



CENTERVILLE CITY

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

Incorporated in 1915

Mayor

Ronald G. Russell

City Council

Justin Y. Allen

Ken S. Averett

John T. Higginson

Sherri L. Lindstrom

Lawrence Wright

City Manager

Steve H. Thacker

interoffice MEMORANDUM

to: Mayor Russell
City Council
cc: Department Heads
Planning Commission
from: Steve Thacker, City Manager *S. Thacker*
subject: City Manager's Summary of April 2, 2013 Council Meeting
date: March 29, 2013

5:30 Work Session – Starting time for the work session has been pushed back from 5:00 p.m. to 5:30 p.m. I encourage Council members to arrive a few minutes before 5:30 to get some dinner so we may begin with the website topic at 5:30 while eating dinner. I have allocated 20 minutes for Jake Smith, Management Assistant, to orient the Council to the new website, which should be public by then. He will be followed by Police Chief Neal Worsley, who will review his 3-year projections of personnel, equipment and projects. I have allocated 30 minutes for Neal. He will be followed by Bruce Cox, Parks and Recreation Director, who will also make a presentation of his 3-year projections. Council members should bring the documents provided earlier for the March 26 work session containing the 3-year projection information from the department heads. The work session will continue after the RDA meeting, as shown on the agenda. At that later time, Blaine Lutz, Finance Director/Assistant City Manager, will explain the additional financial projection information that is enclosed under the work session tab. He prepared this information as a follow up on his presentation in the March 26 work session. The remainder of the later work session period can be used to continue discussion of potential City Council goals. To facilitate that discussion, please refer to the March 19 minutes enclosed in this packet for approval.

7:00 Regular City Council meeting

E.1. Minutes Review and Acceptance – The minutes to be approved are enclosed for both meetings on March 19. The preliminary minutes for the March 26 work session are not yet available.

E.2. Public Hearing – Rezoning Property for Woods Park Subdivision – This public hearing has been tabled several times to allow the Planning Commission to complete their work on this matter and to allow staff and the developer to negotiate a Development Agreement pertaining to drainage facilities and other infrastructure. This matter involves the proposed rezoning of property located at the southeast corner of Lund Lane and the Frontage Road. Property is currently zoned Agricultural-Low (A-L) and is proposed to be rezoned to Residential-Low/Planned Development (R-L/PD). Because the applicant has requested a planned development overlay on this site, he is required to submit a conceptual subdivision plan as part of his proposed rezone. Two staff reports are enclosed pertaining to this matter. The first is from Cory Snyder, Community Development Director, summarizing the actions of the Planning Commission, including the



recommendation for approval. The other staff report was prepared by City Attorney Lisa Romney, pertaining to the Development Agreement. I recommend the following order of business: 1) a staff report from Cory Snyder and Lisa Romney followed by any comments the developer wishes to make; 2) a public hearing; 3) consideration of the Development Agreement for drainage facilities and infrastructure; and 4) consideration of Ordinance No. 2013-05, which would rezone the property, subject to numerous conditions, including the Development Agreement. With these conditions and Agreement in mind, staff believe this rezone is in the long-term best interests of the City.

E.3. Mayor's Report – I assume the Mayor will report on a few matters.

E.4. City Manager's Report – In the last regular meeting the City Council requested information on the all-by-mail voting option for the upcoming elections. I will also report on the status of the City's application for a CDBG grant and funding from the Wasatch Front Regional Council for improved bike lanes on the Frontage Road.

E.5. Miscellaneous Business – Since there is not a Summary Action Calendar on this agenda, there is one item under Miscellaneous Business that would normally be on a Summary Action Calendar. This is a two-part bid award for the Miscellaneous Water Lateral Project. See the enclosed staff report for details.

E.6. Closed meeting, if necessary – At this time I do not know of a need for closed meeting, but the agenda allows for that possibility.

E.7. Appointments to City boards, committees, etc. – The Mayor may have several recommendations for appointments to City boards and committees.

8:00 RDA Meeting – The City Council will adjourn from their meeting into a Redevelopment Agency meeting to discuss arrangements for parking during the construction on Lots 201 and 202 of the Centerville Corporate Park Subdivision Amended. This work involves the construction of an office building and parking structure in the area immediately west of the Performing Arts Center and north of the existing MTC building. This construction, therefore, will displace a lot of current parking. Blaine Lutz has been working with Scott Marquardt of MTC and Jan Davis of CenterPoint Theatre to arrange parking alternatives.

