the location that CupBop is considering at 200 South Main
5 Street does fall in the Main Street Overlay Zone. Staff believes the applicant generally
6 fits the General Plan guidelines of what uses are permitted in commercial zones and
7 recommends a Conditional Use Permit be required for this type of use within
8 commercial zones.

9
10 Nate Hatch, representative of CupBop, addressed the Commission regarding
11 viability of the building and basic operation of the business.

12
13 At 7:21 p.m., Chair Hirschi opened the public hearing. Seeing no one wishing to
14 comment, Chair Hirschi closed the public hearing.

15
16 Commissioners Helgesen and Wright expressed concerns about the
17 appropriateness of an industrial use relating to this type of business along Main Street.
18 Mr. Snyder reminded the Commission that the permitted uses right now are low and it is
19 preventing growth on Main Street. He believes that the City should not limit growth to
20 businesses that will only serve Centerville citizens. Commissioner Johnson believes
21 there is considerable benefit to having a good tenant in the building.

22
23 Commissioner Hayman made a **motion** to approve the stated definition of
24 "Catering, Limited" as stated in the Staff Report and the allowed use of a Conditional
25 Use Permit in Commercial-Medium Zone with the following directive in the Staff Report
26 and Reasons for Action (a) through (f). Commissioner Johnson seconded the motion. A
27 roll-call vote was taken with Commissioners Johnson, Hirschi, Hirst, and Hayman
28 assenting and Commissioners Wright and Helgesen dissenting. The motion passed by
29 majority vote (4-2).

30
31 Directive:

- 32
33 1. Parking calculations should be established by the zoning administrator at the
34 time the use is approved.

35
36 Reasons for the Action:

- 37
38 (a) *The Planning Commission finds that the "decision to amend the Zoning*
39 *Code is a matter within the legislative discretion of the City Council" as*
40 *described in [CZC 12.21.060(a)(1)(C)].*
41 (b) *The new definition of "Catering, Limited" while listing it as a Conditional*
42 *Use in Commercial-Medium Zones is consistent with the goals, objectives*
43 *and policies of the General Plan [Section 12-420-2.2].*
44 (c) *The Planning Commission finds that the Main Street commercial area is*
45 *old now and somewhat deteriorating, though a few new buildings have*
46 *been constructed here in recent years.*
47 (d) *The Planning Commission finds that the General Plan objective to*
48 *redevelop or revitalize the Main Street Commercial area may continue to*
49 *be difficult and slow, despite the South Main Street Overlay incentives.*

- 1 (e) Therefore, the Planning Commission finds that opportunities to encourage
2 restoration or revitalization ought to be permissible.
3 (f) Parking Calculations for uses not provided shall be determined by the
4 Zoning Administrator using the nearest compatible use [CZC 12.52.060].
5

6 Commissioner Johnson made a **motion** that the Planning Commission
7 recommends that Staff further examine the acceptable zones for this use and review
8 amending the Zoning Code accordingly with Reasons for Action (a) through (b) in the
9 Staff Report. Commissioner Hayman seconded the motion. The motion passed by
10 unanimous vote (6-0).
11

12 Reasons for Action:

- 13 (a) The Planning Commission finds that the "decision to amend the Zoning
14 Code is a matter within the legislative discretion of the City Council" as
15 described in [CZC 12.21.060(a)(1)(C)].
16 (b) The new definition of "Catering, Limited" may be an acceptable use in All
17 Commercial Zones and Industrial Zones.
18

19 **PUBLIC HEARING – CONCEPTUAL SUBDIVISION PLAT – MOSS ACRES –**
20 **2026 NORTH MAIN**
21

22 Cassie Younger, Assistant Planner, reviewed the history of the property being
23 rezoned from Agriculture-Low to Residential-Low as well as the historical home on the
24 site. This property also lies in the Hillside Overlay. Ms. Younger reviewed the
25 requirements for single-family lots on a slope for frontage allowances. Cory Snyder,
26 Community Development Director, explained that because there is no minimum lot size,
27 under Utah law, the Land Use Management Act states that if there is something unclear
28 or that is being debated, the Commission is required to interpret it in favor of the
29 property owner.
30

31 Chad Morris, applicant, addressed the issues regarding access to the property by
32 rerouting the existing driveway or doing some shared driveway access. Mr. Morris
33 would like to see the frontage requirement for slope based on a ratio. Mr. Snyder
34 agreed there needs to be a balance between lots sizes and requirements. The applicant
35 could achieve this by requesting an amendment to the Zoning Code or seeking to
36 qualify for a variance from the Board of Adjustment.
37

38 Chair Hirschi pointed out that one of the conditions (#2) is that the preliminary
39 subdivision plat shall also meet the requirements of the Hillside Overlay for Preliminary
40 Review and that the issue regarding slopes and frontage would be revisited at that
41 point. For now, the Planning Commission is only voting on the conceptual subdivision
42 plan generally.
43

44 At 7:53 p.m., Chair Hirschi opened the public hearing. Seeing no one wishing to
45 comment, Chair Hirschi closed the public hearing.
46

47 Commissioner Wright made a **motion** that the Planning Commission accept the
48 Conceptual Subdivision Plat at 2026 North Main, with Directives (1) – (5) and Reasons

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 7

Short Title: Public Hearing - General Plan Amendments - Neighborhood 1, Southeast Centerville, Pages Lane Commercial Area

Initiated By:

Scheduled Time: 8:15

SUBJECT

TABLED FROM OCTOBER 3, 2017

Consider General Plan amendments regarding Section 12-480-2 Neighborhood 1, Southeast Centerville, providing future development scenarios that include potential for residential uses and park space for the Pages Lane Commercial Area

RECOMMENDATION

Approve Ordinance No. 2017-26 amending Section 12-480-2, Neighborhood 1, Southeast--**after amending per staff's recommendation**--providing a future development scenario that includes potential for residential uses and buffer space for the Pages Lane Commercial Area.

BACKGROUND

On September 13, 2017, the Planning Commission reviewed and recommended approval of proposed General Plan amendments to Section 12-480-2, Neighborhood 1, Southeast Centerville, providing future development scenarios that include potential for residential uses and park space for the Pages Lane Commercial Area. The Planning Commission's recommendation includes two different alternatives as well as the request for guidance from the City Council on whether to consider a park in this area.

On October 3, 2017, the City Council held a public hearing and reviewed this matter. The property owners requested the Council delay action to allow them to make a specific proposal regarding redevelopment of the site. The City Council tabled action on the matter and continued the public hearing to November 8, 2017.

Following the October 3 meeting, staff met with Buck Swaney, who represented the property owners. He subsequently submitted the attachment titled "DIKA Properties Proposal". Staff discussed this proposal and the City Manager then responded to Mr. Swaney--see the attached "Email Chain re Property Owners Proposal". The Community Development Director submitted a second staff report for the City Council expressing his reasons for not supporting the property owners' proposal, and recommending the Council amend Ordinance No. 2017-26 to delete Alternative "A" and go with the Alternative "B" scenario--see attachment titled "11-08-2017 Staff Report re PC's Recommendation".

As expressed by Mr. Swaney in the attached email chain, the property owners are asking the Council to continue to "pause" on this matter to allow further discussion of other options.

ATTACHMENTS:**Description**

- ▢ 11-08-2017 Staff Report re PC's recommendation
- ▢ DIKA Properties Proposal
- ▢ Email Chain re Property Owners Proposal
- ▢ Ordinance No. 2017-26 - Pages Lane GP Amendments
- ▢ 10-3-17 CC Transmittal Report - Pages Lane GP Amendments
- ▢ 10-3-2017 City Council meeting minutes - pgs 2-3
- ▢ 9-13-17 PC Staff Report Pages Lane Commercial Area General Plan Amendments
- ▢ 09-13-2017 PC minutes - pages 7-12
- ▢ PC Scenario Alternative "A" City Park Option
- ▢ PC Scenario Alternative "B" Public/Private Feature Option
- ▢ Letter from Linda Blosch and Winegar Brothers

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

PLANNING STAFF TRANSMITTAL REPORT

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

APPLICATION: **GENERAL PLAN TEXT AMENDMENT – PAGES LANE
COMMERCIAL AREA AMENDMENTS
(TABLED BY CITY COUNCIL)**

PROPERTY OWNER REQUEST: **ALTER THE PLANNING COMMISSION'S
RECOMMENDATION TO ALLOW A MIXED
COMMERCIAL, RESIDENTIAL AND CITY
PARK MASTER PLAN**

PLANNING STAFF RECOMMENDATION: **DISCARD THE PROPOSED MASTER
PLAN WITH A PARK AND ADOPT
THE PLANNING COMMISSION'S
ALTERNATIVE "B" SCENARIO**

BACKGROUND

At the request of an owner within the Pages Lane Commercial Area, the Centerville City Council tabled action regarding the Pages Lane Commercial Area Amendments of the Southeast Neighborhood Plan. The City Council then directed staff and the land owner to further explore a proposed Master Plan Development that included a potential City Park.

PROPOSED MASTER PLAN WITH A CITY PARK ALTERNATIVE

The master plan is comprised of mixing commercial, residential, and park uses, in a sector style arrangement. The residential density of that would have been developed on the park property would be transferred to the residential area west of the existing, but vacant, grocery store. The former grocery store would be converted into an "indoor storage use." The commercial uses east of the "indoor storage use" would remain. The large parking area along Pages Lane would be transformed into a City



Park. In summary the owner states, in their proposal, that “[they] think this offer can achieve the desires and serve the interests of the City’s citizens. This approach would allow us to invest immediately in renovation and redevelopment of the overall site. [They] can commit to completing the indoor storage redevelopment within a year. [They] can also complete the demolition and design/approval process for the residential complex in that same timeframe. [They] love the idea of collaborating and participating in the development of an excellent community park and feel sure its design will come to define the experience of driving up and down Pages Lane in the future.” The details of the proposed master plan may be explored in the attachments for this agenda item.

SUMMARY OF PLANNING STAFF’S EXAMINATION

Despite the issues and matters regarding the feasibility of actually developing the park (*see City Manager’s Report*), it is the position of the Planning Staff that the proposed residential sector, as proposed, is an isolated development wedged in-between two commercial sectors. Additionally, the proposed “indoor storage use” is a short term adaptive reuse facility awaiting the decline of the existing commercial to the east. The time period for the decline could be rather quickly or last more than a decade. Consequently, the proposed limited residential development does not provide an appropriate neighborhood or livable setting for its residents and is even more pronounced with the unlikely development of the park space.

If conversion to residential use is desirable, then additional acreage needs to be devoted to establish a sustainable residential redevelopment pattern for the present as well and into the future. Conversion of the entire eastern half of the block to residential ought be the goal or simply leave the area commercially zoned and await for future market demands to redevelop the site. An exception could be the corner area to remain commercial, particularly if a multi-family product is developed for the area.

PLANNING STAFF’S RECOMMENDATION

Given that an owner of property in the Page Lane Commercial Area and the City Council, have provided an option for the City to consider establishing a meaningful Park, as previously recommended in the amendments provided by the Planning Commission, the Planning Staff recommends **APPROVAL** of the General Plan Text Amendments that support the future residential redevelopment of the eastern half of the Pages Lane Commercial Area with a private/public feature space in lieu of a park (*Alternative Scenario “B”*), with the following reasons for action:

- a. *The City Council finds that a decision to amend the General Plan is a matter within the legislative discretion of the City as described in CZC 12.21.060(a).*
- b. *The City Council finds that there is a synergy distinction between the western and eastern halves of the Pages Lane area with viable commercial uses on the western half and long-term vacancies within the eastern half.*
- c. *The City Council finds there are still valuable opportunities along the collector and arterial streets to accommodate future housing needs of the City, such as the redevelopment of the eastern half of the Pages Lane Commercial area.*
- d. *The City Council finds that Centerville City has a strong desire to maintain a lower density single-family environment as described in the General Plan Element, “Residential Development” – Section 12-420.*

- e. The City Council finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan policies of maintaining, as much as reasonably possible, a compatible style of housing.*
- f. The City Council finds that a residential medium density is a more appropriate and compatible residential redevelopment scenario than is residential high.*
- g. The City Council finds that historical single-family development in the Community (e.g. R-1-8 Zoning) is also consistent with the lower end of Medium Density for residential development.*
- h. The City Council finds that consideration of a meaningful park was explored and discovered that it is not feasible for the City to fund and develop a City Park.*
- i. Therefore, given the findings above, the amendments, for Alternative Scenario "B," as recommended by the Planning Commission, are the appropriate future land use patterns for this neighborhood area.*

Linda Blosch
DIKA Properties
801.244.2400 mbaproperties@gmail.com

October 23, 2017

Mr. Cory Snyder and Mr. Steve Thacker
Planning Commission and Mayor and City Council Members, Centerville City

RE: DIKA Properties Development Concept and Offer

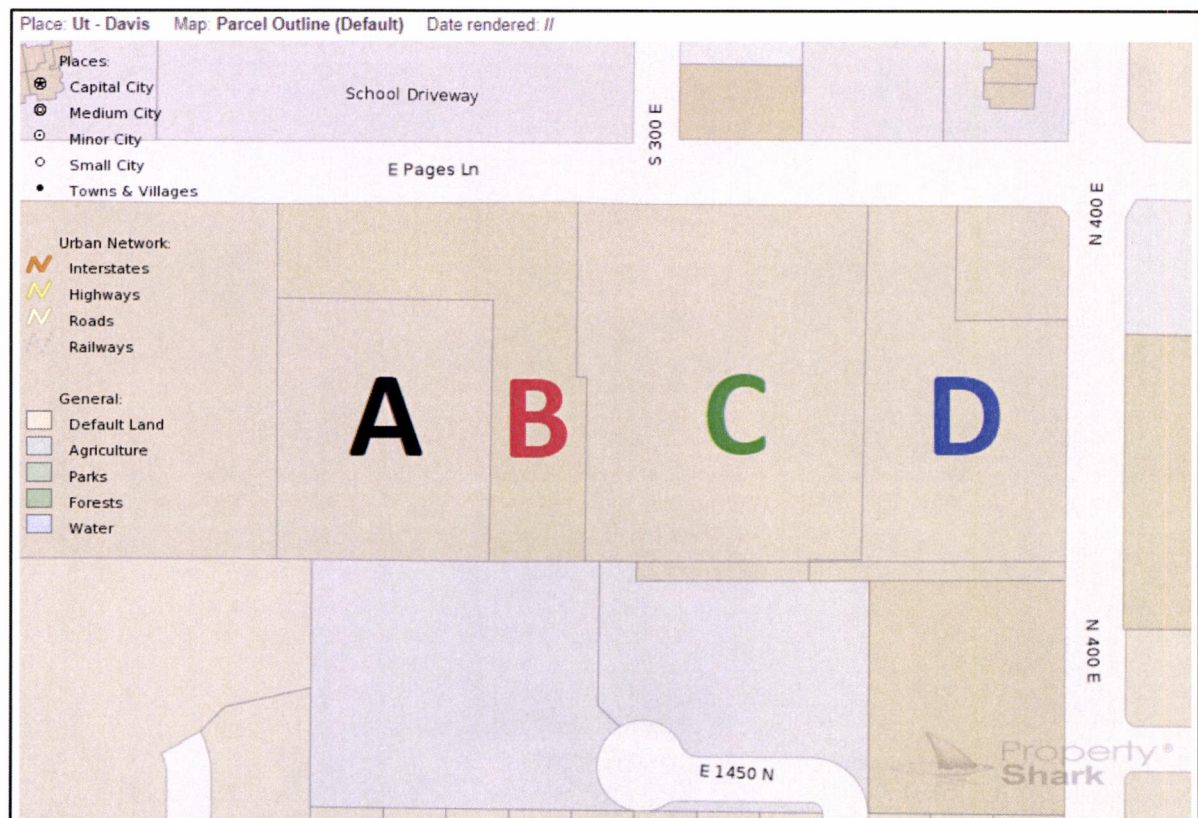
Dear Cory and Steve,

As a follow up to your meeting just over a week ago with Buck Swaney, here is the information you requested. As we understand it, you requested a concept for developing the property, which addresses the opportunity to provide park space, transfer density, and redevelop the existing Dick's building. It is our understanding that you wanted a "best foot forward" offer that would allow us to minimize the need to pursue complicated or time-consuming negotiations. After careful review and several conversations with residential builders, we provide you the following as a core approach and offer. We continue based on the concept below, as presented to the Council, and describe an offer that goes with it.



Concept Description and Offer:

1. DIKA will purchase the Winegar Brothers' property on the west side of the 8-acre Pages Lane commercial area. This purchase will entail purchasing all of Parcel A on the exhibit below, and all of Parcel B with the exception of the small bank building that was recently sold. The buildings on these purchased properties will be demolished.
2. DIKA will keep the existing buildings on Parcels C and D. Dick's Grocery Store (Parcel C) will be repurposed as an indoor storage building. Ace Hardware and the offices (Parcel D) will be kept, improved, and leased.
3. DIKA will sell an approximate 2-acre parcel to the City for a park as depicted in the concept rendering for \$300K an acre, payable over 3 years. This reflects a \$250K/acre discount from market value and purchase cost. In consideration of this discount, Centerville would do the following:
 - a. Return the overall zoning back to the prior multi-use zoning that allows residential and commercial uses, consistent with the zoning just to the west.
 - b. Develop a Dick's-parcel-specific overlay that allows the building to be developed as indoor storage.
 - c. Fix the gross density on the overall site at 8 units/acre, and transfer (send) the density from the discounted park site to the receiving site (purple), where we would anticipate being able to build between 28-32 units in a single complex.
 - d. Accept the park donation value in lieu of impact fees for the residential units.



We think this offer can achieve the desires and serve the interests of the City's citizens. This approach would allow us to invest immediately in renovation and redevelopment of the overall site. We can commit to completing the indoor storage redevelopment within a year. We can also complete the demolition and design/approval process for the residential complex in that same timeframe.

We love the idea of collaborating and participating in the development of an excellent community park and feel sure its design will come to define the experience of driving up and down Pages Lane in the future. Please let us know if you have any questions, and please let us know when we can take our next steps with this offer and discussion.

Sincerely,

Linda W. Bloch
Manager, DIKA Properties LLC

Steve Thacker

From: Buck Swaney <buckswaney@gmail.com>
Sent: Tuesday, October 31, 2017 5:39 PM
To: Steve Thacker
Cc: Marv Bloesch; Cory Snyder; Bruce Cox; Jacob Smith; Lisa Romney; Marsha Morrow
Subject: Re: DIKA Properties concept offer

Thank you Steve. We will await the report. We know this was late coming and complex. For the record, DIKA and Winegar still want to see any zoning and general plan updates for the property paused, allowing us to respond thoughtfully and creatively to the concerns the commission/council/staff have.

Much appreciated,
Buck

On Oct 31, 2017, at 5:06 PM, Steve Thacker <stevet@centervilleut.com> wrote:

Hello Buck,

Thank you for submitting the proposed alternative development plan for the Pages Lane area. I have discussed it with pertinent staff, including the Community Development Director and Parks & Recreation Director. Despite the concession you made on the price for the park acreage, I cannot see how the Council would realistically come up with the funds necessary to buy and improve the park site, in light of the other park improvements for which they have already made financial commitments and their desire to minimize debt for these improvements. We have contacted both the Recreation District and Bountiful City to see if they were interested in a partnership for development and use of this potential park site; but their responses were not favorable.

The Community Development Director has also reviewed your proposal from a planner's perspective and is not supportive for reasons he will explain in a report to the City Council, which will be made available to you as soon as it is provided to the City Council this Friday. The City Recorder, Marsha Morrow, will notify you this Friday via email when the agenda and staff reports for the Nov. 8 meeting are available online and a link to those documents.

Your proposal has already been provided to the City Council and they will have opportunity to discuss it in their Nov. 8 meeting.

Regards,
Steve Thacker
Centerville City Manager

From: Buck Swaney [<mailto:buckswaney@gmail.com>]
Sent: Monday, October 23, 2017 7:53 PM
To: Cory Snyder; Steve Thacker; Bruce Cox; Jacob Smith; Marv Bloesch
Subject: DIKA Properties concept offer

Good evening Gentlemen,

I am delivering this on behalf of Marv and Linda Bloesch. I apologize for the slower-than-expected delivery. The process of vetting density economics took more time than

expected. Please take a look when you have a moment, and feel free to distribute as appropriate. We think that we can deliver palatable density number and park acquisition numbers and still make the project economics work.