8:15 Continue work session – As mentioned at the beginning of this memo, the Council will continue its work session after the RDA meeting.

Potential Agenda Items for April 16, 2013 City Council Meeting (subject to change):

- Staff report and discussion re paperless agenda
- Review Culinary Water Impact Fee Facilities Plan/Analysis
- Monthly financial report

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, APRIL 2, 2013 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 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: www.centervilleut.net.

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

Time:

5:30 Work Session

- Orientation and highlights of new City website
- 3-yr projections of personnel, equipment and projects for Police Department and Parks and Recreation

7:00 A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT – Councilman Lawrence Wright

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 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.

E. BUSINESS

7:10 1. MINUTES REVIEW AND ACCEPTANCE – March 19, 2013 goal setting work session; March 19, 2013 meeting

(OVER)

- 7:10 2. Rezoning property from Agricultural-Low (A-L) to Residential-Low/Planned Development (R-L/PD) and conceptual subdivision plan for Woods Park Subdivision located at approximately 2250 North 800 West
(Tabled from March 19 meeting)
a. Staff report
b. Public hearing
c. Approve Development Agreement for drainage facilities and infrastructure
d. Consider Ordinance No. 2013-05
- 7:40 3. Mayor's Report
- 7:45 4. City Manager's Report
a. Report on "all-by-mail voting"
b. Status of CDBG and WFRC funding applications
- 7:55 5. Miscellaneous Business
a. Miscellaneous water lateral project bid award
- 8:00 6. Closed meeting, if necessary, for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.
- 8:00 7. Possible action following closed meeting, including appointments to boards and committees
- 8:00 Adjourn to RDA meeting**
- 8:15 Continue work session
- Additional financial projection information
 - Continue discussion of potential City Council goals

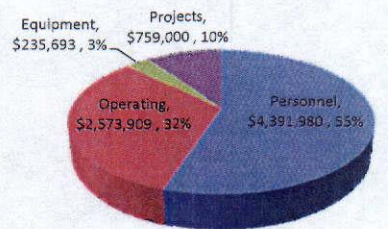
F. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

	Gov't Services	Police	Fire	Public Works	Parks	Bldgs	Comm Dev	Transfers	Total	Percent
Personnel	\$ 1,045,287	\$ 1,880,491		\$ 631,123	\$ 543,492	\$ 36,611	\$ 254,976		\$ 4,391,980	55.17%
Operating	\$ 290,877	\$ 313,872	\$ 794,172	\$ 437,440	\$ 198,000	\$ 132,450	\$ 149,950	\$ 257,148	\$ 2,573,909	32.33%
Equipment	\$ 13,743	\$ 151,250		\$ 48,700	\$ 20,000	\$ -	\$ 2,000		\$ 235,693	2.96%
Projects	\$ 30,000	\$ -		\$ 724,000	\$ 5,000	\$ -	\$ -		\$ 759,000	9.53%
Total	\$ 1,379,907	\$ 2,345,613	\$ 794,172	\$ 1,841,263	\$ 766,492	\$ 169,061	\$ 406,926	\$ 257,148	\$ 7,960,582	100.00%
Percent	17.33%	29.47%	9.98%	23.13%	9.63%	2.12%	5.11%	3.23%		

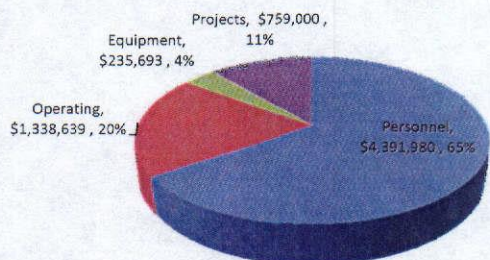
"Fixed" Op.	\$ 68,400	\$ 39,700	\$ 794,172	\$ 86,500	\$ 32,650	\$ -	\$ -	\$ 213,848	\$ 1,235,270	47.99%
Net	\$ 222,477	\$ 274,172	\$ -	\$ 350,940	\$ 165,350	\$ 132,450	\$ 149,950	\$ 43,300	\$ 1,338,639	52.01%

	Gov't Services	Police	Fire	Public Works	Parks	Bldgs	Comm Dev	Transfers	Total	Percent
Personnel	\$ 1,045,287	\$ 1,880,491	\$ -	\$ 631,123	\$ 543,492	\$ 36,611	\$ 254,976		\$ 4,391,980	65.31%
Operating	\$ 222,477	\$ 274,172	\$ -	\$ 350,940	\$ 165,350	\$ 132,450	\$ 149,950	\$ 43,300	\$ 1,338,639	19.90%
Equipment	\$ 13,743	\$ 151,250	\$ -	\$ 48,700	\$ 20,000	\$ -	\$ 2,000		\$ 235,693	3.50%
Projects	\$ 30,000	\$ -	\$ -	\$ 724,000	\$ 5,000	\$ -	\$ -		\$ 759,000	11.29%
Total	\$ 1,311,507	\$ 2,305,913	\$ -	\$ 1,754,763	\$ 733,842	\$ 169,061	\$ 406,926	\$ 43,300	\$ 6,725,312	100.00%
Percent	16.48%	28.97%	0.00%	22.04%	9.22%	2.12%	5.11%	0.54%		



Percent of category

Amount	Personnel	Operating	Equipment
\$ 300,000	6.83%	11.66%	127.28%
\$ 500,000	11.38%	19.43%	212.14%

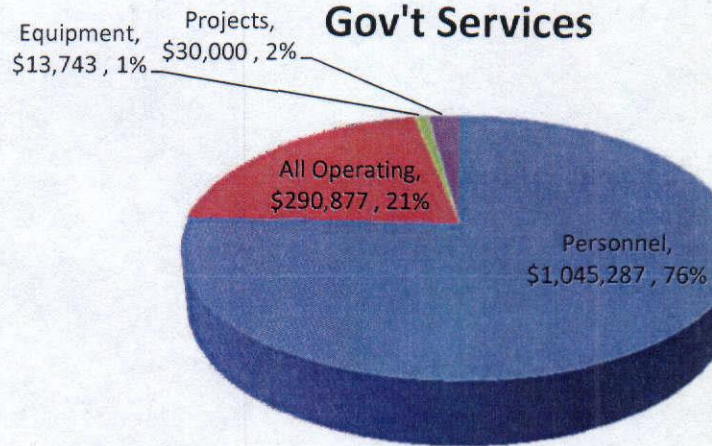


Percent of category

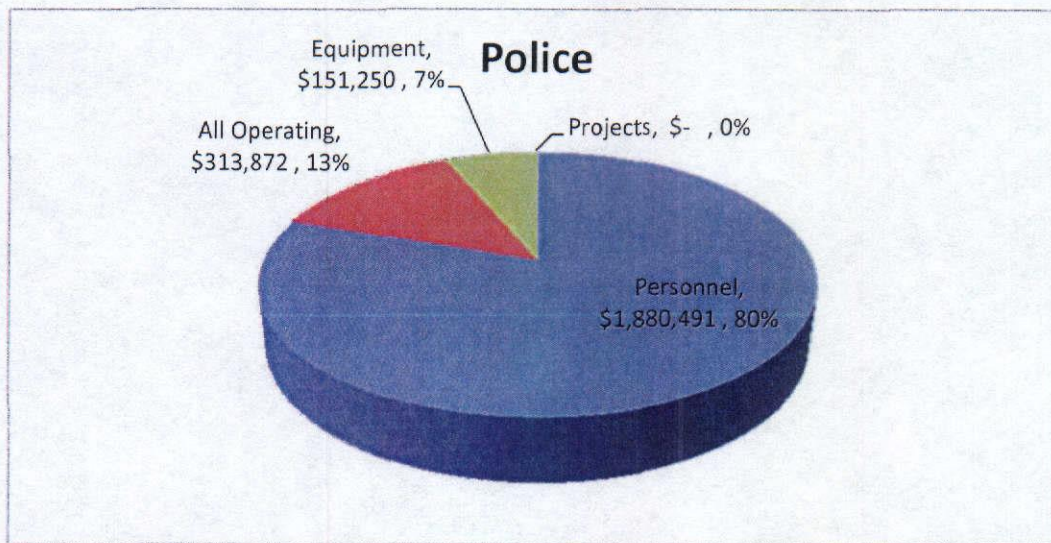
Amount	Personnel	Operating	Equipment
\$ 300,000	6.83%	22.41%	127.28%
\$ 500,000	11.38%	37.35%	212.14%