Let me know when you have had a chance to review and when we can follow up. Is some version of this item back on the PC agenda for Wednesday? Should we plan on attending and participating? Advanced thanks,

Buck

ORDINANCE NO. 2017-26

AN ORDINANCE AMENDING SECTION 12-480-2 OF THE CENTERVILLE GENERAL PLAN REGARDING NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE, TO ALLOW RESIDENTIAL DEVELOPMENT WITHIN THE PAGES LANE COMMERCIAL AREA AND TO PROVIDE FOR ADDITIONAL PARK SPACE AND AMENITIES WITHIN THIS AREA

WHEREAS, the City Council has previously enacted Section 12-480-2 of the Centerville City General Plan providing a comprehensive guide to future physical land use patterns and desired goals and objectives for residential and commercial development within Neighborhood 1, Southeast Centerville; and

WHEREAS, the City Council desires to amend Section 12-480-2 to allow residential development within the Pages Lane Commercial Area within Neighborhood 1, Southeast Centerville, and to provide for additional park space and amenities within this area, as more particularly provided herein; and

WHEREAS, the City Council has determined that the proposed amendments to Section 12-480-2 regarding Neighborhood 1, Southeast Centerville, are in the best interest of the public; and

WHEREAS, the City is authorized to enact and amend provisions of the Centerville General Plan pursuant to specific statutory authority, including, but not limited to Utah Code §§ 10-9a-401, et seq., as amended, and Utah Code § 10-8-84, as amended; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding the proposed amendments to the Centerville General Plan.

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

Section 1. Amendment. Subsection (2)(a) of Section 12-480-2 of the Centerville General Plan regarding Neighborhood 1, Southeast Centerville, is hereby amended to allow residential development within the Pages Lane Commercial Area and to provide for additional park space and amenities within this area, as more particularly set forth in **Exhibit A**, attached hereto and incorporated by reference.

Section 2. Findings. The amendments to Section 12-480-2 of the General Plan adopted herein are based on the following findings:

- a. The City Council finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).
- b. The City Council finds that there is a synergy distinction between the western and eastern halves of the Pages Lane area with viable commercial uses on the western half and long-term vacancies of within the eastern half.

- c. The City Council finds there are still valuable opportunities along the collector and arterial streets to accommodate future housing needs of the City, such as the redevelopment of the eastern half of the Page Lane Commercial Area.
- d. The City Council finds that Centerville City has a strong desire to maintain a lower density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.
- e. The City Council finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan policies of maintaining, as much as reasonably possible, a compatible style of housing.
- f. The City Council finds that a residential medium density is a more appropriate and compatible residential redevelopment scenario than is residential high.
- g. The City Council finds that historical single-family development in the Community (e.g. R-1-8 Zoning) is also consistent with the lower end of medium density for residential development.
- h. Therefore, given the findings above, the amendments recommended by the Planning Commission are the appropriate future land use patterns for this neighborhood area.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 3rd DAY OF OCTOBER, 2017.

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

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.

EXHIBIT A

Section 12-480-2 Neighborhood 1, Southeast Centerville

SECTION 12-480-2. NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE.

* * *

2. Commercial Policies

The Southeast Centerville Neighborhood contains two separate and distinct commercial areas: the Pages Lane Commercial Area center, and the old Main Street Commercial Area. Each of these commercial areas has its own distinctive land use development patterns and its associated characteristics of the built environment and issues.

a. Pages Lane Commercial Area

Located on the south side of Pages Lane between Main Street and 400 East, this retail commercial center, in the past, is was a typical ~~of~~ suburban neighborhood shopping centers, with a large grocery store, variety of home improvement stores, and a number of small specialized businesses. This retail commercial ~~The center formerly served~~ serves a large part of Centerville and the surrounding area, and was is a major contributor to the economic base of Centerville City.

Presently, the Pages Lane Commercial Area is experiencing a notable decline, specifically the eastern half of the block. Of particular note, the former "Dick's Market" closed and was relocated to Parrish Lane Commercial Area. Several specialized businesses have either closed or also relocated to other retail areas, with a few remaining such as a hardware store, credit union and other small businesses. The predominate remaining uses of the area primarily consist of the retail and community services of The Church of Jesus Christ of Latter-day Saints located on the western half of this block area, and also include a gas station/fast food user and a pizza shop. The future land use planning for this large block area is being divided into two segments to address primarily the declining elements for the near term, but acknowledge that there will be potential ongoing changes for the longer term as well.

1. Pages Lane/Western Block Segment (from Main Street to approximately 200 East)

This western block currently remains commercially viable. This half of block area is located just off of Main Street and is currently zoned Commercial-High (C-H). For the foreseeable near future, it is expected that such commercial-style uses would likely remain

viable due to their proximity to Main Street and the mixed-use commercial/residential located just west into Bountiful City. Additionally, the South Main Street Corridor Plan labels this area as the “Pages Lane Mixed-Use Subdistrict,” which provides long-range opportunities for redevelopment with mixed commercial/residential uses also.

Goal #1 - Maintain and support the near future (0-5 years) continuation of commercial uses currently located in this western area of the block.

Objective A – The zoning for this block area should be medium to high commercial intensities and uses should include offices, retail stores, restaurants, and institutional type uses.

Objective B – Any redevelopment that includes future residential uses should be considered a “Commercial Planned Development,” subject to the Planned Development Overlay Zone approval process.

Goal #2 - For the long-range future (5-15 years), any redevelopment should incorporate the allowance of mixed uses of both residential and commercial.

Objective A – Consider the re-introduction of the use allowances and design standards of the Pages Lane Mixed-Use Subdistrict, as outlined in the South Main Street Corridor Plan and Overlay Zone OR other mixed-use type allowances.

Objective B – Any redevelopment that includes future residential uses should be considered a “Commercial Planned Development,” subject to the Planned Development Overlay Zone approval process.

2. Page Lane/Eastern Block Segment (approximately from 200 East to 400 East)

This eastern block is the primary target area that is in decline. This half of block area is located deep off of Main Street and any redevelopment will have a greater effect on the residential character of this neighborhood than the western half. Future land use allowances must balance the redevelopment needs of the block with protecting and buffering the residential neighborhood areas to the east and north.

Goal #1 - Consider various options to promote the block area’s redevelopment that balances the need to reverse the

decline, while respecting the remaining viable commercial uses.

Objective A – Consider allowing residential redevelopment, provided that the area to be redeveloped is of sufficient size and area to begin transitioning the existing commercial to becoming a new residential neighborhood (e.g. 2 to 3 acres in development size).

Objective B – Consider allowing up to a medium density consisting of small lot single-family uses, twin home lots, or townhomes fronting local roadways, either public or private. Roadways are to be of sufficient width to allow for vehicular flow, parking, sidewalks, or other alternative walking paths. Development layout should allow for future project connectivity as the area redevelops. Dwellings are to be designed with elements and materials that are weather resilient and have design elements with a robust architectural character.

Objective C - Ensure that residential development establishes a buffer between the western commercial uses and residential housing through use of open space, landscaping, and if deemed appropriate, screening type features.

Objective D - If residential is developed, the layout and positioning of accesses, roadways and dwellings are to be designed in a manner to allow an integration of additional future conversion of commercial to residential uses.

PC RECOMMENDED **OPTION A** FOR EASTERN BLOCK SEGMENT GOAL #2 =

Goal #2 - Prior to any rezoning or redevelopment scenario, the City ought to reconsider the Southeast Neighborhood's available park acreage and determine if additional park space should be secured.

Objective A – The City, with the assistance of the Parks and Recreation Committee, should re-evaluate and consider whether the Southeast Neighborhood has sufficient park space and diversity of park types to serve local residents.

Objective B - As part of the reconsideration, any analysis needs to consider the difference between the amount of passive space located in the foothills and active or usable park space. Elements include accessibility, variety of activities, and other desirable open space needs of residents living in the area.

Objective C - The City should consider the means and resources to potentially acquire a sufficient amount of property to establish a meaningful neighborhood park at least two acres in size.

Objective D – If such park is deemed feasible the location of the park needs to be placed and used as a buffer between the eastern block and western block segments.

**PC RECOMMENDED OPTION B FOR EASTERN
BLOCK SEGMENT GOAL #2 =**

Goal #2 - As part of any rezoning or redevelopment scenario, the City ought to consider creating a public/private partnership to develop an open space or activity feature area for use by residents in the neighborhood.

Objective A – As part of the required open space for any multi-family development, the City should work with the developer to establish a common private/public park or active space feature, such as a splash pad, skate park, dog park, or public plaza feature to enhance the visual and aesthetic quality of Pages Lane.

Objective B – The City should consider the use of Park Impact Fees generated from a residential redevelopment scenario or other funding identified by the City.

Objective C – Ideally, the private/public feature ought to be 1 to 1.5 acres in size or larger if feasible.

Objective D – If such private/public space feature, is deemed feasible, the location of the feature needs to be placed and used as a buffer between the eastern block and western block segments.

- ~~1. Some development within the existing commercial center is still occurring. Care should be taken in this new development to avoid overcrowding and parking problems. Also, as far as is practical, new development should be encouraged to be as attractive as possible by reviewing and considering building materials, designs, signs, and compliance with applicable landscaping ordinances and regulations.~~
- ~~2. Much of the north side of Pages Lane between Main Street and 400 East remains undeveloped. Commercial development has been allowed on this side, however. The Taylor Elementary School is located on the north side of Pages Lane. Any further commercial development on this side of the street shall be designed and developed for minimal impact upon the school. Uses that may have detrimental impact upon the school should not be allowed. Any commercial development permitted should be required to buffer itself from the school and any adjacent residences. Commercial development on the north side of Pages Lane should avoid as much as possible strip development by requirements for wide frontages and preventing frequent curb cuts and high quality overall design.~~
- ~~3. The northeast corner of the intersection of Pages Lane and Main Street has a high potential to develop commercially. This location can be regarded as one of the major entrances to Centerville City. To present an attractive image, care should be taken in any development proposal on this corner to consider appearance as an entry way into the city.~~

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

PLANNING COMMISSION TRANSMITTAL REPORT

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

APPLICATION: **GENERAL PLAN TEXT AMENDMENT**

APPLICANT REQUEST: **AMEND THE SOUTHEAST NEIGHBORHOOD PLAN
(PART 2) REGARDING FUTURE PLANNING OF THE
PAGES LANE COMMERCIAL AREA**

RECOMMENDATION: **PLANNING COMMISSION IS RECOMENDING THE
PROPOSED CHANGES TO THE CITY COUNCIL IN THE
FORM OF TWO (2) ALTERNITIVES**

BACKGROUND

At the request of the Centerville City Council, the Planning Commission has evaluated potential ideas for redeveloping the Pages Lane. This effort began a few months ago with the Commission hosting a “public forum” inviting residents, business owners and property owners to share their ideas with the City. At several following Commission meetings, the Commission considered and discussed these ideas that ranged from keeping the commercial uses, to developing a park, and possibly allowing residential use redevelopment. The Commission then narrowed the potential redevelopment scenarios down to two (2) alternatives. The Commission then directed staff to prepare those alternatives for a public hearing on the September 13th Planning Commission Agenda. In addition to the required official noticing, the staff also sent a notice to all business and property owners along Pages Lane (*as was done in the past for previous public discussions*).

GENERAL PLAN AMENDMENT REVIEW PROCESS

Procedures for a General Plan Text Amendment, Section 12.21.070

A decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a). After the public hearing described in Subsection (d)(5), the City Council may make any modifications to the proposed General Plan amendment that it considers appropriate. The City Council may adopt or reject the proposed General Plan amendment either as proposed by the Planning Commission or after making any revision that the City Council considers appropriate. The City Council may also table the matter for further information, consideration or action.

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

On September 13, 2017, the Planning Commission reviewed the matter, held a public hearing and then voted to recommend **APPROVAL** by the City Council of the General Plan Text Amendments forwarding two (2) alternatives, one with a Public Park proposal and the other with a private/public feature space in lieu of a park. The Commission also expressed that the City Council should evaluate the park scenario (*Alternative Scenario "A"*) first and determine its merits. After the Council considers the park matter, the Council could choose, if desired, to remand that scenario back to the Commission for further exploration or could move forward with the second private/public feature option and decide its merits in lieu of a public park. Additionally, the Commission forwarded to the Council the following findings:

- a. *The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b. *The Planning Commission finds that there is a synergy distinction between the western and eastern halves of the Pages Lane area with viable commercial uses on the western half and long-term vacancies of within the eastern half.*
- c. *The Planning Commission finds there are still valuable opportunities along the collector and arterial streets to accommodate future housing needs of the City, such as the redevelopment of the eastern half of the Page Lane Commercial area.*
- d. *The Planning Commission finds that Centerville City has a strong desire to maintain a lower density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.*
- e. *The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan polices of maintaining, as much as reasonably possible, a compatible style of housing.*
- f. *The Planning Commission finds that a residential medium density is a more appropriate and compatible residential redevelopment scenario than is residential high.*
- g. *The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) is also consistent with the lower end of Medium Density for residential development.*
- h. *Therefore, given the findings above, the amendments recommended by the Planning Commission are the appropriate future land use patterns for this neighborhood area.*

Planning Commission Vote (4-1):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson		X	
Daley			X
Hayman	X		
Wright			X
Helgesen	X		

PREVIOUS PLANNING COMMISSION MEETINGS HELD ON THIS MATTER

- ✓ May 10, 2017 – Hosted a Public Forum for Pages Lane Commercial Area
- ✓ May 24, 2017 – Received a Summary Analysis of the Public Forum
- ✓ June 14, 2017 – Commission Work Session about Pages Lane Commercial Area
- ✓ July 12, 2017 – Review of Pages Lane Commercial Values and Park Impact Fees
- ✓ August 09, 2017 – Commission Hosted Discussion with Business and Property Owners
- ✓ August 23, 2017 – Reviewed and Narrowed Scenarios for Pages Lane Commercial Area
- ✓ September 13, 2017 – Held a Public Hearing, Engaged in Discussion, and Made a Recommendation

SUMMARY ACTION CALENDAR

- a. Accept Public Utility and Sidewalk Easements for Quick Quack Car Wash
- b. Accept Storm Drain Easement for Moto United
- c. Accept Public Utility Easement for Terry and Selene Bleak

Councilman Ince made a **motion** to accept all three items on the Summary Action Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – GENERAL PLAN AMENDMENTS – NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE, PAGES LANE COMMERCIAL AREA

On September 13, 2017, the Planning Commission reviewed and recommended approval of proposed General Plan amendments to Section 12-480-2, Neighborhood 1, Southeast Centerville, providing future development scenarios that include potential for residential uses and park space for the Pages Lane Commercial Area (south side of Pages Lane between Main Street and 400 East). The Planning Commission recommends the western portion of the Area remain Commercial-High (C-H). Cory Snyder, Community Development Director, presented two different scenarios recommended by the Planning Commission for the eastern portion of the Area, one with a public park proposal and the other with a private/public feature space in lieu of a park. Mr. Snyder said the Commission also expressed that the City Council should evaluate the park scenario first and determine its merits. After the Council considers the park matter, the Council could choose to remand that scenario back to the Commission for further exploration or could move forward with the second private/public feature option and decide its merits in lieu of a public park.

Councilman McEwan asked Mr. Snyder if he believes the proposed amendments would have any impact on property values. Mr. Snyder responded that commercially zoned property will usually appraise with a commercial value, regardless of future potential in the area. He said because of the word "ought" in the proposed amendments – "the City *ought* to reconsider the Southeast Neighborhood's available park acreage and determine if additional park space should be secured" – the property values would most likely not drastically be affected.

Mayor Cutler opened a public hearing at 7:58 p.m.

Buck Swaney – Representing property owners, Mr. Swaney stated it is the desire of the property owners for the mixed-use option available to the western portion of the Pages Lane Commercial Area to be continued across the entire area. He stated that, from a developer standpoint, nothing about the proposed amendments is desirable. Mr. Swaney expressed a desire to help transform the property, but said they do not want to do it with a toolkit that is narrowing. He showed a drawing of a suggested redevelopment scenario that includes public park space with a public/private partnership, and stated that the property owners ask the Council to table action on the proposed amendments to allow the development community and the property owners time to put together a proposal for public/private partnership.

Mr. Snyder stated that C-H is the only option in the Area as currently zoned. There are no planning tools available to achieve mixed-use in the C-H Zone. Responding to a question from Mayor Cutler, Mr. Swaney explained that a public/private partnership for park space would be economically feasible for the property owners. He said the property owners believe the former Dick's Market building could successfully be converted to high-quality indoor storage with an attractive front.

1 Marvin Blossch – Representing property owners, Mr. Blossch pointed out that the
2 suggested redevelopment scenario includes a 24-unit garden-type apartment building similar to
3 an apartment building located at 555 South 100 East in Bountiful.

4
5 Mayor Cutler asked why the property owners recently sold the former Zions Bank parcel
6 if they are interested in mixed-use development in the Area. Mr. Swaney responded that the
7 buildings have stood empty for a long time with high upkeep costs, and when the opportunity to
8 sell a portion at a proper commercial value came along, the property owners chose to accept.

9
10 Councilman McEwan stated he is uncomfortable with the direction taken during the
11 public hearing. Mr. Blossch commented that the opportunity is available to make a change now,
12 and he hopes the opportunity is not wasted.

13
14 Mayor Cutler closed the public hearing at 8:25 p.m. Mr. Snyder said he thinks staff
15 would need to move quickly working with the property owners to put something together in the
16 next month or month and a half if the Council tables Ordinance No. 2017-26. However, he said
17 he suspects the property owners' proposal would include capital improvement and other issues
18 that would take more time. Councilwoman Mecham said she would need time before she could
19 make a decision.

20
21 Councilman McEwan made a **motion** to table the vote on Ordinance No. 2017-26 to the
22 November 8, 2017 Council meeting. Councilman Ince seconded the motion, which passed by
23 unanimous vote (5-0).

24
25 **WILLIAM R. SMITH PARK SIGNAGE DESIGN SERVICES**

26
27 At their September 19 meeting the City Council directed the City Manager to meet with
28 Dan Sonntag, landscape architect, and bring back a scope of work and fee proposal for design
29 of a sign for the recently renamed Smith Park. Mr. Sonntag suggested that if this is to be the
30 subject of fundraising among the Smith descendants, the Council might want to consider a
31 process that involves those descendants so there will be a more successful response. If the
32 sign is to be similar to the signs in other parks (Porter-Walton and Freedom Hills), the design
33 process would be very simple; or the sign could be more customized based on feedback from
34 the descendants.

35
36 Councilwoman Mecham agreed at a previous Council meeting to contact Smith
37 descendants about fundraising for a new sign. She said she is concerned about the idea of
38 putting a large amount of money into a sign and plaza area on the west end of Smith Park, with
39 a plaza area already established on the east end of the Park, as well as plaza space around the
40 pioneer memorial statue in the southwest corner. Councilwoman Mecham said she would
41 prefer to have more direction from the Council before approaching the family about raising
42 funds.

43
44 Councilwoman Fillmore pointed out that Main Street is a major corridor, and the bus stop
45 at Smith Park is the busiest bus stop in the City. She explained the reasons the professional
46 designs were commissioned several years ago. Councilwoman Fillmore said she believes a
47 detailed design might help inspire donations.

48
49 Councilman McEwan asked if replacing the sign at this park would have any priority if
50 the name change had not occurred. Councilwoman Fillmore agreed it probably would not.
51 Councilwoman Mecham said she likes the idea of using a design similar to the signs at
52 Freedom Hills Park and Porter-Walton Park, with an estimated cost of \$4,000-\$6,000.
53 Councilwoman Ivie said she believes the existing rock pillars around the sign are "classic
54 Centerville". She stated that, considering the recent property tax increase, the City should only

**CENTERVILLE CITY
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**STAFF REPORT
AGENDA: ITEM 3**

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

**APPLICATION: GENERAL PLAN TEXT AMENDMENTS FOR SECTION 12-480-2,
SOUTHEAST NEIGHBORHOOD, PAGES LANE COMMERCIAL
AREA SECTION REWRITE**

**RECOMMENDATION: CONSIDER THE NEIGHBORHOOD PLAN AMENDMENTS
AND MAKE A RECOMMENDATION TO THE CITY
COUNCIL**

BACKGROUND

At the request of the Centerville City Council, the Planning Commission has evaluated potential ideas for redeveloping the Pages Lane. This effort began a few months ago with the Commission hosting a “public forum” inviting residents, business owners and property owners to share their ideas with the City. At several following Commission meetings, the Commission considered and discussed these ideas that ranged from keeping the commercial uses, to developing a park, and possibly allowing residential use redevelopment. The Commission then narrowed the potential redevelopment scenarios down to two (2) alternatives (*see attachments for this report*). The Commission then directed staff to prepare those alternatives for a public hearing on the September 13th Planning Commission Agenda. In addition to the required official noticing, the staff has also sent a notice to all business and property owners along Pages Lane (*as was done in the past for previous public discussions*).

GENERAL PLAN AMENDMENT REVIEW PROCESS

Procedures for a General Plan Text Amendment, Section 12.21.070

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PLANNING STAFF RECOMMENDATION

Staff is of the opinion that the proposed redevelopment of the eastern half to residential use is compatible with surrounding uses of this neighborhood. Additionally, a transitional buffer is warranted between the existing commercial uses on the western half and the residential development of the eastern half. For various reasons, as was discussed in past meetings, staff believes it is very unlikely that such a buffer would or could become a public neighborhood park. However, creating a private/public partnership, as part a buffer area, in a residential redevelopment scenario could be a potential.

(PROPOSED ACTION) “I hereby make a motion for the Planning Commission to RECOMMEND the General Plan Amendments of the Southeast Neighborhood Plan (Commission to formulate a final scenario – see Attachments “A” and “B” scenarios for this report) for the following reasons:

(SUGGESTED REASONS FOR THE ACTION)

- a. *The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b. *The Planning Commission finds that there is a synergy distinction between the western and eastern halves of the Pages Lane area with viable commercial uses on the western half and long-term vacancies of within the eastern half.*
- c. *The Planning Commission finds there are still valuable opportunities along the collector and arterial streets to accommodate future housing needs of the City, such as the redevelopment of the eastern half of the Page Lane Commercial area.*
- d. *The Planning Commission finds that Centerville City has a strong desire to maintain a lower density single-family environment as described in the General Plan Element, “Residential Development” – Section 12-420.*
- e. *The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan polices of maintaining, as much as reasonably possible, a compatible style of housing.*
- f. *The Planning Commission finds that a residential medium density is a more appropriate and compatible residential redevelopment scenario than is residential high.*
- g. *The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) is also consistent with the lower end of Medium Density for residential development.*
- h. *Therefore, given the findings above, the amendments recommended by the Planning Commission are the appropriate future land use patterns for this neighborhood area.*

PREVIOUS PLANNING COMMISSION MEETINGS HELD ON THIS MATTER

- ✓ May 10, 2017 – Hosted a Public Forum for Pages Lane Commercial Area
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- ✓ August 23, 2017 – Reviewed and Narrowed Scenarios for Pages Lane Commercial Area

2. Conditional Use Permit shall only apply to the property at 940 and 960 North 950 West.
3. The Conditional Use Permit is limited to the use of "Vehicle and Equipment Rental or Sale".
4. All unloading of vehicles and equipment shall be done on-site and not in the public right of way.
5. The test driving of vehicles shall be limited to driving on-site and shall be prohibited in the public right of way unless such vehicles are authorized on public streets by state or local laws.
6. All outdoor storage and display vehicles shall be kept on site and not in the public right of way.
7. All signs and promotional elements shall be in compliance with CZC 12.54.
8. Any washing and detailing operations for vehicles and related equipment shall be addressed in their drainage and constructions plans and meet the storm water management provisions of the City.
9. The use shall comply with the City's Noise ordinance as stated in CMC 7.09.010.

Reasons for the Action

- a) *The use does not appear to have any negative impacts to the existing property and the surrounding community that have not been mitigated by the conditions of approval [CZC 12.21.100(e)(3)(A-D), 12-21-100(e)(5)(A-K)].*
- b) *Meets the requirement listed in order to approve a Conditional Use Permit as listed in CZC 12.21.100(d)(1), which is required for "Vehicle and equipment rental or sale," in Table of Uses, Chapter 12.36.*

Mr. Bingham wished to clarify that the sample materials that were passed around to the Commission for examination are acceptable in the Final Site Plan as approved. Chair Hirschi, along with the Commissioners, indicated they are acceptable.

**PUBLIC HEARING – GENERAL PLAN AMENDMENT – PAGES LANE
COMMERCIAL DISTRICT**

Cory Snyder, Community Development Director, provided a recap of the process over the past several months. The City Council tasked the Commission with looking at the Southeast Neighborhood General Plan. This process was segmented into residential areas and the Pages Lane Commercial Area, which includes a section about Main Street. Back in May of this year a public forum was held to invite residents, business owners and property owners to share their ideas with the Commission. In June, a joint work session with the Council and the Commission was held to discuss real property value and Park Impact Fees. In August, the Commission hosted a discussion with business and property owners, further narrowing down the ideas and establishing scenarios that carry the base framework of those ideas. Details of each scenario are included in the Staff Report. Mr. Snyder explained this area has been divided into the "eastern side" and the "western side." In general, the western side is maintaining some commercial and the eastern side is the portion of the General Plan that would be affected.

1 Mr. Snyder went on to explain Scenario "A" addresses the redevelopment of the
2 Pages Lane Commercial area and has added new language for both areas with
3 significant changes pertaining to the eastern half. In brief, residential redevelopment is
4 proposed for the eastern half with densities to be determined. Scenario "A" includes a
5 second goal that stipulates before the City moves forward on the eastern side for actual
6 rezone and redevelopment, that the City first initiates a study regarding the feasibility of
7 a park, with size to be discussed later.

8
9 Mr. Snyder then went on to explain Scenario "B" which makes no changes to the
10 western side commercial area and includes similar language to Scenario "A" for the
11 eastern half development. Where Scenario "A" differs from Scenario "B" is in language
12 that reflects a public/private partnership for an open space to buffer the area between
13 residential on the east and commercial on the west.

14
15 Mr. Snyder noted that regardless of which scenario is chosen, the western side
16 commercial will remain in its current status. Regarding the eastern commercial
17 properties, the General Plan would state that they may continue as zoned commercial
18 properties but they have an option to transition to residential areas when it is
19 appropriate and then have the discussion about the green space. The amendment does
20 not call out mixed uses but applies to future redevelopment only.

21
22 Mr. Snyder noted that the discussion regarding residential medium density was
23 Item #4 on the agenda this evening. Chair Hirschi agreed with Mr. Snyder that it would
24 not be useful to have the discussion of one without the other. Chair Hirschi thanked the
25 Staff for their work on this issue and proceeded to open the discussion for questions
26 from the commissioners.

27
28 Commissioner Johnson opened discussion regarding "densities" as they relate to
29 the General Plan and not Zoning Codes. Because this is an amendment to the General
30 Plan, Commissioner Johnson believes it would be useful to use exact terms and
31 numbers when referring to densities in the General Plan as guidelines and objectives
32 when establishing ordinances in the Zoning Code. Mr. Snyder discussed that the
33 General Plan might contain general terms and then let the cards fall where they may
34 when it comes to rezoning but that leaves all density categories up for debate when it
35 comes to the rezone process. If it is the desire of the Commission to have specific
36 limitations in certain areas, then the better option would be to set a specific number so
37 that during the rezoning process that number is reflected or has to be changed.

38
39 Attorney Lisa Romney commented that the General Plan is intended to be an
40 advisory document under Utah law and that most cities have moved away from making
41 the General Plan mandatory. However, Centerville has kept the "old school" way of
42 making some of the General Plan mandatory. For instance, when determining whether
43 to rezone a particular piece of property, the Zoning Code requires the Commission and
44 Council to determine whether the proposed rezone complies with the General Plan.
45 Typically, the General Plan provides guidelines for planning and the Zoning Code
46 implements such guidelines with more specific provisions. Given this framework, Ms.
47 Romney suggested it may be more appropriate to refer to "residential-medium" zoning
48 in the General Plan and then refer to the specific numbers for the various residential-
49 medium zones in the Zoning Code. From a legal standpoint, Ms. Romney noted that

1 the distinction between R4, R6, and R8 may be difficult to determine objectively.
2 However, the distinctions in the proposed Zoning Code amendments for R-M gradation
3 may help resolve the legal challenges. Ms. Romney would not recommend going with
4 specific density numbers in the General Plan at this time unless a property-specific
5 analysis is performed on each designation. She believes that the determination on a
6 specific number should be made at the time of the application is received and analyzed
7 as part of the rezone application review. Ms. Romney noted another benefit to leaving
8 the references more general such as "medium" and "high" in the General Plan is that
9 when the Zoning Code is amended, the General Plan does not need to be amended.

10
11 Mr. Snyder cautioned that by using a specific number in the General Plan and
12 then a gradation is adopted in the Zoning Code, the General Plan has capped the
13 density and there is not room for adjustments at a later date. Commissioner Johnson
14 noted that in the Staff Report, the language regarding "Medium Density," and "up to 8
15 units" is outlined covering both cases. Chair Hirschi agreed this was a good point to
16 make at this time.

17
18 Mr. Snyder noted that the reason they included both "Medium Density" and "up to
19 8 units per acre" in a private/public feature is something that's valuable. If another
20 measure of gradation is chosen then that decision is made later and may not facilitate
21 partnering for a feature or park.

22
23 Chair Hirschi recommended striking the language, "up to 8 units" and just leave it
24 at "Medium Density." Commissioner Johnson expressed concern about sending up the
25 recommendation to the Council without defining "Medium Density." Mr. Snyder
26 acknowledged Commissioner Johnson's concern but noted that he feels comfortable
27 with this because the Residential Section of the General Plan does define "Low Density
28 up to the 4, Medium Density up to 8, and High Density up to 12."

29
30 At 8:03 p.m., Chair Hirschi opened the public hearing.

31
32 Buck Swaney, representing Dika Properties – stated that he has been in the
33 planning and development business for 20 years. He has helped many communities
34 with their General Plans and writing action plans for economic development. Mr.
35 Swaney expressed the following concept points:

- 36
37 1. The property owners have a lot of time and money in this property. It is
38 important to them that the incentives for change are crystal clear and that
39 they are not in an accordion range somewhere between 4 and 8 units per
40 acre. He explained the difference between 6 units per acre and 8 units per
41 acre means the difference between seeing a transformation or not. The
42 economics of redeveloping this property are between 8 and 10 units per acre.
43 If 8 to 10 units is allowed, chances are within a year you would see
44 transformation on this site. Otherwise, the property owners will let the
45 economics play out as they may and the property will remain as it has since
46 Dick's moved to Parrish Lane.
47
48 2. The private/public partnership opportunities will increase with increased
49 density such as providing a clear cut density bonus for the dedication of park

space. For example, if you have your base line units set at 8 units per acre, and the developer comes in and says we'll give you two acres of this to park, you will be able to create a bonus of 50% density for each acre contributed to the park. The developer is able to cluster those units together and also serve the public interest by creating a decent park with little or no economic or fiscal resources on the City's part. It is a win-win partnership.

3. The way the property currently stands it is set up for blight. With Rogers Memorial and Dick's leaving, the commercial value of the property has significantly decreased. The Ace Hardware lease has a 17 year fuse. If something to engender change is not done, the other properties will slowly be added to the lease inventory and a 17 year fuse will turn into a 20, 30 or 40 year fuse because the land owners have to make economic use of that land.
4. The opportunity to look at this as a public acquisition for a park is realistic only if the City is willing to pay for the property. If Centerville City has the funds to make a viable offer for the property, then the City can make an offer to purchase the property for the development of a park.
5. Other than commercial use, the only viable economic alternative is indoor storage. This would be a high quality storage site and add to the visual quality of the community under the threat of blight. However, the City's Table of Uses does not allow for this alternative.
6. The property owners are interested in transformation opportunities that are realistic and economic. They want to beautify the property. If the City provides them the tools they will be motivated to make the change and it will be good for Centerville City and its citizens.

Chair Hirschi closed the public comment period at 8:12 p.m. Chair Hirschi expressed that if the Commission is looking at sending up Scenario B, the private/public partnership, it would be wise to consider the density bonus in order to obtain sufficient area to make a meaningful park. Commissioner Johnson questioned if that would be better addressed at the General Plan level or the Zoning Code level. Chair Hirschi said he doesn't believe that leaving the language in the General Plan as just "Medium Density" gives the City a lot of leeway. He suggested including some general language suggesting that higher density may be available.

Mr. Snyder noted that there is a density bonus program available in the Zoning Code. However, the difficulty with that system is how it would apply in this situation. Mr. Snyder briefly reviewed the density bonus provisions currently in the Code.

Commissioner Hayman stated that she has not previously considered the density bonus. In reviewing the two scenarios, she is struck by how small the parks are that are being considering. Her desire is to see the biggest park possible. The current language in both scenarios says "establish a neighborhood park, possibly two (2) to three (3) acres in size." Commissioner Hayman would like to see language in the plan that encourages as large a park that the City will support if there is such support for a park.

1 Mr. Snyder agreed with Commissioner Hayman with one exception and that is the
2 language regarding the conversion of residential and what is left and is that adequate
3 space left for what is expected for the design. Commissioner Hayman expressed
4 concern that much effort has gone into getting a park and then having it be "less than
5 meaningful" would be disappointing.

6
7 Regarding Alternative A, Objective 1, Commissioner Hayman would like the
8 Parks and Recreation Committee to not only look at the need for a park in this area but
9 also consider sufficient park types, i.e., dog park, skate-park, splash pad, etc.
10 Commissioner Hirst agrees and believes this is more likely to happen with the
11 private/public partnership with the density bonus. Commissioner Hirst would like the City
12 Council to consider the cost of this redevelopment park and if there may be some other
13 way to obtain a bigger return on investment. Chair Hirschi agrees that the City Council
14 needs to weigh in on this issue and give the Commission specific counsel on the
15 feasibility of the park. He recommends sending up both scenarios.

16
17 Commissioner Hayman proposed an amendment to the language in Alternative
18 A, Pages Lane/Eastern Block Segment, Goal 2, Objective 1, to include "...and diversity
19 of park types" following "park space." Chair Hirschi asked for other amendments to the
20 scenarios. Commissioner Johnson stated again that he is not comfortable sending the
21 scenarios to the City Council without a number regarding density (see Alternative A,
22 Pages Lane/Eastern Block Segment, Goal 1, Objective 2). Commissioner Hayman
23 disagrees and believes leaving "Medium Density" and striking out "up to 8 units per
24 acre" leaves flexibility for future planning.

25
26 Regarding Alternative A, Pages Lane/Eastern Block Segment, Goal 2, Objective
27 3, Commissioner Hayman proposes striking the language, "possibly two (2) to three (3)
28 acres in size" and replace it with "of meaningful size, e.g., at least two (2) acres in
29 size)." Commissioner Helgesen agrees in including a minimum amount of acreage.

30
31 Commissioner Hayman made a **motion** to amend the language in Alternative A,
32 Pages Lane/Eastern Block Segment, Goal 2, Objective 1, to include "...and diversity of
33 park types" following "park space." Commissioner Hirst seconded the motion, which
34 passed by unanimous vote (5-0).

35
36 Commissioner Hayman made a **motion** to amend the language in Alternative A,
37 Pages Lane/Eastern Block Segment, Goal 2, Objective 3, to read "...to establish a
38 meaningful neighborhood park (of at least two (2) acres of size)." Commissioner Hirst
39 seconded the motion, which passed by unanimous vote (5-0).

40
41 Commissioner Hirst made a **motion** to strike the language in Alternative A,
42 Pages Lane/Eastern Block Segment, Goal 1, Objective 2, that reads, "... (up to 8 units
43 per acre)." Commissioner Hayman seconded the motion. Commissioner Johnson went
44 on record stating that he is not inclined to vote for removal of the language so that the
45 guidelines have more clarity on intention and allow for the possibility of something other
46 than Medium Density. A roll call vote was taken with Commissioners Hayman,
47 Helgesen, Hirst and Chair Hirschi assenting and Commissioner Johnson dissenting (4-
48 1).

Commissioner Hayman made a **motion** to present Alternative Scenarios A and B, to the City Council with a request to receive guidance from them regarding the feasibility of some type of park, including Reasons for Action a) through h) as amended. Commissioner Helgesen seconded the motion which passed by majority vote (4-1), with Commissioner Johnson dissenting.

Reasons for Action:

- a) *The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b) *The Planning Commission finds that there is a synergy distinction between the western and eastern halves of the Pages Lane area with viable commercial uses on the western half and long-term vacancies of within the eastern half.*
- c) *The Planning Commission finds there are still valuable opportunities along the collector and arterial streets to accommodate future housing needs of the City, such as the redevelopment of the eastern half of the Page Lane Commercial area.*
- d) *The Planning Commission finds that Centerville City has a strong desire to maintain a lower density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.*
- e) *The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the General Plan polices of maintaining, as much as reasonably possible, a compatible style of housing.*
- f) *The Planning Commission finds that a residential medium density is a more appropriate and compatible residential redevelopment scenario than is residential high.*
- g) *The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) is also consistent with the lower end of Medium Density for residential development.*
- h) *Therefore, given the findings above, the amendments recommended by the Planning Commission are the appropriate future land use patterns for this neighborhood area.*

Commissioner Hayman expressed appreciation to Staff for work performed on the alternatives. Mr. Snyder wished to thank the Commission for their patience with Staff throughout this process. Commissioner Johnson wished to express that he doesn't disagree with everything in the Alternative Scenarios, he simply wanted to send a message.

PUBLIC HEARING – ZONING TEXT AMENDMENTS FOR RESIDENTIAL-MEDIUM ZONES

Cory Snyder, Community Development Director, reviewed the background and history of this request. The City Council requested that the Planning Commission provide more tools regarding Medium Density for them to work with. The City Council

ALTERNATIVE SCENARIO "A"

12-480-2 Neighborhood 1, Southeast Centerville

2. Commercial Policies

The Southeast Centerville Neighborhood contains two (2) separate and distinct commercial areas: the The Pages Lane eCommercial eCenter, and the eOld Main Street eCommercial aArea. Each of these commercial areas has its own distinctive land use development patterns and its associated characteristics of the built environment and issues.

a. Pages Lane Commercial Area

Located on the south side of Pages Lane between Main Street and 400 East, this retail commercial center, in the past, is was a typical of suburban neighborhood shopping centers, with a large grocery store, variety of home improvement stores, and a number of small specialized businesses. This retail commercial center formerly serveds a large part of Centerville and the surrounding area, and was is a major contributor to the economic base of Centerville City.

Presently, the Pages Lane Commercial Area is experiencing a notable decline, specifically the eastern half of the block. Of particular note, the former "Dick's Market" closed and was relocated to Parrish Lane Commercial Area. Several specialized businesses have either closed or also relocated to other retail areas, with a few remaining such as a hardware store, credit union and other small businesses. The predominate remaining uses of the area primarily consist of the retail and community services of The Church of Jesus Christ of Latter-day Saints located on the western half of this block area, and also include a gas station/fast food user and a pizza shop. The future land use planning for this large block area is being parsed into two (2) segments to address primarily the declining elements for the near term, but acknowledge that there will be potential ongoing changes for the longer term as well.

1. Page Lane/Western Block Segment (from Main Street to approximately 200 East)

This western block currently remains commercially viable. This half of block area is located just off of Main Street and is currently zoned Commercial-High (C-H). For the foreseeable near future, it is expected that such commercial-style uses would likely remain viable due to its proximity to Main Street and the mixed-use commercial/ residential located just west into Bountiful City. Additionally, the South Main Street Corridor Plan labels this area as the "Pages Lane Mixed Use

Subdistrict,” which provides long-range opportunities for redevelopment with mixed commercial/ residential uses also.

Goal #1 - Maintain and support the near future (0-5 years) continuation of commercial uses currently located in this western area of the block.

Objective A – The zoning for this block area should be medium to high commercial intensities and uses should include offices, retail stores, restaurants, and institutional type uses.

Objective B – Commercial development should be oriented to local and South Davis residents, with building sizes ranging from 10,000 to 50,000 square feet.

Goal #2 - For the long future (5-15 years), any redevelopment should incorporate the allowance of mixed uses of both residential and commercial.

Objective A – Consider the re-introduction of the uses allowances and design standards of the Pages Lane Mixed-Use Subdistrict, as outlined in the South Main Street Corridor Plan and Overlay Zone OR other mixed-use type allowances.

Objective B – Any redevelopment that includes future residential uses should be considered a “Commercial Planned Development,” subject to the Planned Development Overlay Zone approval process.

2. Page Lane/Eastern Block Segment (approximately from 200 East to 400 East)

This eastern block is the primary target area that is in decline. This half of block area is located deep off of Main Street and any redevelopment will have a greater effect on the residential character of this neighborhood than the western half. Future land use allowances must balance the redevelopment needs of the block with protecting and buffering the residential neighborhood areas to the east and north.

Goal 1: Consider various options to promote the block area’s redevelopment that balances the need to reverse the decline, while respecting the remaining viable commercial uses.