Government Services

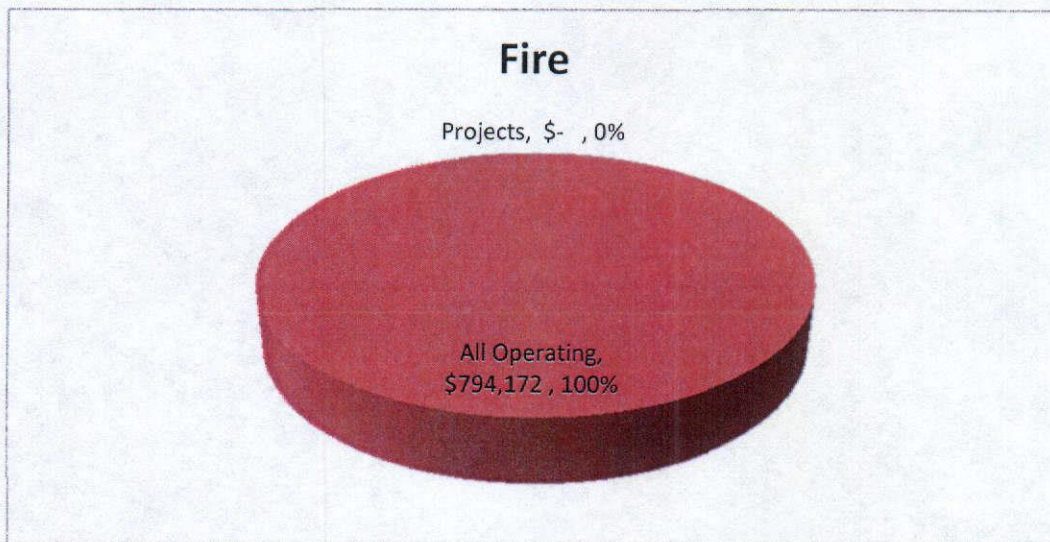
<u>Expenditures</u>	<u>\$</u>	<u>%</u>	
Personnel	\$ 1,045,287	75.75%	Fixed Operating
All Operating	\$ 290,877	21.08%	Insurance \$ 31,500
Equipment	\$ 13,743	1.00%	Audit \$ 18,200
Projects	\$ 30,000	2.17%	Banking \$ 18,700
Total	\$ 1,379,907	100%	Total \$ 68,400
			Net operating \$ 222,477



<u>Police</u>				
<u>Expenditures</u>	\$	%		
Personnel	\$ 1,880,491	80.17%	<u>Fixed Operating</u>	
All Operating	\$ 313,872	13.38%	Animal control	\$ 23,300
Equipment	\$ 151,250	6.45%	Dispatch	\$ 16,400
Projects	\$ -	0.00%		
Total	\$ 2,345,613	100%	Total	\$ 39,700
			Net operating	\$ 274,172

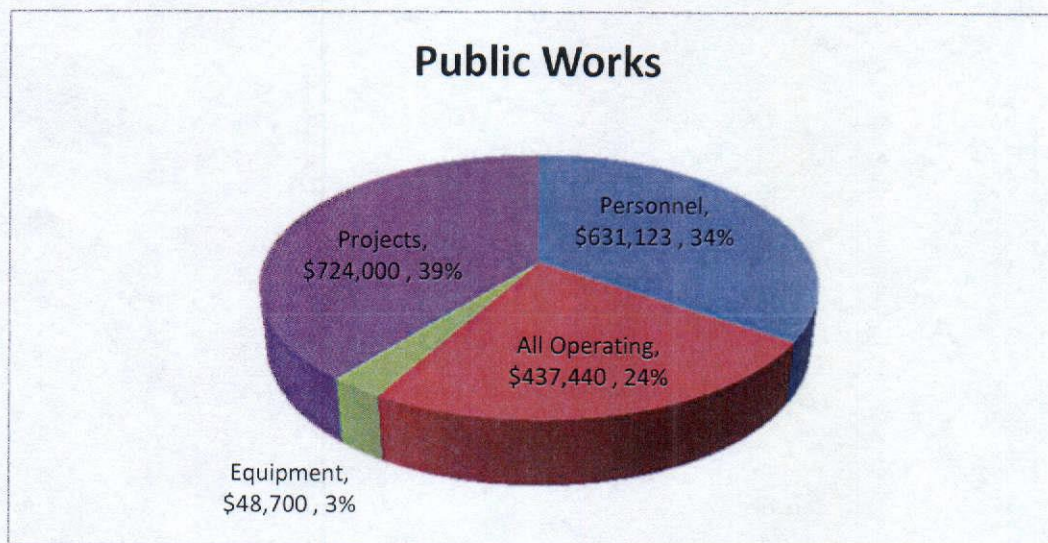


<u>Fire</u>				
<u>Expenditures</u>	<u>\$</u>	<u>%</u>		
Personnel		0.00%	Fixed Operating	
All Operating	\$ 794,172	100.00%	Animal control	
Equipment		0.00%	Dispatch	
Projects	\$ -	0.00%		
Total	\$ 794,172	100%		
			Total	\$ -
			Net operating	\$ 794,172