Objective #1 – Consider allowing residential re-development, provided that the area to be redeveloped is of sufficient size and area to begin transitioning the existing commercial to becoming a new residential neighborhood (e.g. 2 to 3 acres in development size).

Objective #2 – Consider allowing up to a medium density (~~up to 8 units per acre~~) consisting of small lot single-family uses, twin home lots, or townhomes fronting local roadways, either public or private. Roadways are to be of sufficient width to allow for vehicular flow, parking, sidewalks, or other alternative walking paths. Development layout should allow for future project connectivity as the area redevelops. Dwellings are to be designed with elements and materials that are weather resilient and have design elements with a robust architectural character.

Objective #3 – Ensure that residential development establishes a buffer between the western commercial uses and residential housing through use of open space, landscaping, and if deemed appropriate screening type features.

Objective #4 – If residential is developed, the layout and positioning of accesses, roadways and dwellings are to be designed in a manner to allow an integration of additional future conversion of commercial to residential uses.

Goal 2: Prior to any rezoning or redevelopment scenario, the City ought to reconsider the Southeast Neighborhood's available park acreage and determine if additional park space should be secured.

Objective #1 – The City, with the assistance of the Parks & Recreation Committee, should re-evaluate and consider whether the Southeast Neighborhood has sufficient park space **and diversity of park types** to serve local residents.

Objective #2 – As part of the reconsideration, any analysis needs to consider the difference between the amount of passive space located in the foothills and active or usable park space. Elements include accessibility, variety of activities, and other desirable open space needs of residents living in the area.

Objective #3 – The City should consider the means and resources to potentially acquire a sufficient amount of property to establish a **meaningful** neighborhood park, ~~possibly at least~~ **at least** ~~two (2) to three (3)~~ acres in size.

Objective #4 – If such park is deemed feasible the location of the park needs to be placed and used as a buffer between the eastern block and western block segments.

ALTERNATIVE SCENARIO "B"

12-480-2 Neighborhood 1, Southeast Centerville

2. Commercial Policies

The Southeast Centerville Neighborhood contains two (2) separate and distinct commercial areas: ~~the~~The Pages Lane eCommercial eCenter, and the eOld Main Street eCommercial aArea. Each of these commercial areas has its own distinctive land use development patterns and its associated characteristics of the built environment and issues.

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Presently, the Pages Lane Commercial Area is experiencing a notable decline, specifically the eastern half of the block. Of particular note, the former "Dick's Market" closed and was relocated to Parrish Lane Commercial Area. Several specialized businesses have either closed or also relocated to other retail areas, with a few remaining such as a hardware store, credit union and other small businesses. The predominate remaining uses of the area primarily consist of the retail and community services of The Church of Jesus Christ of Latter-day Saints located on the western half of this block area, and also include a gas station/fast food user and a pizza shop. The future land use planning for this large block area is being parsed into two (2) segments to address primarily the declining elements for the near term, but acknowledge that there will be potential ongoing changes for the longer term as well.

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This western block currently remains commercially viable. This half of block area is located just off of Main Street and is currently zoned Commercial-High (C-H). For the foreseeable near future, it is expected that such commercial-style uses would likely remain viable due to its proximity to Main Street and the mixed-use commercial/ residential located just west into Bountiful City. Additionally, the

South Main Street Corridor Plan labels this area as the “Pages Lane Mixed Use Subdistrict,” which provides long-range opportunities for redevelopment with mixed commercial/ residential uses also.

Goal #1 - Maintain and support the near future (0-5 years) continuation of commercial uses currently located in this western area of the block.

Objective A – The zoning for this block area should be medium to high commercial intensities and uses should include offices, retail stores, restaurants, and institutional type uses.

Objective B – Commercial development should be oriented to local and South Davis residents, with building sizes ranging from 10,000 to 50,000 square feet.

Goal #2 - For the long future (5-15 years), any redevelopment should incorporate the allowance of mixed uses of both residential and commercial.

Objective A – Consider the re-introduction of the uses allowances and design standards of the Pages Lane Mixed-Use Subdistrict, as outlined in the South Main Street Corridor Plan and Overlay Zone OR other mixed-use type allowances.

Objective B – Any redevelopment that includes future residential uses should be considered a “Commercial Planned Development,” subject to the Planned Development Overlay Zone approval process.

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This eastern block is the primary target area that is in decline. This half of block area is located deep off of Main Street and any redevelopment will have a greater effect on the residential character of this neighborhood than the western half. Future land use allowances must balance the redevelopment needs of the block with protecting and buffering the residential neighborhood areas to the east and north.

Goal 1: Consider various options to promote the block area’s redevelopment that balances the need to reverse the decline, while respecting the remaining viable commercial uses.

Objective #1 – Consider allowing residential re-development, provided that the area to be redeveloped is of sufficient size and area to begin transitioning the existing commercial to becoming a new residential neighborhood (e.g. 2 to 3 acres in development size).

Objective #2 – Consider allowing up to a medium density (~~up to 8 units per acre~~) consisting of small lot single-family uses, twin home lots, or townhomes fronting local roadways, either public or private. Roadways are to be of sufficient width to allow for vehicular flow, parking, sidewalks, or other alternative walking paths. Development layout should allow for future project connectivity as the area redevelops. Dwellings are to be designed with elements and materials that are weather resilient and have design elements with a robust architectural character.

Objective #3 – Ensure that residential development establishes a buffer between the western commercial uses and residential housing through use of open space, landscaping, and if deemed appropriate screening type features.

Objective #4 – If residential is developed, the layout and positioning of accesses, roadways and dwellings are to be designed in a manner to allow an integration of additional future conversion of commercial to residential uses.

Goal 2: As part of any rezoning or redevelopment scenario, the City ought to consider creating a public/private partnership to develop an open space or activity feature area for use by residents in the neighborhood.

Objective #1 – As part of the required open space for any multi-family development, the City should work with the developer to establish a common private/public park or active space feature, such as a splash pad, skate park, dog park, or public plaza feature to enhance the visual and aesthetic quality of Pages Lane.

Objective #2 – The City should consider the use of Park Impact Fees generated from a residential redevelopment scenario or other funding identified by the City.

Objective #3 – Ideally, the private/public feature ought to be 1 to 1.5 acres in size or larger if feasible.

Objective # 4 – If such private/public space feature, is deemed feasible, the location of the feature needs to be placed and used as a buffer between the eastern block and western block segments.

October 2, 2017

Attn: Steve Thacker

City Manager

Fax: 801-292-8034

Total: 2 pages

From: Linda Blosch and Winegar Brother's

801-292-2882 Fax: 801-296-5878

October 2, 2017

Centerville City Manager
Centerville City Council
250 N. Main St
Centerville, Utah 84014

Re: Dick's Market & Ace Hardware Parcel #'s 03-004-0137, 03-004-0139, 03-004-0006 (4.6 acres)
Winegar Brother's Parcel #'s 03-004-0138, 03-004-0099 (3.0 acres)
City Council Action to down-zone the above described parcels.

Ladies & Gentlemen,

Please be informed of our combined ardent objection to any action regarding the down-zoning of our properties as described above. Such action would result in serious economic erosion of our property values and effectively a "taking of our property" against our wills.

We have dealt the last 8 months in good faith with the city in order to provide development scenarios that would work for us economically, but down-zoning the property from C-2 to low density is totally unacceptable to us.

Sincerely,



Rock or Dirk Winegar, Winegar Brother's



Linda Blösch, DIKA Properties, LLC

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 8.

Short Title: Zoning Code Amendment - Density Gradation in R-M Zone

Initiated By: City Council and Planning Commission

Scheduled Time: 8:45

SUBJECT

TABLED FROM OCTOBER 17, 2017

Consider the proposed Zoning Code Amendments to CZC 12.30.020, 12.32.300, 12.36.020 and 12.32.055 creating density gradations for the Residential Medium (R-M) Zone and enacting additional development standards for residential development within the Residential Medium (R-M) and Residential High (R-H) Zones - Ordinance No. 2017-28

RECOMMENDATION

Approve Ordinance No. 2017-28 amending various sections of the Zoning Code, including CZC 12.30.020, 12.32.300, 12.36.020 and 12.32.055, creating density gradations for the Residential Medium (R-M) Zone and enacting additional development standards for residential development within the Residential Medium (R-M) and Residential High (R-H) Zones, based on the findings and recommendations of the Planning Commission.

BACKGROUND

On September 27, 2017, the Planning Commission reviewed and recommended for approval the proposed amendments to the Zoning Code, including CZC 12.30.020, 12.32.300, 12.36.020 and 12.32.055, creating density gradations for the Residential Medium (R-M) Zone and enacting additional development standards for residential development within the Residential Medium (R-M) and Residential High (R-H) Zones. As proposed, the density tiers within the R-M Zone are to be determined by conditional use permit.

On October 17, 2017, the City Council reviewed and held a public hearing on this matter. The Council thereafter tabled action on the matter to the next City Council meeting on November 8, 2017.

The Staff Transmittal Report for this matter is attached.

ATTACHMENTS:

Description

- ▢ 10-17-17 CC Staff Report - R-M Gradations
- ▢ Ordinance No. 2017-28 - R-M Gradations
- ▢ 09-27-17 PC Staff Report - R-M Gradations
- ▢ 9-27-2017 PC minutes re R-M Zones
- ▢ R-M Zone Amendments - PC Recommendation

▣ Zoning Map 8x11

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

PLANNING COMMISSION TRANSMITTAL REPORT

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

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT REQUEST: AMEND THE ZONING CODE TO CREATE A DENSITY
GRADATION FOR THE R-M ZONES AND RELATED
PROVISIONS**

**PC RECOMMENDATION: APPROVAL WITH STAFF TO REVISE PRIOR TO
CITY COUNCIL'S REVIEW**

BACKGROUND

As a result of a recent rezone request presented before the City, the City Council directed staff and the Planning Commission to consider creating a “granulation” or “gradation” of the allowed densities for the Residential-Medium (R-M) Zones. As the Planning Commission is aware, the City Council and the Commission have previously desired to revisit these provisions, particularly after the approval of the Porter-Walton Townhome development. However due to other planning priorities, a substantial evaluation was delayed, until now. The Council expeditiously desires the Staff and Commission to prepare and recommend changes for how R-M densities are to be applied. The proposed changes drafted by Staff can be summarized as follows:

- Creates three (3) base density tiers and eliminates any density ranges
- Defines each tier, describes how each is to be used, and identifies the expected type of development for each tier.
- Adjusts the permitted and conditional gross density allowances to reflect the new tiered system
- Creates a new use listing of “Allowed” and/or adjusts some uses in the R-M Zones
- Add new development provisions for the architectural design, adjustments to landscaping, and use of private rights-of ways.

ZONE TEXT AMENDMENT REVIEW PROCESS

Zone Text/Map Amendments - Pursuant to the City’s Zoning Ordinance, 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. Additionally, CZC 12.21.80.e. lists one (1) criterion for considering a text amendment petition.

1. **Is the proposed text or map amendment consistent with the goals, objectives and policies of the City's General Plan?**

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

On September 27, 2017, the Planning Commission reviewed the matter, held a public hearing and then voted to recommend **APPROVAL** by the City Council of the proposed amendments drafted by staff, with the directive to staff to make the amendment "more clear and better reflect the intent before it is sent to the Council."

Suggested Reasons for the Action (Findings):

- a. 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.
- b. The Planning Commission finds that amendments consistent with the goals, objectives and policies of the City's General Plan, as presented in the staff report.
- c. The Planning Commission finds that the amendments are consistent with the desire to allow residential medium development in appropriate locations, residential character quality, and ensure an adequate supply of housing types for future population growth.

Planning Commission Vote (4-2):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson		X	
Daley			X
Hayman	X		
Wright		X	
Helgesen	X		

PREVIOUS PLANNING COMMISSION MEETINGS HELD ON THIS MATTER

- ✓ September 13, 2017 – Amendments presented by Staff and Public Hearing held.
- ✓ September 27, 2017 – Planning Commission discussed amendments and made a recommendation to the City Council.

ORDINANCE NO. 2017-28

AN ORDINANCE AMENDING SECTION 12.30.020 OF THE CENTERVILLE ZONING CODE TO ADD VARIOUS PERMITTED AND CONDITIONAL USE DENSITIES IN THE RESIDENTIAL-MEDIUM ZONE, AMENDING SECTION 12.32.300 OF THE SAME REGARDING TABLE OF DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES, AMENDING SECTION 12.36.020 OF THE SAME REGARDING TABLE OF USES FOR RESIDENTIAL ZONES, AND ENACTING SECTION 12.32.055 OF THE SAME REGARDING ADDITIONAL DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL-MEDIUM AND RESIDENTIAL-HIGH ZONES

WHEREAS, the City Council recently directed Staff and the Planning Commission to consider and prepare proposed amendments to the Zoning Code to create “gradation” in the allowed densities within the Residential-Medium (R-M) Zone; and

WHEREAS, Staff has prepared proposed amendments to the Zoning Code creating “gradation” in the allowed densities within the Residential-Medium (R-M) Zone and the proposed amendments were reviewed and revised by the Planning Commission with a positive recommendation to create such density gradations in the Residential-Medium (R-M) Zone as more particularly set forth herein; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code creating “gradation” in the allowed densities within the Residential-Medium (R-M) Zone are in the best interest of the City and the public by allowing varying densities in the Residential-Medium (R-M) Zone based on certain factors; 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 12.30.020 of the Centerville Zoning Code regarding Zone Purposes is hereby amended to add various permitted and conditional use densities within the Residential-Medium (R-M) Zone as more particularly provided as follows:

12.30.020 Zone Purposes

In addition to the general purposes of this Title as set forth in CZC 12.10.030, the various zones each serve more specific purposes as set forth below.

* * *

(b) **Residential Zones.** Residential zones allow a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.

- (2) The purpose of the R-M Zones is to permit well-designed apartments, townhomes, two-family dwellings, and condominiums at densities of four to eight units per acre that are appropriately buffered from and compatible with surrounding land uses.

(A) **Density Tiers.** There are three eligible “Density Tiers” for property within the R-M Zones located within the City based on allowable densities as more particularly described herein. Density Tier 1 authorizes medium residential densities up to four dwellings per acre. Density Tier 2 authorizes medium densities up to six dwellings per acre. Density Tier 3 authorizes medium densities up to eight dwellings per acre. Such densities shall be applied in conformance with the City’s General Plan, the compatibility of the density to surrounding zoning districts, and adjacent existing development, utilizing the various “Density Tier Parameters,” as described in Subsection (B).

(B) **Density Tier Parameters.** The following parameters and factors shall apply to any determination regarding specific density allowances within the R-M Zone. In addition to the following parameters, any residential development within the R-M Zone shall comply with applicable provisions of CZC 12.32.300 (Table of Development Standards in Residential Zones), 12.32.055 (Additional Development Standards for R-M and R-H Zones), and 12.36.020 (Table of Uses for Residential Uses).

1. **Density Tier 1.** Density Tier 1 is a “Permitted” use low-end medium density tier authorizing up to four units per acre in any R-M Zone. Density Tier 1 shall be used or applied for residential development integrated with, substantially surrounded by or proximately adjacent to, residential low zones. Density Tier 1 shall be used for residential development served by a local or minor collector street (as defined by City regulations), whenever light to moderate traffic may be present or expected within a close proximity of low-density single-family neighborhood area, or as a transitional buffer to a higher density zone or higher intensity zone (e.g. PF-L, PF-M, C-M Zones). Density Tier 1 shall be used to primarily buffer single-family neighborhoods, and where deemed appropriate by the City’s General Plan, for infill development. The projected residential development style shall be for medium density single-family homes, twin home lots, duplex or tri-plex formats, and zero lot line development that is compatible with the characteristics of a single-family neighborhood.
2. **Density Tier 2.** Density Tier 2 is a “Conditional Use” allowance as an intermediate medium density tier authorizing up to six units per acre with a conditional use permit. Density Tier 2 shall be used or applied to residential development located along major collector or minor arterial streets (as defined by City regulations), where moderate traffic may be

present or expected, or as a transitional buffer to a higher density or intensity zone (e.g. PF-M, C-M, C-H Zones). Additionally, Density Tier 2 may be used in areas where ground water may prohibit basement development that is typical of single-family development. The projected residential development style shall be for twin home lots and duplex and townhomes in tri-plex, four-plex, and six-plex formats that mimic a typical neighborhood style street on public or private roadways.

3. **Density Tier 3.** Density Tier 2 is a “Conditional Use” allowance as a high-medium density tier authorizing up to eight units per acre with a conditional use permit. Density Tier 3 shall be used or applied to residential development located along minor and major arterial streets (as defined by City regulations), wherever moderate to high traffic may be present or expected, or as a transitional buffer to a higher density or intensity zone (e.g. C-H, C-VH Zones). Additionally, Density Tier 3 may be used in areas where ground water may prohibit basement development that is typical of single-family development. The projected residential development style shall be for townhomes in tri-plex, four-plex, six-plex, or higher design formats, and for areas where stacked flats or apartment style buildings are constructed with associated vehicular parking lot style facilities or designed to mimic a typical neighborhood style street on public or private roadways.

Section 2. Amendment. Section 12.32.300 of the Centerville Zoning Code regarding Table of Development Standards in Residential Zones is hereby amended to revise the various permitted and conditional use densities within the Residential-Medium (R-M) Zone as more particularly provided as follows:

12.32.300 Table of Development Standards in Residential Zones

12.32.300 Table of Development Standards in Residential Zones	Zones
	R-M
Site Standards	
Gross Density, Maximum, permitted use	Density Tier 1 (4 units per acre) 4 units per acre
Gross Density, Maximum, conditional use	Density Tier 2 (6 units per acre) Density Tier 3 (8 units per acre) 8 units per acre

Section 3. Amendment. Section 12.36.020 of the Centerville Zoning Code regarding Table of Uses for Residential Uses is hereby amended to reference the various permitted and conditional use densities within the Residential-Medium (R-M) Zone as more particularly provided as follows:

12.36.020 Table of Uses for Residential Uses

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted, "A" allowed use through other provisions applicable to a specific zone

Residential Uses	Zones
	R-M
Dwelling, single-family	€ A ²
Dwelling, multiple-family	€ A ²
Twin Home	✱ A ²
Dwelling, two-family	P

2. See the varying permitted and conditional uses and densities within the R-M Zone (including Density Tier 1, Density Tier 2, and Density Tier 3) as more particularly described in CZC 12.30.020 (Zone Purposes) and as set forth in CZC 12.32.300 (Table of Development Standards in Residential Zones). Any residential development within the R-M Zone shall also be subject to the development standards set forth in CZC 12.32.055 (Additional Development Standards for R-M and R-H Zones).

Section 4. Enactment. Section 12.32.055 of the Centerville Zoning Code regarding Additional Development Standards for R-M and R-H Zones is hereby enacted to provide additional design and development standards for residential development within the R-M and R-H Zones as more particularly provided as follows:

12.32.055 Additional Development Standards for R-M and R-H Zones

Notwithstanding the Regulations of General Applicability in CZC 12.32.060 and the Table of Development Standards in CZC 12.32.300, all residential development within the R-M and R-H Zones shall comply with the following development standards.

(a) Architectural Design Standards. All primary buildings within the R-M and R-H Zones shall be designed by a licensed, professional architect and all drawings submitted for approval or permit shall bear the architect's stamp for the State of Utah.

(b) Exterior Design Standards. All sides of primary buildings within the R-M and R-H Zones shall receive design consideration with particular attention given to areas exposed to public view.

(1) All primary buildings within a development project shall possess an overall building architectural theme, including, but not limited to, exterior building materials, textures, colors and signage.

- (2) The apparent mass of primary buildings or structures shall be minimized through design, articulation, and use of materials. An open design is desired that visually and physically breaks up the mass and footprint of buildings. Approaches such as the use of vertical and horizontal planes, roof pitches, roof lines, windows, reveals, and alcoves shall be used to create façade variation, shadows, corners, and architectural interest. Articulation approaches should not appear to be applied randomly or merely a surface treatment. In addition, the use of any multiple articulation approaches shall be coordinated to affect a complementary building design.
- (3) Natural or natural-appearing materials, such as stone, cultured stone, and wood, shall be the design gestures used in the architectural design of all primary buildings. Wood siding, cement fiber board siding, and other similar appearing materials shall be the other main materials used in the design of all residential buildings. Substantial or prominent use of synthetic stucco, and unnatural appearing materials, such as metal, vinyl, and plastics are to be used sparingly. Use of such secondary and/or accent materials shall not exceed 20% of the building or structure's exterior.
- (4) The Planning Commission shall review and approve architectural design of buildings within the R-M and R-H Zones in accordance with the provisions set forth herein during conditional use permit and/or site plan review.

(c) Landscaping and Open Space. All residential developments within the R-M and R-H Zones, except for single-family developments, shall comply with the landscaping regulations of CZC 12.51 (Landscaping and Screening), and more specifically, the regulations of CZC 12.51.070(g) regarding multi-family developments. Additionally, landscaping and open spaces shall be designed in a manner to meet the residential needs for active and passive spaces for residents and visitors, such as private spaces, entry features, small centralized gathering areas, and buffering adjacent land uses. Furthermore, such areas shall be designed with the amenities or features that complement the various expected residents, both day and evening hours, and beyond the default design of a tot lot, playground, or clubhouse.

(d) Use of Public and Private Roadways. All dwellings within residential developments in R-M and R-H Zones shall be accessed from a public roadway, unless otherwise approved as part of a planned development or condominium (See, CZC 12.55.150). Approved access from a private right-of-way and/or parking lot shall meet the following standards:

- (1) Access to and from a public street may be in the form of private right-of-way or a driveway, as defined or required by this Title.
- (2) Two points of ingress/egress from a public right-of-way shall be established for any development greater than 20 dwellings, irrespective of the allowed gross density.
- (3) When a private right-of-way is utilized, the private right-of-way pavement (i.e. travel lanes) shall be at least 27-feet and the constructed cross-section with curb and gutter of the roadway shall be built to City Specifications.

- (4) Access using a private right-of-way shall be constructed with a sufficient width to provide on-street parking for visitors at a ratio of at least 0.5 stalls per dwelling. An exception may be provided to this ratio if visitor parking is provided by separate parking area or parking lot as part of a site plan approved by the City.
- (5) A sidewalk system shall be provided on both sides of any private right-of-way. An exception may be provided to this requirement if an alternate integrated development pathway system connecting to the public right-of-way and serving the dwellings is provided to satisfy the requirement for sidewalks, as part of a site plan approved by the City.
- (6) A private right-of-way shall be perpetually maintained by the developer or an owner's association. Such perpetual care and maintenance obligations shall be addressed with covenant, conditions, and restrictions, for the development approved by the City and recorded against the property.
- (7) A private right-of-way design shall also comply with all applicable Fire Code regulations.

Section 5. Findings. The amendments to the Zoning Code adopted herein are based on the following findings:

- a. The City Council finds that the “decision to amend the Zoning Code is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060(a)(1)(B).
- b. The City Council finds that the amendments to the Zoning Code are consistent with the goals, objectives and policies of the City's General Plan, as presented in the Staff Report.
- c. The City Council finds that the amendments to the Zoning Code are consistent with the desire to allow residential medium development in appropriate locations, the desire to ensure residential character quality, and the desire to ensure an adequate supply of housing types for future population growth.

Section 6. 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 7. 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 8. 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 17th DAY OF OCTOBER, 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 4**

**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 CREATE A DENSITY
GRADATION FOR THE R-M ZONES AND RELATED
PROVISIONS**

**RECOMMENDATION: CONSIDER MAKING A RECOMENDATION TO THE
CITY COUNCIL**

BACKGROUND

As a result of a recent rezone request presented before the City, the City Council directed staff and the Planning Commission to consider creating a “granulation” or “gradation” of the allowed densities for the Residential-Medium (R-M) Zones. As the Planning Commission is aware, the City Council and the Commission have previously desired to revisit these provisions, particularly after the approval of the Porter-Walton Townhome development. However due to other planning priorities, a substantial evaluation was delayed, until now. The Council expeditiously desires the Staff and Commission to prepare and recommend changes for how R-M densities are to be applied. The proposed changes drafted by Staff can be summarized as follows:

- Creates three (3) base density categories and eliminates any density ranges
- Defines each category, describes how each is to be used, and identifies the expected type of development for each category.
- Adjusts the permitted and conditional gross density allowances
- Creates a new use listing of “Allowed” and/or adjusts some uses in the R-M Zones
- Add new development provisions for the architectural design, adjustments to landscaping, and use of private rights-of ways.

TEXT AMENDMENT REVIEW AND ANALYSIS (12.21.080.e)

Zone Map Amendments - Pursuant to the City’s Zoning Ordinance, 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. Additionally, CZC 12.21.80.e. lists one (1) criterion for considering a text amendment petition. The following is a summary of staff's review of the matter:

1. **Is the proposed text or map amendment consistent with the goals, objectives and policies of the City's General Plan?**

GP SECTION 12-420-2. RESIDENTIAL DEVELOPMENT POLICIES. The following policies are adopted specifically for the achievement of the citizens' desires for residential development in Centerville.

1. The density classifications for Centerville's residential areas shall be as follows:

<u>Dwelling Units/Acre</u>	<u>Class</u>
0-4	Low
5-8	Medium
9-12	High
2. Residential development in Centerville is primarily low density single-family. This character of development should continue as far as is feasible and practical. Medium or high density residential development that is allowed in appropriate locations within the City should provide usable open spaces, landscaping, and other associated amenities which will assure consistency with the residential quality desired in Centerville. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred....
6. Residential development must take into account the existence and impact of high ground water tables within the City....

GP SECTION 12-420-3. HOUSING. The following policies are adopted in order to establish Centerville's commitment to the availability of housing for all of its residence.

Housing Policies:

1. The City shall not allow racial, ethnic, religious or economic discrimination in the provision and procurement of decent housing in this City.
2. The City shall assure an adequate supply of housing for future population through identification of optimum locations for housing development and provision of City services as required.

GP SECTION 12-490. MODERATE INCOME HOUSING ELEMENT

Objective 5.A. Rezone for densities necessary to assure the production of moderate income housing.

Objective 6-C. Make an effort to balance the number and size of zoning districts with the demand for various housing types.

Objective 6-A.2 In the future, develop a strategic redevelopment plan in partnership with the property owners and residents within and around the Gateway Mixed Use Districts (i.e. South Main Street Corridor Plan area), and consider other corridor options (e.g. 400 west and the frontage road) to encourage actual development of a mixed-use area with a residential component that includes opportunities for creating moderate income housing.

Objective 6-C.1 Evaluate the various Neighborhood Plans and determine if there are opportunities for allowing infill development, or areas that could be rezoned for additional density, or to encourage the use of the Planned Development Overlay Zone (reflects strategy 6.A).

Objective 6-C.2 Consider establishing standards with the R-M and R-H Districts that require a variety of housing types that are to be used within such zones. Additionally, limit unit densities within each building of the R-M zone to no more than 8 units, and within the R-H Zone to no more than 12 units.

Objective 6-C.4 Consider establishing additional architectural design standards for the RM and R-H Districts. Ensure that the appearance and layout of buildings within these zones are visually compatible with surrounding residential neighborhoods.

STAFF CONCLUSION – The proposed changes are consistent with the desire to allow residential medium development in appropriate locations, residential character quality, and ensure an adequate supply of housing types for future population growth.

PLANNING STAFF RECOMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Ordinance regarding the proposed R-M Zone amendments – I hereby make a motion for the Planning Commission to recommend to the City Council to approve the various R-M Zone amendments, as presented (or as amended by the Commission) by staff.

Suggested Reasons for the Action (Findings):

- a. 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.
- b. The Planning Commission finds that amendments consistent with the goals, objectives and policies of the City’s General Plan, as presented in the staff report.
- c. The Planning Commission finds that the amendments are consistent with the desire to allow residential medium development in appropriate locations, residential character quality, and ensure an adequate supply of housing types for future population growth.

- (c) *The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidence by the following:*
- *Farmington Station Park was developed after the West Centerville Plan adoption*
 - *Farmington Station Park has likely saturated the market for developing medium box type commercial uses*
- (d) *To date, Legacy Crossing at Parrish Lane provides space for medium box type commercial uses and Legacy Trails provided two (2) smaller commercial lots that have not yet come to full fruition.*
- (e) *Limiting the allowance of other types of multi-family development negatively impacts the planned allowance of multi-family development at this node in the West Centerville Neighborhood.*
- (f) *Not master planning this site creates the potential for limiting the developed area and would isolate the excess UDOT property and reduce or eliminate any cost recovery by UDOT's ability selling off excess public property, which could become a nuisance in the future.*
- (g) *Master Planning the entire area is better suited to address any impacts than to piecemeal development under already long list of permitted commercial uses.*
- (h) *Lastly, considering a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.*

PUBLIC HEARING – ZONE TEXT AMENDMENTS FOR RESIDENTIAL MEDIUM ZONES

Cory Snyder, Community Development Director, provided a summary on the matter. The General Plan caps R-L at four (4) units per acre, medium density is four (4) to eight (8) with high density as eight (8) to twelve (12). The issue is with zoning and the General Plan not being congruent. In order to resolve this, Staff proposes creating an R-M global architecture of the multi-family zones and the R-M-4 is the lower base. The goal is not to allow the General Plan to be interpreted as only R-M-4. Staff agrees that the R-L Zone should be revisited in the future regarding single-family at five (5) units per acre versus multi-family that is only at four (4) units per acre. This issue is not addressed in this proposal.

Commissioner Wright expressed that she is uncomfortable with the idea of four (4) units an acre being termed Medium Density.

Mr. Snyder explained the General Plan currently does not permit residential density at five (5) units an acre for single-family but it does allow for four (4) units multi-family in a multi-family expected zone. This allows for townhomes that are generally considered more affordable than single-family stand-alone dwellings. This is required under residential medium.

City Attorney Lisa Romney commented that Section 12-420-2 of the General Plan defines low density residential as 0-4, medium density residential as 5-8, and high density residential as 9-12 units per acre. Staff agreed with Ms. Romney and reiterated

1 that the Council simply wants tools for more variation in the R-M Zone. Mr. Snyder also
2 expressed that the purpose statements are important in the construction of the
3 language due to the fact that in creating R-M-4, R-M-6 and R-M-8 categories, the
4 concern is that the default will be R-M-4. In response to concerns from the Planning
5 Commission about the R-M-4 proposal, Ms. Romney said they could just go with the R-
6 M-6 and R-M-8 zones with four (4) units permitted with five (5) and six (6) conditional in
7 the R-M-6 Zone and four (4) to six (6) units permitted and seven (7) and eight (8) units
8 conditional in the R-M-8. Commissioners Hayman and Wright concurred with Ms.
9 Romney. However, Mr. Snyder reminded the Commission that the Zoning Code for the
10 R-M density zones include four (4) units per acre "permitted" with eight (8) units per
11 acre conditional and that this particular part of the Zoning Code is not being amended at
12 this time.

13
14 Chair Hirschi discussed his concerns regarding developers coming in with a
15 request for a six-plex on a piece of property that would qualify for R-M-6. He questioned
16 if the property was just zoned R-M how a developer would know whether the request
17 was allowed unless they were to ask. Mr. Snyder explained they will look at the map
18 first and then go to the ordinance for the explanation. The purpose statements explain
19 what type of R-M is allowed. Commissioner Johnson questioned if this isn't a backdoor
20 approach to obtaining a conditional use. Mr. Snyder acknowledged that it is a backdoor
21 approach by getting rid of the ranges, and having strict numbers for density. However,
22 parsing density out to strict numbers is dangerous because then the Commission or
23 Council would have to interpret the purpose and decide which one it meets.

24
25 Commissioner Hayman agreed with Commissioner Wright that there is a
26 misconception on what is R-L and R-M. She expressed concern that if this change is
27 adopted as written, future questions regarding density will cause people to insist that
28 medium density is four (4). Mr. Snyder reminded the Commission that multi-family
29 cannot be done in an R-L at any time.

30
31 Commissioner Wright expressed that she cannot support R-M-4 at any time. Mr.
32 Snyder brought up the opportunity to use R-M-4 as an infill tool. Chair Hirschi agreed
33 with Mr. Snyder to have the flexibility it allows. Commissioner Wright wondered whether
34 the designation is playing to fears in the City and it is redefining what is not accurate.
35 Mr. Snyder suggested he is not opposed to Commissioner Wright's concerns. However,
36 he does not feel that making drastic changes in density definitions at this time is wise.
37 This type of change is best made over a period of time.

38
39 Commissioner Johnson shared that in his professional opinion with looking at
40 different city's zoning codes and maps, developers often disregard what is defined as
41 low, medium and high and focus on strict numbers. Commissioner Hayman proposed
42 that in the near future, whether the Council asks for a review or the Commission takes it
43 on themselves, R-L be reviewed because there are several areas in the City where R-L
44 above four (4) units per acre would be appropriate and welcomed in our community. Mr.
45 Snyder agreed.

46
47 Chair Hirschi expressed that his biggest concern is not being definite on the
48 numbers going forward. From a developer's standpoint, it is better to know up front what
49 the numbers are going to be. Mr. Snyder agreed that at some point in the future the

1 Commission will need to go back into neighborhood plans and make adjustments.
2 There are three (3) neighborhood plans that have R-M zoning. Chair Hirschi suggested
3 sending this proposal up to the Council for approval with a statement that a process for
4 rezoning the R-M zones begin immediately.

5
6 Attorney Romney suggested that the implementation of the proposed text
7 amendments may need to have a delayed date because it becomes problematic to
8 have a zone on the map that is no longer defined in the Code. Mr. Snyder explained
9 that R-M-4 is permitted across the board where R-M-6 and R-M-8 remain conditional.
10 The conditional permitted use statements determine whether the applicant qualifies for
11 R-M-6 or R-M-8. Ms. Romney said she believes the ordinance as drafted contemplates
12 actually creating new zones for R-M-4, R-M-6 and R-M-8 and commented that specific
13 properties currently zoned R-M will need to be rezoned to these new zones. Mr. Snyder
14 said that he only intends to have one zone of R-M referenced on the Zoning Map and
15 that the density would be determined by conditional use permit. Mr. Snyder further
16 commented that the intent is not to create new zones. Ms. Romney expressed her
17 concern with this interpretation and commented that this approach takes the legislative
18 decision away from the Council at the rezone level and places the density decision with
19 the Planning Commission as a conditional use permit. Ms. Romney indicated that this
20 is not what is currently drafted in the proposed text.

21
22 Commissioner Hayman agreed that a delayed date be implemented to give time
23 for the maps to be updated. Mr. Snyder said this process would take months to
24 implement given the notice periods and hearings. He isn't sure the Council is interested
25 in opening the neighborhood plans up for amendments. The Council has only requested
26 a tool for now to work with the conditional R-M-6 and R-M-8.

27
28 At 9:07 p.m., Chair Hirschi opened the public hearing.

29
30 James Graham, (residence unidentified) applicant with Dave Bell, property owner
31 at 644 West Porter Lane. Mr. Graham expressed that in his opinion R-M-6 would be
32 property with R-M all around it or 20% of it is R-L around it. He also said he believes R-
33 M-8 or higher, would be something more like 100% surrounded by commercial or other
34 R-H or 50% R-M. He said he believes there are many ways to define density.

35
36 Dave Bell, Bountiful resident and property owner at 644 West Porter Lane. Mr.
37 Bell owns two acres behind his shop that is no longer needed for business purposes
38 and would like to see it zoned R-H because it is surrounded by everything that is C-H.
39 His concern is that people need to be educated regarding density. He commended the
40 Commissioners for trying to do the right thing and fix the density problem.

41
42 Chad Morris, (residence unidentified). Mr. Morris agreed with Mr. Bell's
43 comments. He then counseled the Commission about moving things too quickly in order
44 to please the Council. In his opinion, he feels the Council represents those who are
45 "loud" instead of the "many." As a real estate agent, Mr. Morris knows of a lot of people
46 who grew up in Centerville that would love to move back here but can't afford a home or
47 worse yet, there are not enough homes in Centerville.

48
49 Chair Hirschi closed the public hearing.

1 Mr. Snyder requested to make a final comment so that the Commission is clear
2 on the consequences. He understands that at some time in the future the plans will
3 need to be reviewed for specific numbers. However, the Council approves the general
4 definition of R-M but it is the Commission, through the CUP, that approves the R-M-6 or
5 R-M-8 based on the purpose statement. Ms. Romney asked for clarification as to
6 whether or not the intent is to create new zones. If so, she pointed out this is not how
7 the amendment is written. Ms. Romney noted that Section 12.31.010 would need to be
8 amended because, as drafted, the proposed amendments create three (3) new zones.
9 Mr. Snyder apologized that it was written that way because that is not the intent. He
10 pointed out that the table depicts what is intended and that the wording needs to be
11 revised to reflect that.

12
13 Chair Hirschi restated that the two proposed amendments be an approved R-M-6
14 R-M-8 as well as the design standards and criteria. Mr. Snyder clarified that the design
15 standards and criteria would apply to all zones—low, medium, and high. It does not
16 include the location criteria. Commissioner Wright asked for clarification regarding the
17 design standards and if they are consistent with what is currently in place. Mr. Snyder
18 said they are generic standards and neither discourage or encourage R-M.

19
20 Commissioner Wright then asked to review the CZC 12.32.300, Table of Uses
21 Standards in Residential Zones. She proposed that, if appropriate, the table be
22 amended, regarding the gross density permitted does not say “four (4) units per acre.”
23 Commissioner Wright stated she will not vote for a motion for an R-M-4 based on
24 principle. She said she believes it is important to maintain an R-L that is true and an R-
25 M that is consistent with what is standard and appropriate.

26
27 Commissioner Helgesen made a **motion** to recommend the City Council approve
28 the various R-M Zone amendments, as presented in the “Staff Draft – September 13th
29 Planning Commission Meeting, version 3.0,” with Reasons for Action (a) through (c) in
30 the Staff Report also dated September 13, 2017. Commissioner Johnson seconded the
31 motion.

32
33 Commissioner Wright made a **motion to amend** the motion with regards to the
34 proposed changes to CZC 12.32.300, Table of Development Standards, under the R-M,
35 Gross Density Maximum Permitted Use, to replace “four (4) units per acre” with “five (5)
36 units per acre.” Commissioner Johnson seconded the motion.

37
38 Commissioner Hirst opposed the amendment because having four (4) there
39 provides space between four (4) and five (5). Chair Hirschi agreed with Commissioner
40 Hirst. Commissioner Wright asked if she would be more comfortable with the language
41 “over four (4).” Commissioner Hirst responded she would be comfortable with that.
42 Chair Hirschi does not see the logic in taking away the flexibility of the R-M-4 for infill.

43
44 A roll-call vote on the **motion to amend** was taken with Commissioners Johnson
45 and Wright assenting and Commissioners Hirst, Helgesen, Hirschi, and Hayman
46 dissenting. The motion to amend failed.

47
48 Chair Hirschi returned to the original motion and asked for any more comments.
49 Commissioner Johnson expressed that he believes this tool is generally used to reduce

1 density and this is not the direction he wants to see the City go. Commissioner Johnson
2 generally feels that the City should be moving away from lower densities and he would
3 like to limit the City's ability to do that.

4
5 In contrast, Chair Hirschi expressed that since the six (6) and eight (8) units are
6 conditional uses that the determination of that density decisions are going to be with the
7 Commission. Chair Hirschi said he does not see this as a tool to reduce density but
8 gives the Commission the flexibility and the ability to create density where it is
9 appropriate.

10
11 Mr. Snyder asked Chair Hirschi for clarification regarding structural changes to
12 the amendment, as part of an administrative review. Chair Hirschi made a **motion** that
13 any changes to the proposed amendment, if the motion passes, that will make the
14 amendment more clear and better reflect the intent before it is sent to the Council, ought
15 to be included. Commissioner Johnson seconded the motion. The motion passed by
16 unanimous vote (6-0).

17
18 Chair Hirschi called for a roll-call vote on the motion and invited the
19 Commissioners to make a statement as to why they voted the way they voted in order
20 to make it clear to the Council as they review the vote on this. The motion passed by
21 majority vote (4-2), with Commissioners Wright and Johnson dissenting based on
22 concerns previously discussed.

23
24 **ITEM #5 – PUBLIC MEETING – SOUTH MAIN STREET OVERLAY PLAN**
25 **DISCUSSION**

26
27 Chair Hirschi reviewed the discussion held at the work session on September
28 13th regarding the overlay zone and questioned whether the overlay zone has
29 discouraged development along Main Street. Chair Hirschi said he believes the only
30 way to revitalize Main Street is to let market forces take effect and to adhere to the
31 Public Space Plan that has been adopted. He also said he believes that by developing
32 realistic standards and guidelines that encourage businesses, both old and new, as they
33 remodel or redevelop, that this is the way to make Main Street more beautiful.