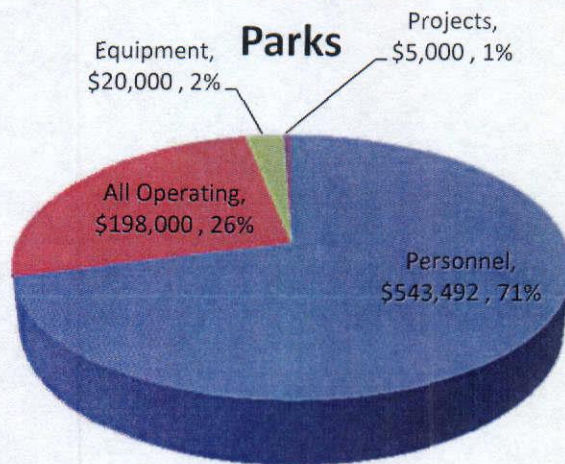
Public Works				
Expenditures	\$	%		
Personnel	\$ 631,123	34.28%	Fixed Operating	
All Operating	\$ 437,440	23.76%	Engineering	\$ 86,500
Equipment	\$ 48,700	2.64%		
Projects	\$ 724,000	39.32%		
Total	\$ 1,841,263	100%	Total	\$ 86,500
			Net operating	\$ 350,940

* Street lighting budget - \$95,000 (\$80,000 electrical)

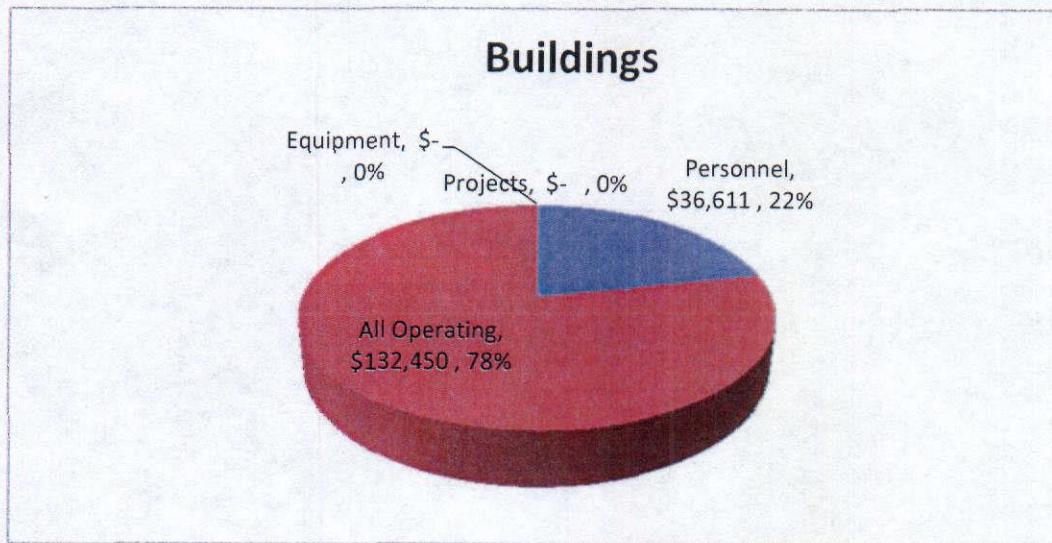


Parks

<u>Expenditures</u>	<u>\$</u>	<u>%</u>	
Personnel	\$ 543,492	70.91%	Fixed Operating
All Operating	\$ 198,000	25.83%	Events \$ 23,650
Equipment	\$ 20,000	2.61%	Committees \$ 9,000
Projects	\$ 5,000	0.65%	
Total	\$ 766,492	100%	Total \$ 32,650
			Net operating \$ 165,350