34
35 Mr. Snyder indicated that Staff is currently preparing Design Guidelines and
36 anticipates having them ready for the November work session. Chair Hirschi expressed
37 a desire to review the draft before the next work session. Mr. Snyder acknowledged that
38 it would be possible to have the draft done by the second October meeting so that it can
39 be reviewed collectively by the Planning Commission before the work session.

40
41 Based on consensus of the Commissioners, Chair Hirschi directed Staff to put
42 this item on agenda for the second meeting in October.

43
44 Commissioner Wright was excused at 9:48 pm.

45
46 **MINUTES REVIEW AND ACCEPTANCE**

47
48 The minutes of the September 13, 2017 Work Session meeting have already
49 been approved by the City Council. A few amendments were requested which will be

PC DRAFT – SEPTEMBER 27TH PLANNING COMMISSION MEETING
(W/ CITY ATTORNEY COMMENTS – SEPTEMBER 29, 2017)

12.30.020 Zone Purposes

In addition to the general purposes of this Title as set forth in CZC 12.10.030, the various zones each serve more specific purposes as set forth below.

* * *

(b) Residential Zones. Residential zones allow a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.

* * *

(2) The purpose of the R-M Zone is to permit well-designed apartments, townhomes, two-family dwellings, and condominiums at densities of four to eight units per acre that are appropriately buffered from and compatible with surrounding land uses.

(A) *Density Tiers*. There are three eligible “Density Tiers” for property within the R-M Zones located within the City based on allowable densities as more particularly described herein. Density Tier 1 authorizes medium residential densities up to four units per acre. Density Tier 2 authorizes medium densities up to six units per acre. Density Tier 3 authorizes medium densities up to eight units per acre. Such densities shall be applied in conformance with the City’s General Plan, the compatibility of the density to surrounding zoning districts, and adjacent existing development, utilizing the various “Density Tier Parameters,” as described in Subsection (B).

(B) *Density Tier Parameters*. The following parameters and factors shall apply to any determination regarding specific density allowances within the R-M Zone. In addition to the following parameters, any residential development within the R-M Zone shall comply with applicable provisions of CZC 12.32.300 (Table of Development Standards in Residential Zones), 12.32.055 (Additional Development Standards for R-M and R-H Zones), and 12.36.020 (Table of Uses for Residential Uses).

- i. **Density Tier 1**. Density Tier 1 is a “Permitted” use low-end medium density tier authorizing up to four units per acre in any R-M Zone. Density Tier 1 shall be used or applied for residential development integrated with, substantially surrounded by or proximately adjacent to, residential low zones. Density Tier 1 shall be used for residential development served by a local or minor collector street (as defined by City regulations), whenever light to moderate traffic may be present or

expected within a close proximity of low-density single-family neighborhood area, or as a transitional buffer to a higher density zone or higher intensity zone (e.g. *PF-L, PF-M, C-M Zones*). Density Tier 1 shall be used to primarily buffer single-family neighborhoods, and where deemed appropriate by the City's General Plan, for infill development. The projected residential development style shall be for medium density single-family homes, twin home lots, duplex or tri-plex formats, and zero lot line development that is compatible with the characteristics of a single-family neighborhood.

- ii. **Density Tier 2.** Density Tier 2 is a "Conditional Use" allowance as an intermediate medium density tier authorizing up to six units per acre with a conditional use permit. Density Tier 2 shall be used or applied to residential development located along major collector or minor arterial streets (as defined by City regulations), where moderate traffic may be present or expected, or as a transitional buffer to a higher density or intensity zone (e.g. *PF-M, C-M, C-H Zones*). Additionally, Density Tier 2 may be used in areas where ground water may prohibit basement development that is typical of single-family development. The projected residential development style shall be for twin home lots and duplex and townhomes in tri-plex, four-plex, and six-plex formats that mimic a typical neighborhood style street on public or private roadways.
- iii. **Density Tier 3.** Density Tier 3 is a "Conditional Use" allowance as a high-medium density tier authorizing up to eight units per acre with a conditional use permit. Density Tier 3 shall be used or applied to residential development located along minor and major arterial streets (as define by City regulations), wherever moderate to high traffic may be present or expected, or as a transitional buffer to a higher density or intensity zone (e.g. *C-H, C-VH Zones*). Additionally, Density Tier 3 may be used in areas where ground water may prohibit basement development that is typical of single-family development. The projected residential development style shall be for townhomes in tri-plex, four-plex, six-plex, or higher design formats, and for areas where stacked flats or apartment style buildings are constructed with associated vehicular parking lot style facilities or designed to mimic a typical neighborhood style street on public or private roadways.

STAFF COMMENT - R-M ZONE TABLE OF DEVELOPMENT STANDARDS AMENDMENTS CREATE A BASE DENSITY FOR ALL R-M ZONES OF 4 DWELLINGS PER ACRE. THE CUP DENSITIES THEN ARE CAPPED AT 6 AND 8 UNITS THAT MAY BE USED IN AREAS DESCRIBED BY AND/OR MATCHING THE DENSITY TIER DESCRIPTION STATEMENTS.

12.32.300 Table of Development Standards in Residential Zones	Zones
	R-M

Site Standards	
Gross Density Maximum, permitted	Density Tier 1 (4 units)
Gross Density Maximum, conditional	Density Tier 2 (6 units) Density Tier 3 (8 units)

STAFF COMMENT - R-M ZONE TABLE OF USES AMENDMENTS CREATE A NEW USE CATEGORY KNOWN AS "ALLOWED." THIS NEW CATEGORY IS NEEDED TO SEGREGATE THE DIFFERING TYPES OF USES, AS ALLOWED BY THE "GRANULATION" OR "PURPOSE" STATEMENTS. FOR EXAMPLE: SINGLE-FAMILY IS NOW ALLOWED IN THE R-M ZONE, BUT ONLY WHEN TIER 1 IS APPLIED TO AN AREA. OTHER CHANGES INCLUDE 'TWIN HOMES' TO ALLOW A DUPLEX FORMAT TO BE USED IN A SUBDIVISION LOT SYSTEM AND ALLOW FOR OWNERSHIP OPPORTUNITIES THAT ARE MISSING IN THE R-M ZONE.

12.36.020 Table of Uses for Residential Uses

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted, "A" allowed use through other provisions applicable to a specific Zone

Residential Uses	Zones
	R-M
Dwelling, single-family	A ²
Dwelling, multiple-family	A ²
Twin Home	A ²

2. See the varying permitted and conditional uses and densities within the R-M Zone (including Density Tier 1, Density Tier 2, and Density Tier 3) as more particularly described in CZC 12.30.020 (Zone Purposes) and as set forth in CZC 12.32.300 (Table of Development Standards in Residential Zones). Any residential development within the R-M Zone shall also be subject to the development standards set forth in CZC 12.32.055 (Additional Development Standards for R-M and R-H Zones).

STAFF COMMENT - R-M AND R-H ZONE SPECIAL REGULATIONS AMENDMENTS ARE ENTIRELY NEW AND INTRODUCE BASE LINE DESIGN PERFORMANCE EXPECTATIONS FOR R-M AND R-H ZONE DEVELOPMENT. THE AMENDMENTS ARE TO ADDRESS THE COMMON COMPLAINTS ABOUT MULTI-FAMILY DEVELOPMENT REGARDING ARCHITECTURE, LANDSCAPING, AND THE COMPLAINTS HEARD IN THE RECENT PAST ABOUT OF USE PRIVATE ROADWAYS.

12.32.055 Additional Development Standards for R-M and R-H Zones

Notwithstanding the Regulations of General Applicability in CZC 12.32.060 and the Table of Development Standards in CZC 12.32.300, all residential development within the R-M and R-H Zones shall comply with the following development standards.

(a) Architectural Design Standards. All primary buildings within the R-M and R-H Zones shall be designed by a licensed, professional architect and all drawings submitted for approval or permit shall bear the architect's stamp for the State of Utah.

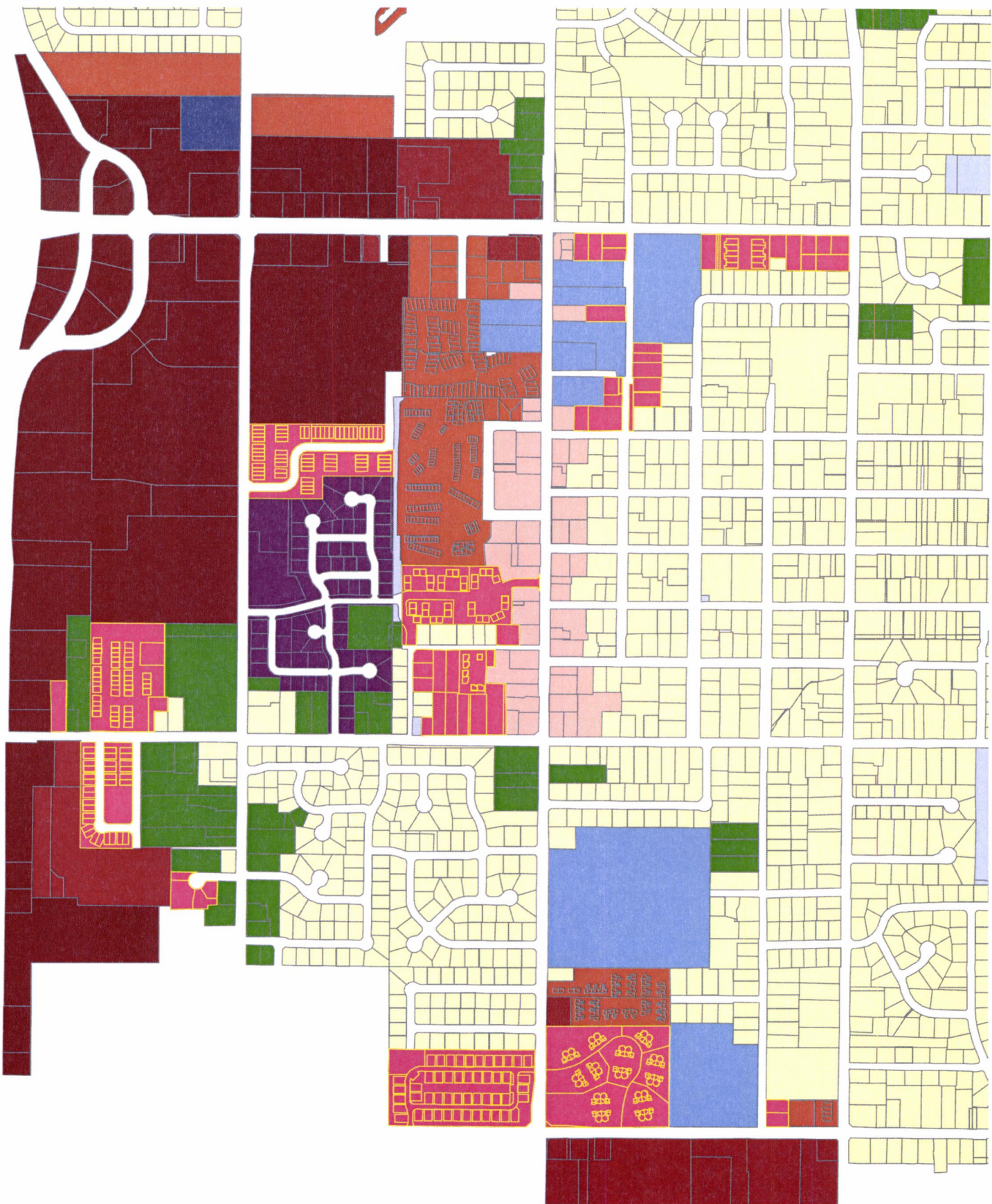
(b) Exterior Design Standards. All sides of primary buildings within the R-M and R-H Zones shall receive design consideration with particular attention given to areas exposed to public view.

- (1) All primary buildings within a development project shall possess an overall building architectural theme, including, but not limited to, exterior building materials, textures, colors and signage.
- (2) The apparent mass of primary buildings or structures shall be minimized through design, articulation, and use of materials. An open design is desired that visually and physically breaks up the mass and footprint of buildings. Approaches such as the use of vertical and horizontal planes, roof pitches, roof lines, windows, reveals, and alcoves shall be used to create façade variation, shadows, corners, and architectural interest. Articulation approaches should not appear to be applied randomly or merely a surface treatment. In addition, the use of any multiple articulation approaches shall be coordinated to affect a complementary building design.
- (3) Natural or natural-appearing materials, such as stone, cultured stone, and wood, shall be the design gestures used in the architectural design of all primary buildings. Wood siding, cement fiber board siding, and other similar appearing materials shall be the other main materials used in the design of all residential buildings. Substantial or prominent use of synthetic stucco, and unnatural appearing materials, such as metal, vinyl, and plastics are to be used sparingly. Use of such secondary and/or accent materials shall not exceed 20% of the building or structure's exterior.
- (4) The Planning Commission shall review and approve architectural design of buildings within the R-M and R-H Zones in accordance with the provisions set forth herein during conditional use permit and/or site plan review.

(c) Landscaping and Open Space. All residential developments within the R-M and R-H zones, except for single-family developments, shall comply with the landscaping regulations of CZC 12.51 (Landscaping and Screening), and more specifically, the regulations of CZC 12.51.070(g) regarding multi-family developments. Additionally, landscaping and open spaces shall be designed in a manner to meet the residential needs for active and passive spaces for residents and visitors, such as private spaces, entry features, small centralized gathering areas, and buffering adjacent land uses. Furthermore, such areas shall be designed with the amenities or features that complement the various expected residents, both day and evening hours, and beyond the default design of a tot lot, playground, or clubhouse.

(d) Use of Public and Private Roadways. All dwellings within residential developments in R-M and R-H Zones shall be accessed from a public roadway, unless otherwise approved as part of a planned development or condominium (See, CZC 12.55.150). Approved access from a private right-of-way and/or parking lot shall meet the following standards:

- (1) Access to and from a public street may be in the form of private right-of-way or a driveway, as defined or required by this Title.
- (2) Two points of ingress/egress from a public right-of-way shall be established for any development greater than 20 dwellings, irrespective of the allowed gross density.
- (3) When a private right-of-way is utilized, the private right-of-way pavement (i.e. travel lanes) shall be at least 27-feet and the constructed cross-section with curb and gutter of the roadway shall be built to City Specifications.
- (4) Access using a private right-of-way shall be constructed with a sufficient width to provide on-street parking for visitors at a ratio of at least 0.5 stalls per dwelling. An exception may be provided to this ratio if visitor parking is provided by separate parking area or parking lot as part of a site plan approved by the City.
- (5) A sidewalk system shall be provided on both sides of any private right-of-way. An exception may be provided to this requirement if an alternate integrated development pathway system connecting to the public right-of-way and serving the dwellings is provided to satisfy the requirement for sidewalks, as part of a site plan approved by the City.
- (6) A private right-of-way shall be perpetually maintained by the developer or an owner's association. Such perpetual care and maintenance obligations shall be addressed with covenant, conditions, and restrictions, for the development approved by the City and recorded against the property.
- (7) A private right-of-way design shall also comply with all applicable Fire Code regulations.



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 9

Short Title: Fee Schedule Amendments - Cemetery Fees

Initiated By: City staff

Scheduled Time: 9:15

SUBJECT

Consider proposed Fee Schedule Amendments regarding Cemetery Fees - Resolution No. 2017-20

RECOMMENDATION

Adopt Resolution No. 2017-20 approving amendments to the Centerville Fee Schedule regarding cemetery fees.

BACKGROUND

At the last City Council work session, the Council directed Staff to bring back amendments to the City Fee Schedule regarding cemetery fees. The Council specifically requested language to prohibit the sale of new burial rights to nonresidents due to lack of space in the Cemetery and an increase in the non-resident internment fees. Staff is also recommending a slight increase to the internment fees for residents to keep up with costs and an added specific line item for double depth vaults. Additional amendments to the footnotes are also recommended as more particularly set forth in the attached Resolution No. 2017-20.

ATTACHMENTS:

Description

- Resolution No. 2017-20 - Cemetery Fees

RESOLUTION NO. 2017-20

**A RESOLUTION AMENDING SECTION 6.010 OF THE CENTERVILLE
FEE SCHEDULE REGARDING CEMETERY FEES**

WHEREAS, the City Cemetery is reaching its full capacity for buildout and the number of remaining burial rights is exceedingly low; and

WHEREAS, the City Council is researching alternatives for future Cemetery expansion at the current location or alternative locations as well as associated operation and maintenance costs; and

WHEREAS, during the interim, the City Council deems it necessary to increase the internment rates for burials within the City Cemetery and to restrict and/or prohibit the sale of new burial rights to non-residents as more particularly provided herein.

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

Section 1. Amendment. Section 6.010 of the Centerville Fee Schedule is hereby amended to read in its entirety as more particularly set forth in **Exhibit A**, attached and incorporated herein by reference.

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 8th DAY OF NOVEMBER, 2017.**

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

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

MARSHA L. MORROW, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 2017.

Exhibit A

6.010 Cemetery And Burials

The following cemetery and burial fees shall apply to burial rights within the Centerville Cemetery.

Cemetery and Burial Fees

Cemetery and Burials	Resident ¹	Non-Resident ²
Burial Right ^{3, 4, 5, 6}	\$600	\$600 Not eligible for non-resident purchase
<u>Double Depth Burial Right ⁶</u>	<u>\$1,200</u>	<u>Not eligible for non-resident purchase</u>
Internment ^{7, 8} (Weekdays Before 5:00 p.m.)	<u>\$400</u>	<u>\$1,400</u>
Old Sections A, B, C and D	\$320	\$820
New Section E	\$320	\$1,320
Internment ^{7, 8} (Weekdays After 5:00 p.m. and Saturdays)	<u>\$600</u>	<u>\$1,600</u>
Old Sections A, B, C and D	\$480	\$980
New Section E	\$480	\$1,480
Perpetual Care Fee ⁹	\$300	\$300
<u>Double Depth Perpetual Care Fee</u>	<u>\$600</u>	<u>\$600</u>
Disinterment Fee	Actual Costs (\$500 Deposit)	Actual Costs (\$500 Deposit)
Upright Headstone Fee ¹⁰	\$100	\$100

1. As used herein, the term "Resident" shall be defined as:
 - a. Any person who was domiciled within the corporate limits of Centerville City, Utah, at the time of death, regardless of actual place of death; or
 - b. Any person owning real property within the corporate limits of Centerville City, Utah, at the time of death, regardless of the residence or domicile of such person; or
 - c. Any person who was a legal resident of Centerville, Utah, at the time of death, regardless of domicile; or
 - d. Any person who was formally domiciled within the corporate limits of Centerville City, Utah, immediately prior to moving from the City for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care.
2. As used herein, the term "Non-Resident" shall be defined as any person who does not meet the definition of "Resident" as set forth herein.
3. Residents may only purchase a Right of Burial on an immediate need basis; provided, at the time of need two Rights of Burial may be purchased. A maximum of four burial rights may be purchased by the occupants of any household. Non-residents are not eligible or shall be permitted to purchase a Right of Burial in the cemetery at this time. on an immediate need basis only; provided that at the time of need, two burial rights may be purchased.
4. In the case of a burial right being sold for the first time by the City, three hundred dollars (\$300) of the burial right fee shall be placed in the Perpetual Care Fund for the City Cemetery (in addition to Perpetual Care Fees due) and the remainder of the fee ~~(\$300)~~ shall be placed in the City General Fund.
5. For burial rights that have been repurchased by the City, a record shall be made of the source of funding for the repurchase transaction, so that the source can be fully repaid when the burial rights are resold.
6. Burial rights for a double-depth vault burial space shall be sold at the price set forth in the Fee Schedule (equal to the cost of two single depth burial rights) and the purchaser shall be required to pay at the time of purchase of the double-depth vault burial space the Perpetual Care Fee as set forth in the Fee Schedule (equal to the perpetual care fee for two single depth burial rights). in Plat E may be purchased for the same fee as a single depth burial right; however, the purchaser must pay two Perpetual Care fees.
7. ~~Five hundred dollars (\$500) of the non-resident interment fee for Sections A, B, C, and D shall be placed in the Perpetual Care Fund for the City Cemetery; the remainder of the fee shall be placed in the City General Fund.~~ One thousand dollars (\$1,000) of the non-resident interment fee ~~for Section E~~ shall be placed in the Perpetual Care Fund for the City Cemetery; and the remainder of the fee shall be placed in the City General Fund.
8. An infant or the ashes of a deceased person placed in a burial space with another deceased person, as approved by the Parks and Recreation Director in accordance with CMC 8.03.090, shall not be required to pay non-resident interment fees and shall be subject to the resident interment fees regardless of domicile or interest.
9. All burial rights and burials within the City Cemetery shall be subject to a Perpetual Care Fund fee, including infants or cremated remains buried in a space that is already occupied. Except as provided herein, the Perpetual Care Fee shall be paid at the time of purchase of burial rights. In the event the Perpetual Care Fee is not paid at the time of purchase of the burial rights, the Perpetual Care Fee shall be paid at the time of Interment. Purchasers of burial rights for a double-depth vault burial space shall pay at the time of purchase of the double-depth vault burial space the Perpetual Care Fee for double-depth

vaults set forth in the Fee Schedule (equal to the perpetual care fee for two single depth burial rights).
two Perpetual Care fees.

10. All funds received for upright headstone fees shall be placed in the Perpetual Care Fund for the City Cemetery.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 10.

Short Title: Mayor's Report

Initiated By:

Scheduled Time: 9:25

SUBJECT

- a. COG meeting
- b. November 15 work session with Planning Commission regarding South Main Street

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 11.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:30

SUBJECT

- a. Letter of Intent re federal funding for 1250 West pedestrian/bike pathways
- b. Site Plan for Community Park pavilion, restrooms and playground
- c. Staff field trip re drainage and wetlands issues west of Legacy Parkway
- d. Snowplowing Operations Plan

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Letter of Intent Form



Surface Transportation
Program (STP)



Transportation
Alternatives Program (TAP)



Congestion Mitigation/Air
Quality (CMAQ)

LETTER OF INTENT FORM

In order for the WFRC staff to recommend whether a sponsor should submit an application, the "Letter of Intent" must include the project name, project limits, a brief project description, the type of funds being sought, and an estimated cost. A list of all the projects appropriately submitted will be distributed to members of the Councils of Governments (COGs) and then reviewed by WFRC to determine program eligibility. **Letters of Intent are due October 30, 2017 to bwuthrich@wfrc.org.** This letter should be signed by the Mayor, Commissioner, or executive director of the sponsoring agency.

Project Name: 1250 West Pedestrian/Bicycle Pathways

Project Limits: Parrish Lane to 1275 North

Estimated Project Cost: \$ \$350,000.00

Federal Funds Being Requested: \$ \$275,000.00

Project Contact: Steve Thacker, (801) 677-6094, stevet@centervilleut.com
(Name, Number, Email)

Brief Project Description:

Construct pedestrian pathway on west side of 1250 West and add bike lanes both sides from Parrish Lane to 1275 North where these would connect with the Legacy Parkway Trail.

These pathways would provide for safe forms of alternative transportation to serve the business park area and would add another connection to the regional trail system.

Type of Funds:



Congestion
Mitigation/Air
Quality

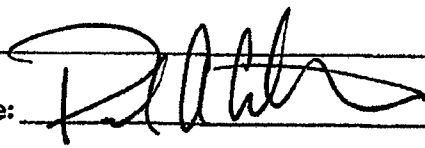


Surface
Transportation
Program



Transportation
Alternatives
Program

Printed Name: Paul A. Cutler

Signature: 

Title: Mayor

Date: 10/30/17

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 12

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:40

SUBJECT

- a. Consider Utah Transit Authority (UTA) 2018 Tentative Budget

RECOMMENDATION

BACKGROUND

- a. The UTA has provided the attached Tentative Budget for their organization and asked for feedback from the cities within their service area. Last year the Centerville City Council chose not to reply. If the Council wishes to reply, the form is the second page of the attached letter from UTA.

ATTACHMENTS:

Description

- UTA 2018 Tentative Budget

October 27, 2017

RECEIVED

OCT 30 2017

CANTERVILLE CITY CORP.

Dear Mayor Cutler,

This week, the Utah Transit Authority (UTA) Board of Trustees initiated UTA's budget process when it adopted a tentative budget for 2018. An important and meaningful step in the budget process is to gather feedback from key stakeholders. I write to provide you a copy of the tentative 2018 budget along with the following materials to orient your review:

- Correspondence from Jerry Benson, UTA President/CEO
- Correspondence from Zions Bank Regarding UTA's Bond Practices
- Summary Documents of the 2018 Budget (with Graphs)
- Comparison Table of the UTA Board of Trustees' Strategic Priorities with the 2018 Budget Initiatives
- Notice of Public Hearing on the Budget
- Signature Acknowledgement and Return Envelope

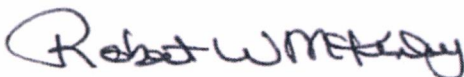
UTA welcomes your comments and questions. If you have questions about the tentative budget, please feel free to contact UTA Vice President of Finance Robert Biles at Rbiles@rideuta.com or (801) 287-3367. If you would like to comment on the budget in person, you are invited to attend a public open house on the tentative budget to be held on Wednesday, November 15, 2017, from 1:00-1:30 p.m., at our offices located at 669 West 200 South in Salt Lake City, or to participate in a public hearing on the tentative budget which will immediately follow the public open house at 1:30 p.m.

If you have no comment on or objection to the tentative budget as presented, please sign and return the enclosed acknowledgement by November 30, 2017.

Please note that this is a tentative budget. UTA is monitoring several key items, including sales tax collections, and, if warranted, may make adjustments for the final 2018 budget prior to the December board meeting when the final budget will be on the agenda for approval.

Thank you in advance for your prompt response to this request and for your interest in UTA. We value your input and look forward to your participation in this important public budgeting process.

Very truly yours,



Robert W. McKinley, Board Chair
Utah Transit Authority

Signature Sheet

I, _____, representing _____,
have received a copy of the Utah Transit Authority's Tentative Budget for FY 2018. I
have reviewed the tentative budget as required by Section 17B-1-702, Utah Code
Annotated, and have no comment or objection to the tentative budget as presented.

Dated: _____
Title: _____
Signature: _____

Please return to UTA

By email: rcruz@rideuta.com

By mail: Attention: Rebecca Cruz
Utah Transit Authority
669 West 200 South
Salt Lake City, UT 84101

OPERATING EXPENSE AND REVENUE BUDGET

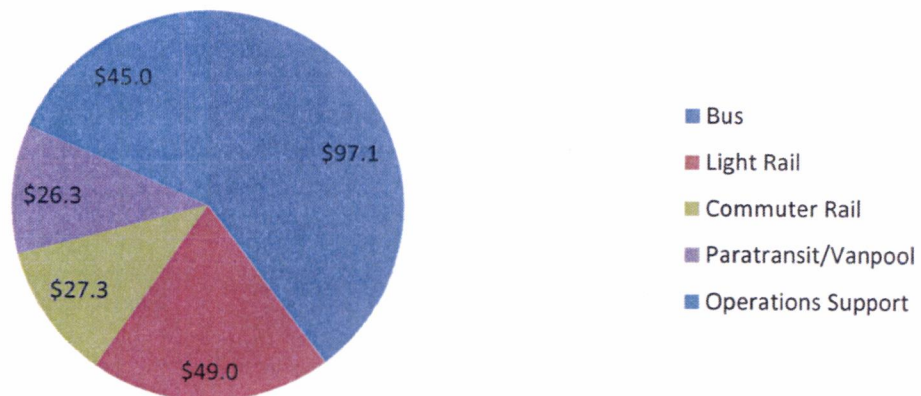
As shown below, of the total \$402.6 million operating budget, operations expense accounts for 61%, debt service accounts for 30%, and administrative and other costs account for 9%.

Tentative 2018 Operating Expense Budget (in millions)



Allocation of the \$244.7 million operations budget is shown below:

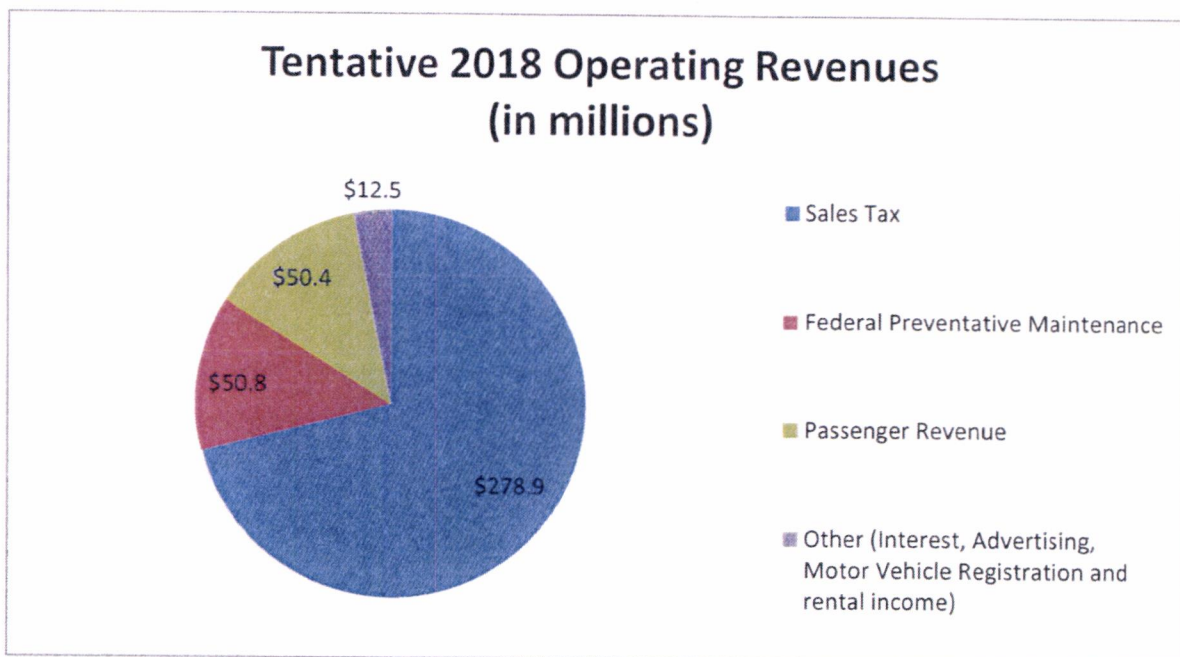
2018 Operations Budget (in millions)



Administrative costs represent approximately 8% of the total operations budget. More detail of those costs is provided below.

Category	Services Provided	2018 Budget (in millions)
Finance	Chief Financial Officer, accounting, budget, and procurement	\$2.8
Information Technology	Technology network and applications	\$11.4
Customer Focus	Public relations, marketing, labor relations, and training	\$4.4
Executive	Overall administration including General Manager, government relations, operations administration, and operating contingencies	\$4.0
Personnel	Human resources, labor relations, and training	\$3.3
Internal Audit	Auditing of procedures and process	\$.5
Legal	Legal counsel, risk management, and Title VI	\$5.9
	Total	\$32.3

Sales tax revenue at \$278.9 million, or 69% of total revenues, represents the largest funding source for the 2018 budget. Federal preventative maintenance and passenger revenues, \$60.8 million and \$50.4 million respectively, are next in size and comprise 28% of the operating revenues. Other revenues total \$12.5 million.

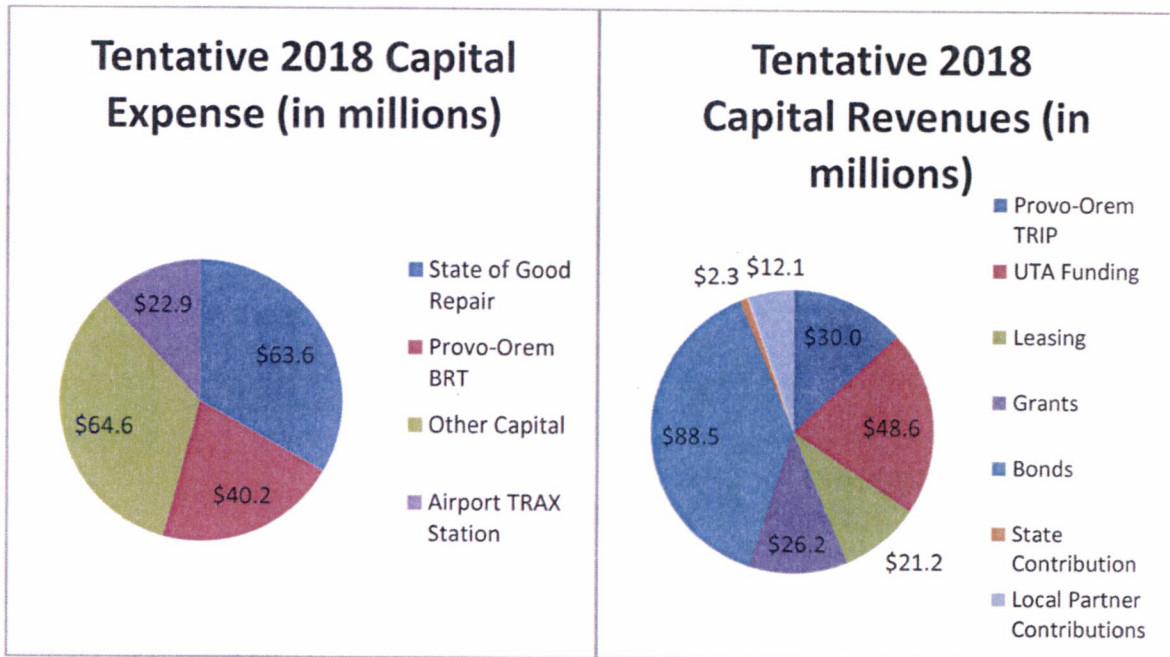


CAPITAL EXPENSE AND REVENUE BUDGET

Capital expense can be divided into four main categories:

- **State of good repair projects.** These include replacement buses, paratransit vans, and rideshare vans as well as TRAX car overhauls, rail system repair projects, and facility maintenance.
- **Provo-Orem Transportation Improvement Project (TRIP) (bus rapid transit).**
- **Airport TRAX Station relocation.**
- **Other capital projects.** These include positive trail control, 5 electric buses, S-Line double tracking, TRAX signal improvements, and passenger enhancements.

Provo-Orem TRIP revenues are expected to be \$30.0 million. Leasing and bonds are estimated at \$21.2 million and \$88.5 million, respectively, grants at \$26.2 million, with contributions from the State of Utah and local partners at \$14.4 million.



Budget Calendar

Approval of the 2018 tentative budget is the first of several steps which culminate in a final, approved 2018 UTA budget. In addition to a public hearing scheduled for November 15, 2017 at UTA headquarters in Salt Lake City, you may comment on UTA's 2018 tentative budget by email to boardoftrustees@rideuta.com or by mail to 669 West, 200 South, Salt Lake City, Utah 84101 on or before November 30, 2017.

All comments will be provided to the Board of Trustees prior to their consideration of the final 2018 budget at their December 13, 2017 board meeting.

**UTAH TRANSIT AUTHORITY
TENTATIVE 2018 OPERATING BUDGET
October 16, 2017**

Exhibit A

	Actual 2016	Budget 2017	Tentative Budget 2018	Percentage Change from 2017 Budget to 2018 Budget
<u>Revenue</u>				
1 Sales Tax	\$ 245,008,417	\$ 258,109,000	\$ 278,909,000	8%
2 Federal Prevent. Maint	63,334,769	60,676,000	60,827,000	0%
3 Passenger Revenue	50,624,354	53,175,000	50,337,000	-5%
4 Advertising	2,266,667	2,333,000	2,483,000	6%
5 Investment Income	1,732,939	2,098,000	3,732,000	78%
6 Other Revenues	3,108,191	6,391,000	4,365,000	-32%
7 Motor Vehicle Registration		1,823,000	1,907,000	5%
8 2015 Crossover Refunding Reserve		4,485,000	-	-100%
9 Total Revenue	<u>\$ 366,075,337</u>	<u>\$ 389,090,000</u>	<u>\$ 402,560,000</u>	3%
<u>Operating Expense</u>				
10 Bus	\$ 82,476,517	\$ 90,762,000	\$ 97,133,000	7%
11 Commuter Rail	29,076,765	27,700,000	27,334,000	-1%
12 Light Rail	39,857,000	48,553,000	48,951,000	1%
13 Paratransit Service	19,172,673	21,795,000	22,929,000	5%
14 Rideshare/Vanpool	2,796,086	2,576,000	3,315,000	29%
15 Operations Support	36,248,482	42,154,000	45,044,000	7%
16 General & Administrative	32,311,210	30,911,000	32,250,000	4%
17 Total Operating Expense	<u>\$ 241,938,733</u>	<u>\$ 264,451,000</u>	<u>\$ 276,956,000</u>	5%
<u>Non-Operating Expense</u>				
18 Contribution to Reserves	\$ -	\$ 4,752,000	\$ -	-100%
19 Planning/Real Estate/TOD/Major Program Development	4,245,093	6,060,000	5,505,000	-9%
20 Total Non-operating Expense	<u>\$ 4,245,093</u>	<u>\$ 10,812,000</u>	<u>\$ 5,505,000</u>	-49%
<u>Debt Service</u>				
21 Principal and Interest	\$ 95,991,432	\$ 107,002,000	\$ 113,977,000	7%
22 Contribution to Early Debt Retirement Reserve	4,323,000	2,842,000	6,122,000	115%
23 Total Debt Service	<u>100,314,432</u>	<u>109,844,000</u>	<u>120,099,000</u>	9%
24 Total Expense	<u>\$ 346,498,258</u>	<u>\$ 385,107,000</u>	<u>\$ 402,560,000</u>	5%

**UTAH TRANSIT AUTHORITY
TENTATIVE 2018 CAPITAL BUDGET - SUMMARY
October 16, 2017**

<u>Funding Sources</u>	2018 Budget
25 Provo Orem TRIP Funding	\$ 30,000,000
26 UTA Current Year Funding	20,716,000
27 2017 UTA Carryover Funding	27,883,000
28 Grants	26,227,000
29 Local Partner Contributions	12,070,000
30 State Contribution	2,350,000
31 Bonding	88,526,000
32 Leasing	21,163,000
33 Total Funding Sources	<u>\$ 228,935,000</u>
<u>Expense</u>	
34 Provo-Orem TRIP	\$ 40,227,000
35 Airport Station Relocation	22,902,000
36 State of Good Repair	63,529,000
37 Other Capital Projects	64,629,000
38 Total Expense	<u>\$ 191,287,000</u>

BOARD OF TRUSTEES' STRATEGIC PRIORITIES – ALIGNMENT TO 2018 BUDGET INITIATIVES			
Strategic Plan Category	Goals	2018 Budget Initiative	Budget Row Reference Number
Funding/Financing	Maintaining a state of good repair	Replace 135 vehicles – 29 buses, 2 trolleys, 29 paratransit, and 75 vans	Exhibit B, 3 thru 9
		Rail infrastructure and vehicle overhauls	Exhibit B, 38, 42, 43, 46, 49, and 56
	Retire long-term debt ahead of schedule	Additional principal payment of \$6.1 million	Exhibit A, 22
Strategic Partnerships	Partnering with communities	Provo-Orem TRIP (bus rapid transit)	Exhibit A, 10 Exhibit B, 1
		Increase service to Park City	Exhibit A, 10
		University ticket-as-fare and event sponsorships	Exhibit A, 10 thru 12
		Continue improving ski service	Exhibit A, 10
		Relocating TRAX station at Salt Lake City airport	Exhibit B, 2
Customer Experience	Improve service	6% service increase in Weber and Davis counties - Prop 1	Exhibit A, 10 & 13
		Provo-Orem bus rapid transit revenue service begins August 2018	Exhibit A, 10 & 13 Exhibit B, 1
		Overall 3% increase in bus revenue miles	Exhibit A, 10

BOARD OF TRUSTEES' STRATEGIC PRIORITIES – ALIGNMENT TO 2018 BUDGET INITIATIVES

Strategic Plan Category	Goals	2018 Budget Initiative	Budget Row Reference Number
Customer Experience	Better customer experience	Reorganizing internal communications functions and implementing updated plans	Exhibit A, 15 and 16
		Mobile ticketing app, GoRide launch	Exhibit A, 15
		Assessing and improving signage and wayfinding	Exhibit B, 74
		Addition security cameras on the TRAX system	Exhibit B, 32
		Improving outreach and relationship building	Exhibit A, 10 thru 16 and 19
Planning & Long Term Visioning	Develop future maintenance employees	Establish "maintenance mentors" internship program for high school and college students	Exhibit A, 10 thru 13, 16
	Encourage transit innovation	New office of "Innovative Mobility Solutions" to create pilot projects such as Weber/Davis Voucher and Utah Valley Rides projects and electric buses	Exhibit A, 16