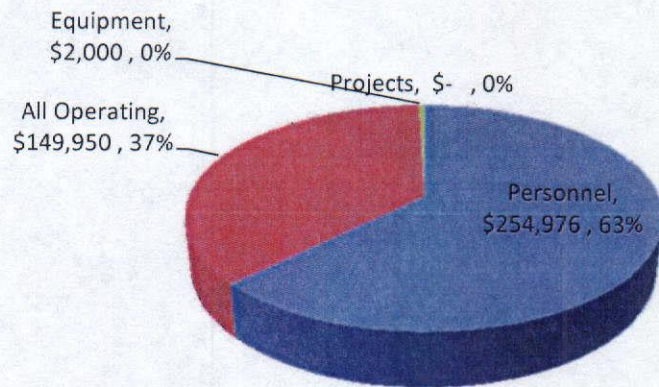
<u>Buildings</u>				
<u>Expenditures</u>		<u>\$</u>	<u>%</u>	
Personnel	\$	36,611	21.66%	Fixed Operating
All Operating	\$	132,450	78.34%	\$ -
Equipment	\$	-	0.00%	\$ -
Projects	\$	-	0.00%	
Total	\$	169,061	100%	
				Total
				\$ -
				Net operating
				\$ 132,450



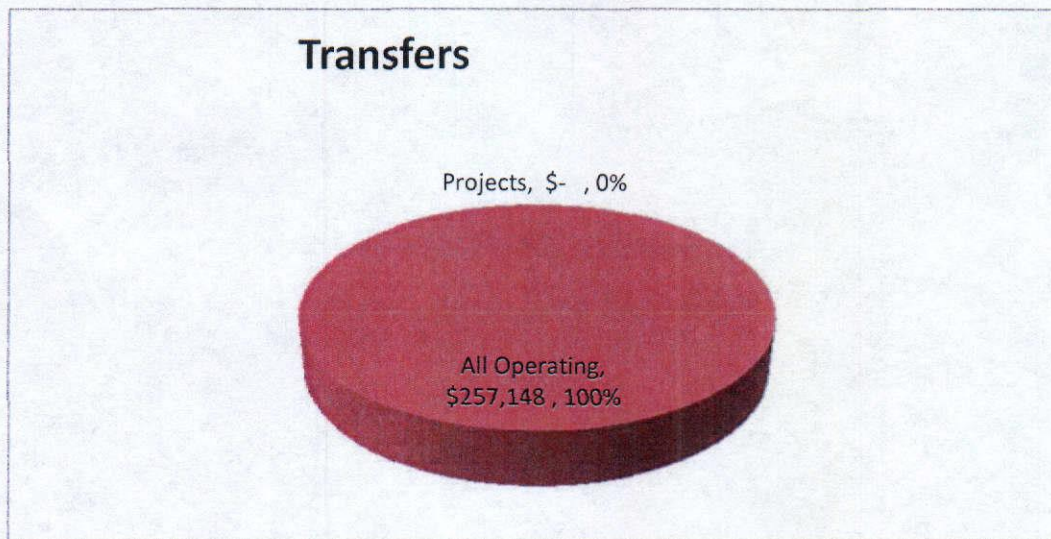
Community Development

<u>Expenditures</u>	<u>\$</u>	<u>%</u>	
Personnel	\$ 254,976	62.66%	Fixed Operating
All Operating	\$ 149,950	36.85%	Committees \$ 16,900
Equipment	\$ 2,000	0.49%	Inspection \$ 121,550
Projects	\$ -	0.00%	
Total	\$ 406,926	100%	Total \$ 138,450
			Net operating \$ 11,500

Community Development



<u>Transfers</u>				
<u>Expenditures</u>		\$	%	
Personnel			0.00%	Fixed Operating
All Operating	\$	257,148	100.00%	Contractual
Equipment			0.00%	
Projects	\$	-	0.00%	
Total	\$	257,148	100%	
				Total
				\$ 213,848
				Net operating
				\$ 43,300



Minutes of the Centerville City Council **work session** held Tuesday, March 19, 2013 at 5:40 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Ronald G. Russell

Council Members Justin Y. Allen
Ken Averett
Sherri Lyn Lindstrom
Lawrence Wright

MEMBER ABSENT John T. Higginson

STAFF PRESENT Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager
Katie Rust, Recording Secretary

GOAL SETTING WORK SESSION

Steve Thacker noted that Cory Snyder had provided a report of the Planning Commission's discussion of priorities/goals for themselves and the Community Development Department for the coming year. The Planning Commission recommends the City Council consider the following as top priorities for the 2013/14 work program:

1. General Plan Update: West Side Neighborhood, revise due to developing Legacy Crossing with regard to residential
2. Zoning Ordinance: Old Town Site & Historic Preservation
3. Infill Development: Accessory Dwelling Units
4. Misc. Project: Redevelopment of Pages Lane Area

(*Note: The previous priority for City Trails & Pathways has been downgraded by the Planning Commission.)