UTAH TRANSIT AUTHORITY
TENTATIVE 2018 CAPITAL BUDGET - DETAIL
October 16, 2017

Exhibit B

	2017 Capital		
	2018 Capital - New	Carryover	2018 Budget
1 <u>Provo-Orem TRIP</u>	\$ 40,227,000		\$ 40,227,000
2 <u>Airport Station Relocation</u>	\$ 20,000,000	\$ 2,901,499	\$ 22,901,499
<u>State of Good Repair</u>			
<u>Revenue / Service Vehicles</u>			
3 Replacement Buses	\$ 15,800,000		\$ 15,800,000
4 Replacement Paratransit	2,856,000		2,856,000
5 Ogden Trolley Cars	1,195,000		1,195,000
6 Van pool 11-Pass Van replacement	954,429		954,429
7 Van pool 12-Pass Van replacement	572,658		572,658
8 Van pool 7-Pass Van replacement	501,078		501,078
9 Van pool 15-Pass Van replacement	336,996		336,996
10 Bus Engine and Transmission Replacement		1,350,000	1,350,000
11 Non-Rev Service Vehicle Replacement	300,000		300,000
12 Total Revenue/Service Vehicles	\$ 22,516,161	\$ 1,350,000	\$ 23,866,161
<u>Information Technology</u>			
13 Trapeze Enhancements	\$ 25,000	\$ 50,000	\$ 75,000
14 Electronic Fare Collection	40,000	250,000	290,000
15 MDC Next Generation Design and Prototype (Code and HW Design)	50,000		50,000
16 JDE Tools Release Upgrade	75,000	75,000	150,000
17 Server, Storage Infrastructure Equipment and Software	75,000	200,000	275,000
18 JDE Time / Labor Improvements	80,000		80,000
19 SIRE/ECM Replacement (AKA Legal Software)	100,000	500,000	600,000
20 Fares - Reader Replacement	100,000	2,562,850	2,662,850
21 IT Pool	100,000	400,000	500,000
22 New MS SQL Server Licenses	150,000		150,000
23 Radio Communication Infrastructure	250,000		250,000
24 EFS On-Prem Hosting (move from VIX Hosting)	250,000		250,000
25 FarePay Card Provider Alternative (replacement and RFP of INCOM)	325,000		325,000
26 Rail Communication On-Board Technology	365,000		365,000
27 Network Infrastructure Equipment & Software	400,000		400,000
28 Information Security Equipment & Software (PCI Compliance and Cyber Security)	400,000		400,000
29 Bus Communication On-Board Technology	640,000		640,000
30 Rail Passenger Info	300,000	300,000	600,000
31 Mobility Management		617,649	617,649
32 Wi-Fi for light rail vehicles		1,250,000	1,250,000
33 Application Development and Enhancements		200,000	200,000
34 Enterprise Security Replacement		150,000	150,000
35 Paratransit software enhancements		39,319	39,319
34 Expense Underspend	(1,725,000)		(1,725,000)
35 Total Information Technology	\$ 2,000,000	\$ 6,594,818	\$ 8,594,818
<u>Facilities, Safety, & Admin Equip.</u>			
36 Safety and Security	\$ 480,000	\$ 555,796	\$ 1,035,796
37 Total Facilities, Safety, & Admin Equip.	\$ 480,000	\$ 555,796	\$ 1,035,796

	2017 Capital		
	2018 Capital - New	Carryover	2018 Budget
<u>Infrastructure State of Good Repair Projects</u>			
38 Main St/4th S interlocking - Rehab switches/frogs	\$ 6,100,000		\$ 6,100,000
39 LRT Stray Current Control	500,000	250,000	750,000
40 650 South TRAX Station	200,000		200,000
41 American Fork P&R bus pull out removal	10,000		10,000
42 Vehicle Overhauls	5,508,000	10,395,102	15,903,102
43 SD Light Rail Vehicle Rehab	1,092,000		1,092,000
44 Pedestrian Crossing Updates		220,000	220,000
45 Paint Room at Meadowbrook		299,681	299,681
46 Prime mover engine rebuild and turbocharger replacement (Commuter Rail)		1,713,646	1,713,646
47 Comet Car Tires		653,700	653,700
48 Transit Asset Management	125,000	140,000	265,000
49 Commuter Rail Grade Crossing Program	275,000		275,000
50 Roof Replacements	287,500		287,500
51 Bus Lift Replacements	212,500		212,500
52 450 East Crossover	400,000		400,000
53 Office Equipment	100,000		100,000
54 Timp Fit factory remodel and equip replacement	35,000		35,000
55 Replace Vertical Lift Modules - warehouse	686,000	460,000	1,146,000
56 JR Rail Vehicle Maintenance		300,000	300,000
57 Other state of good repair	2,000,000	68,810	2,068,810
58 Project under runs assumed	(2,000,000)		(2,000,000)
59 Total State of Good Repair	\$ 15,531,000	\$ 14,500,939	\$ 30,031,939
60 Total State of Good Repair	\$ 40,527,161	\$ 23,001,553	\$ 63,528,714

Capital Projects

<u>Capital Projects</u>			
61 Tiger Grant Projects (w/o Prop#1)	\$ 9,337,089	\$ 3,705,989	\$ 13,043,078
62 Sandy Parking Structure	5,400,000		5,400,000
63 Positive Train Control (PTC)	4,000,000	2,000,000	6,000,000
64 Sugar House double track	4,000,000		4,000,000
65 South Davis BRT	1,200,000		1,200,000
66 Signal Pre-emption Projects w/UDOT	732,000		732,000
67 UDOT I-15 widening/7200 South bridge	2,000,000		2,000,000
68 MOW Building - Clearfield	350,000		350,000
69 SW SLCounty ROW preservation	600,000		600,000
70 Weber Cnty CR ROW Preservation	500,000		500,000
71 Depot District - Phase 1	3,919,928	319,928	4,239,856
72 System -wide ADA bus stop impr.	100,000		100,000
73 Box Elder Right-of-Way	2,050,000		2,050,000
74 Wayfinding Signage Plan	1,000,000		1,000,000
75 DSI Inventory software & scanners	104,200		104,200
76 Bus Bay expansion - Provo Station		150,000	150,000
77 Downtown TRAX signal improvements		199,507	199,507
78 Red Light Signal Enforcement		5,076,193	5,076,193
79 FLHQ Generator		120,000	120,000
80 FL 2015 ROW		447,500	447,500
81 Electric Bus Implementation		6,118,500	6,118,500
81 Other Capital Projects		69,536	69,536
82 Total Capital Projects	\$ 35,293,217	\$ 18,207,153	\$ 53,500,370

Prop 1 Projects

83 Mt Ogden Expansion Buses	\$ 2,647,645		\$ 2,647,645
84 Mt Ogden Expansion Facility		1,247,915	1,247,915
85 Prop 1 Passenger Imp. Weber/Davis County	1,462,200	2,393,907	3,856,107
86 Ogden-WSU BRT/Weber Intermodal	785,400		785,400
87 Prop 1 Passenger Imp - Tooele County	50,000	30,000	80,000
88 Prop #1 for Tiger - Tooele	61,216		61,216
89 Tooele Bus Facility Purchase/Upgrade	2,450,000		2,450,000
90 Total Prop 1 Projects	\$ 7,456,461	\$ 3,671,822	\$ 11,128,283
91 Total Other Capital Projects	42,749,678	21,878,975	64,628,653
92 Total Capital Budget	\$ 143,503,839	\$ 47,782,027	\$ 191,285,866

**UTAH TRANSIT AUTHORITY
TENTATIVE 2018 CAPITAL BUDGET - DETAIL
October 16, 2017**

Exhibit C

Bonded Projects

1 PTC	\$	29,983,000
2 Depot District - Phase 1		7,989,806
3 Airport		25,300,000
4 700 South Curve Replacement		1,400,000
5 Red light signal enforcement		5,076,200
6 Main and 4th interlocking		6,100,000
7 Tooele Bus Facility		2,450,000
8 Provo-Orem BRT		10,227,000
	\$	88,526,006

NOTICE OF PUBLIC HEARING UTAH TRANSIT AUTHORITY

RE: UTA 2018 Tentative Budget

UTA is holding a public hearing to receive input on its 2018 Tentative Budget. The hearing will take place on:

Wednesday, Nov. 15, 2017 at 1:30 p.m. at UTA's downtown Salt Lake City office at 669 West 200 South.

At the hearing, the Utah Transit Authority will provide an opportunity for citizens, private transportation providers, public officials and interested agencies to comment on the tentative budget. To be included as part of the Public Hearing record, all comments must be postmarked or received by UTA no later than November 30, 2017.

THE FORMAT FOR THE PUBLIC HEARINGS WILL BE AS FOLLOWS:

Prior to the public hearing, from 1:00 p.m. to 1:30 p.m., UTA will hold a Citizen Budget Workshop to allow the public to review and discuss the budget with UTA representatives. During this time, in addition to having specific questions answered, the public may submit written comments to UTA. At 1:30 p.m., as part of the regularly scheduled monthly UTA board meeting, individuals may provide verbal comment directly to UTA's Board of Trustees.

In addition to the hearing, at any time during the comment period, the public can submit comments via email, mail or through UTA's Customer Service. Information on the 2018 Tentative Budget may be found at www.rideuta.com or viewed in person at UTA's headquarters at 669 West 200 South, Salt Lake City, 84101.

To assure full participation at the hearing, accommodations for effective communication such as sign language interpreters or printed materials in alternative formats, or a language interpreter for non-English speaking participants, must be requested at least five (5) working days prior to the date of the scheduled event. Requests for ADA accommodations should be directed to UTA ADA Compliance Officer at 801-287-3536 or dial 711 to make a relay call for deaf or hearing impaired persons. To request a language interpreter, please contact 801-287-2290.

Written comments or email comments may be submitted to the following addresses: UTA Board of Trustees, Utah Transit Authority, 669 West 200 South, Salt Lake City, UT 84101 or email directly to boardoftrustees@rideuta.com. Phone calls and questions about the proposal should be directed to Rebecca Cruz at 801-287-2580. All comments will become part of the public record if received by 5 p.m., November 30, 2017.

Informational items:

Relevant information about the proposed changes will be available at the Public Hearing or may be reviewed at the UTA's downtown Salt Lake City office at 669 West 200 South, until 5 p.m. on November 30, 2017. Comments must be postmarked or received by UTA no later than November 30, 2017 to be part of the Public Hearing record.

Jerry Benson
President/CEO



October 25, 2017

Re: Utah Transit Authority Tentative 2018 Budget

Dear Stakeholder,

This afternoon, I presented the Utah Transit Authority's tentative budget for 2018 to our Board of Trustees. As a valued community leader, I thought it would be helpful to briefly share with you a few key budget highlights, as well as inform you about the next steps in our budget process.

First off, though, I'd like to address concerns about UTA's debt, which has drawn interest from state officials, the news media, and others.

Debt Management and 2018 Bond Issue

To help address questions about UTA's financial situation, I asked Zions Public Finance to provide a third-party opinion about the agency's debt management efforts and bond ratings (now AAA for our senior debt) over the past decade. As you can see in the attached letter from Zions, UTA has been – and I can commit that we will continue to be – conservative and prudent when it comes to taking on and managing debt.

To fully understand UTA's debt and budget obligations, a brief history is in order.

UTA issued debt for the first time in 1997 to build Utah's first TRAX line, which has evolved into today's Blue Line between Draper and downtown Salt Lake City. After completing that line and a spur to the University of Utah for the 2002 Winter Olympic Games, UTA had an historic opportunity in 2002 to purchase approximately 175 miles of railroad corridor from Union Pacific Railroad. The corridor extends from the northern limit of the Authority's transit district in Brigham City to Payson at the southern limit. The purchase provided an unrivaled chance to create a cohesive rail network linking much of the Wasatch Front.

Voters throughout UTA's service area enthusiastically embraced our initial TRAX line and approved measures in 2006 to increase countywide sales tax rates to expand the rail network. The resulting FrontLines 2015 program added four new light rail lines, extensions of two others, the S-Line streetcar, and an extension of commuter rail service between Salt Lake City and Provo. Bonding was required to complete these projects within the short timeframe (six years) desired by public officials and voters. UTA's financial commitment to the \$2.3 billion overall budget was \$1.8 billion in sales-tax-backed bonds, while \$500 million was funded by federal grants. It's interesting to note, by the way, that the Great Recession hit shortly after construction began and the FrontLines program provided a fortuitous and much-needed boost to the region's economy during the downturn. The program was completed in late 2013, a year-and-a-half ahead of schedule, 17 years ahead of what was contemplated in the Regional Transportation Plan, and \$300





million under budget. Today, UTA's rail network is considered ahead of its time for a metropolitan area of our size, is the envy of other cities, and has provided untold economic value and mobility options to northern Utah communities.

In the years since incurring this significant debt, UTA has worked diligently to refinance debt and make early payments to reduce loan balances. We've contributed more than \$17 million to our debt-reduction fund over the past few years. Scheduled contributions the next four years will bring our debt-reduction fund to approximately \$98 million by the end of 2021.

Given our funding of a debt-reduction fund, it may seem counterintuitive that we anticipate a new bond issue for \$88.5 million, in the 2018 budget. But, additional bond revenue at this point has been planned since 2010, when we developed a long-range strategy to fund expected capital needs during a time of constrained cash flow. Two additional bond issues are anticipated in 2020 and 2028.

The \$88.5 million bond issue included in UTA's 2018 tentative budget will fund eight capital projects, including positive train control (a federal safety mandate), Salt Lake City International Airport TRAX Station relocation, replacement of TRAX rail infrastructure, completion of the Provo-Orem bus rapid transit line, and phase 1 of a replacement for our outdated and inadequate Salt Lake City bus depot. Key points about the bond issue include:

- Bond proceeds will be used **only** for capital projects. Despite recent comments to the contrary, bond proceeds **will not pay for operations or maintenance.**
- A capital project is defined as costing more than \$5,000 and having a useful life of two years or more. **Capital projects in this bond issue are estimated to have a useful life of over 20 years.**
- UTA has anticipated a \$65 million bond issue for 2018-19 capital projects since at least 2010. Seven of these capital projects require a total of \$63.2 million. Adding the Airport TRAX Station relocation of \$25.3 million, brought the total bond amount to \$88.5 million.

2018 Budget Initiatives

Here are some of the highlights about new and improved initiatives included in UTA's 2018 tentative budget:

Key 2018 Budget Initiatives – Service

Increasing service continues to be a focus. Bus service will increase by 3% through:

- Adding additional Prop 1 bus service in Davis and Weber counties.
- Starting Provo-Orem bus rapid transit service in August 2018.
- Increasing third-party-funded service to ski resorts and Park City.

Key 2018 Budget Initiatives – Customer Experience

We want our customers to have a great experience every time they use our transit system. Customer experience initiatives for 2018 include:

- Improving signage and wayfinding on the system, especially at key transfer points.





- Expanding our recently launched mobile-ticketing app, UTA GoRide. (*Download it today at your favorite app store!*)
- Updating our service standards and putting in writing what customers can expect from UTA.
- Seeking extensive public feedback on how to simplify our fare structure.
- Expanding voucher mobility (Davis County) and “dial-a-ride” mobility (Utah County) services.

Key 2018 Budget Initiatives – Partnerships

Creating positive community partnerships is one of the most important things we do. In addition to seeking new partnerships, we’ll continue work in 2018 on these efforts:

- Opening the Provo-Orem bus rapid transit project – ahead of schedule – in August 2018. Our partners include UDOT, Provo and Orem cities, Utah County, and Mountainland Association of Governments.
- Designing and implementing a plan to relocate the Airport TRAX Station, in association with Salt Lake City and airport staff.
- Increasing ski service along the Wasatch Front through the combined efforts of community partners, including local jurisdictions and ski resorts.

Key Budget Initiatives – Stewardship

Taking care of UTA’s transit system and keeping it in good working order is a must. For 2018, we are investing \$63.5 million toward what we call “state of good repair.” This includes:

- Replacing 29 buses, 29 paratransit vehicles, and 75 vans.
- Doing major overhauls of TRAX vehicles.
- Replacing rail switches at Main Street and 400 South in Salt Lake City, the most-critical junction on the TRAX system.

Financial Sustainability

Related to the bonding discussion, I have also been asked recently by government and community leaders about UTA’s long-term financial sustainability. For many years, UTA has used its long-term financial forecasting tool to evaluate proposed additional hours and miles of service. Since our customers want to know that service, once added, will be available for some time to come, we carefully evaluate new service additions in the light of our long-term financial sustainability. Along with UTA staff and our financial advisers, I am confident that UTA can maintain the service levels in the tentative 2018 budget for the long haul. However, if economic conditions change unexpectedly, we can, and will, move quickly to adjust to those changes. And, as you can see in the letter from Zions, UTA has a long and successful record of prudently managing the precious public resources entrusted to us for the benefit of the community.

Public Process and Board Consideration

Our public process on the 2018 budget starts today with board approval of the tentative budget, which is required by state law to begin public review. Before November 1, we will send budget information to the 80+ cities and six counties in our service area, the Governor, the President of the Senate, the Speaker of the House, UDOT, metropolitan planning organizations, and numerous other interested parties. A formal public hearing will be held on November 15 at UTA’s offices and





public comments will be received through November 30. Comments may be provided online, by phone, by mail, or in person. The board's Finance and Operations Committee will review the public comments and the final 2018 budget on December 6, with final consideration and approval by the Board of Trustees on December 13. We encourage you to review the attached tentative budget (also available at rideuta.com) and provide any comments you may have.

In closing, I appreciate your interest in UTA and apologize for the lengthy letter, but I hope it has provided insight into the financial stewardship that we take very seriously. As always, I am available to answer any questions you might have. You can contact me at JBenson@rideuta.com or by calling (801) 237-2318.

Sincerely,

Jerry R. Benson
President/CEO

Attachments



October 12, 2017

Jerry Benson
President and CEO
Utah Transit Authority
669 West 200 South
Salt Lake City, Utah 84101

Jerry,

The purpose of this letter is to summarize recent rating changes related to UTA's outstanding debt, and also to provide feedback on how the Authority has managed its debt in recent years.

In June, 2006, Standard & Poor's upgraded the Authority's senior bond rating from "AA" to "AAA," the highest possible rating. It is important to point out that this happened *before* the significant borrowings that would occur over the next several years to construct the Frontlines 2015 projects (almost \$1.6 billion between 2006 and 2010). It is also important to point out that UTA maintained this "AAA" rating from S&P all through the depths of the Great Recession in 2008 and 2009, which caused a significant drop in sales tax revenues, and resultant budgetary pressure and strain. You still hold that "AAA" rating today. The Authority's senior bond ratings from Moody's and Fitch are "Aa" and "AA."

As part of the large capital program which accompanied the Frontlines 2015 projects, UTA also issued subordinate debt, with slightly more lenient covenants, and commensurately lower ratings. Over the last five years, both S&P and Fitch have upgraded these subordinate bonds, such that, in Fitch's case, both the senior and subordinate bonds share the same "AA" ratings. S&P and Moody's rate UTA's subordinate bonds "A+" and "A1."

Over the last five years, UTA has taken a variety of steps to prudently manage its debt and to be in a better position financially. For instance, most of the bonds associated with the Frontlines projects were to be paid back over 30 years, which is very common for transit agencies. But since 2012, UTA has not added any new debt of that term. As a result, UTA's bonded indebtedness ends in 2042. You have essentially created five years of capacity that has not been (and isn't anticipated to be) used. In addition, UTA has eliminated interest rate exposure, by locking in fixed rate on the small portion of its debt that had been at a variable rate. Furthermore, UTA has completed a couple of debt refinancings that have smoothed out future debt service increases, and generated significant savings. At the same time, UTA established a "Debt Service Reserve and Rate Stabilization Fund" that will collect these savings, and is dedicated towards creating flexibility in the debt portfolio as opportunities arise to repay bonds



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early or smooth out debt service. All of these actions are seen and acknowledged by the rating agencies as positives for UTA's credit.

The approach UTA has used towards debt since the completion of the 2015 projects has been conservative and prudent. As the economy in the Authority's service area continues to grow, and sales tax receipts increase with this growth, we would expect that continued prudent use of and management of debt will lead to enhanced coverage ratios, and possible rating upgrades.

As always, it is a pleasure to work with the Authority and its excellent finance team. If you have any questions, please feel free to call me at (801) 844-7381.

Sincerely,

Brian Baker
Vice President
Zions Public Finance, INC.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 13.

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

Initiated By:

Scheduled Time: 9:45

SUBJECT

RECOMMENDATION

The City Manager and Mayor request a closed meeting to recommend the hiring of a replacement for the current City Recorder, Marsha Morrow, who will retire in January.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/8/2017**

Item No. 14.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

The Mayor will recommend reappointing Brian Plummer to another 3-yr term to the Landmarks Commission retroactive to August 19, 2017.

BACKGROUND