The status of City Council goals that are already in progress was reviewed. Mayor Russell led a discussion of goals suggested by Council members for 2013 (ranked by Council members prior to the work session), beginning with the highest ranked suggestions.

- "Create a strategic plan for the redevelopment of the Pages Lane business district" was ranked highest and will be a top priority goal for 2013.
- One of the second highest ranked suggestions relates to exploring the feasibility of Centerville managing the fiber network if it becomes necessary. The suggestion was made by Councilman Averett, who expressed his opinion that the City should be prepared if UTOPIA fails. Mr. Thacker does not feel now would be the right time to begin that type of study and publicly send that message. Councilman Averett recommended setting aside enough money in Council contingency to commission a study when appropriate. Mayor Russell suggested the Council and staff develop a better understanding of the options available and legal issues involved if UTOPIA were to fail, and reserve enough contingency to allow the option of a feasibility study if deemed appropriate at a later time. Council members indicated support of the Mayor's suggestion.

- The other second highest ranked suggestion, "Create a sustainable financing plan for street maintenance and upgrades," will be part of a presentation and discussion at the Council work session on March 26th. Councilman Wright feels it is important to evaluate City expenditures internally and reduce spending before considering raising taxes for street maintenance. Councilman Allen responded that each department already goes through a thorough evaluation as part of the budget process every year. Mayor Russell added that the department evaluations are conducted each year by staff. The Council could become more involved if they desire. Mr. Thacker stated he feels the great need for more streets maintenance work is justification for raising the Energy Sales and Use Tax from 5% to the maximum of 6%. All but one of the other cities in the county are already at 6%. Mayor Russell stated that updating the Street Maintenance Plan will involve determining the desired level of street maintenance and then finding a way to finance street maintenance at that level. Councilman Wright stated he does not feel the City department budgets are looked at holistically. Councilman Allen feels the current process provides enough information to make informed decisions on where the City's priorities are and to weigh whether or not a property tax increase is necessary. Councilwoman Lindstrom feels she pays a lot of attention to the department budgets and to what happens from year to year. Councilman Averett can understand Councilman Wright's point and feels there is a fine balance to be found when discussing laying an extra layer of work on staff. He feels the City should do everything possible internally to reduce costs before taxes are increased. Mr. Thacker explained that he goes through a detailed review of each department each year. The Council has the ability to determine the desired level of service and whether or not to cut programs. Councilman Wright feels there might be some waste that could be eliminated, and cited street lighting as an example. Mayor Russell commented that the largest expense for the City is personnel costs. He added that the City hires a city manager to conduct reviews of individual departments and the Council acts as a Board of Directors to provide policy direction. Councilman Averett feels it would be an interesting exercise to ask department heads to submit what they would do with a 5% decrease in their budget. The four General Fund departments with the biggest budgets are Police, Streets Maintenance, Fire, and Parks. Councilwoman Lindstrom would want public input regarding the options of decreasing services or raising property taxes. The Council agreed with moving forward with the goal to create a sustainable financing plan for street maintenance and upgrades.
- Councilwoman Lindstrom submitted the next highest ranked suggestion, "Investigate options for improving safety of pedestrian crossings in heavy traffic areas." She has received many complaints about the pedestrian crossing on 400 West between the City Library and Home Depot. She has seen various solutions implemented in areas of Salt Lake City and feels the options should be examined. Mr. Thacker will have an unpaid intern research pedestrian activity in several areas of the City beginning in May, and possible solutions.
- "Make more City services accessible through website portals" – The Council discussed services currently available online and possible services that could be added. Mayor Russell suggested it would be beneficial to research services that could be made available online that would save the City on personnel costs. Staff will look at additional City services that could be made available online. Councilman Wright suggested adding to the City website the ability to survey citizens on issues.

- Councilman Allen will forward results of the engineering analysis and cost estimate regarding a pedestrian overpass completed in 2012 to Senator Adams in a continued effort to gain pedestrian access to the west side of the city. The goal to “take next step toward pedestrian overpass . . .” will stay on the list for 2013.

Mayor Russell suggested the City Council could continue the discussion of goals in future meetings.

ADJOURNMENT

The work session was adjourned at 6:57 p.m.

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

Minutes of the Centerville City Council meeting held Tuesday, March 19, 2013 at 7:06 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Ronald G. Russell

Council Members Justin Y. Allen
Ken S. Averett
Sherri Lyn Lindstrom
Lawrence Wright

MEMBERS ABSENT John T. Higginson

STAFF PRESENT Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

VISITORS Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilwoman Sherri Lyn Lindstrom

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND APPROVAL

The minutes of the March 5, 2013 joint work session and the March 5, 2013 Council meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve both sets of minutes. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

- a. Award bids for annual streets projects to:
 - 1) Staker & Parson Paving in the amount of \$373,731 for reconstruction of Chase Lane – Main Street to Oakridge Drive and a portion of 400 East Street south of Pages Lane
 - 2) Morgan Pavement Maintenance in the amount of \$80,722.32 for slurry seal
 - 3) TopJob, LLC in the amount of \$99,600 for crack seal
- b. Approve Interlocal Cooperation Agreement with Davis County for the Davis County Clerk Auditor to provide electronic election equipment, supplies and training for the 2013 Centerville Municipal Elections – Approve Resolution No. 2013-10
- c. Appoint Randy Randall as the City Representative to the Parrish Creek Irrigation Co.

Councilwoman Lindstrom made a **motion** to approve all items on the Summary Action Calendar as shown. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – REZONING PROPERTY FROM A-L (AGRICULTURAL-LOW) TO R-L (RESIDENTIAL-LOW)/PLANNED DEVELOPMENT AND CONCEPTUAL SUBDIVISION PLAN FOR THE WOODS PARK SUBDIVISION, LOCATED AT APPROXIMATELY 2250 NORTH 800 WEST (TABLED FROM MARCH 5 MEETING – TO BE TABLED AGAIN TO THE APRIL 2 MEETING)

Steve Thacker explained that more time is needed to draft and review the Development Agreement. Councilman Wright made a **motion** to table the public hearing regarding rezoning property from A-L to R-L/Planned Development and conceptual subdivision plan for the Woods Park Subdivision until the Council meeting on April 2nd. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

REVIEW AND APPROVE FINAL DEVELOPMENT PLAN FOR LOT 201 OF THE CENTERVILLE CORPORATE PARK SUBDIVISION, AMENDED, REGARDING PROPOSED DAYTON WEST/MTC OFFICE BUILDING AND PARKING STRUCTURE FOR COMPLIANCE WITH DESIGN GUIDELINES AND DEVELOPMENT AGREEMENT

Scott Henriksen, representing the developer, presented the final development plan for Lot 201 of the Centerville Corporate Park Subdivision regarding the proposed office building and parking structure. Councilman Allen made a **motion** to approve the final development plan for Lot 201 of the Centerville Corporate Park Subdivision, Amended, regarding proposed Dayton West/MTC office building and parking structure for compliance with Governing Documents. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

RDA MEETING

At 7:24 p.m. Councilwoman Lindstrom made a **motion** to move into a meeting of the Redevelopment Agency of Centerville. The motion was seconded by Councilman Allen and passed by unanimous vote (4-0). In attendance were: Ronald G. Russell, Chair; Directors Allen, Averett, Lindstrom, and Wright; Steve Thacker, Executive Director; Blaine Lutz, Finance Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

The Council returned to regular meeting at 7:34 p.m.

WHITAKER HOME TOUR FOR CITY COUNCIL

The Council will begin its March 26 work session at the Whitaker Home Museum for a tour of the building. The Whitaker Board will present its FY 2013-14 Budget requests at that time.

STAFF PRESENTATION RE LONG-TERM PROJECTION OF CITY REVENUES AND EXPENSES

Blaine Lutz and Steve Thacker presented City revenue and expense history for the last ten years, showing the effects of the recession and the loss of purchasing power for the major revenue sources in the General Fund. Mr. Lutz then presented projections of City revenues and expenses for the next five years, calculated with and without an increase in the Energy Sales and Use Tax. His projections indicate the increase in current revenues will likely cover the normal incremental increases expected in the cost of services at their current service levels, but will not provide additional funding for more street maintenance unless there are reductions in other services.

CONSIDER INCREASING ENERGY SALES AND USE TAX – ORDINANCE NO. 2013-

04

Mr. Thacker strongly recommended the Council increase the Energy Sales and Use Tax from the current 5% to the maximum of 6% allowed by State law for the purpose of increasing the funds available for streets maintenance. With no members of the public in attendance, Mayor Russell did not open the meeting to public comment. Staff provided the Council with a redlined copy of Ordinance No. 2013-04. The Mayor acknowledged the need and justification for the increase. Councilman Wright feels there is enough justification to raise property taxes based on the information provided by staff and suggested the Council consider a property tax increase along with the Energy Sales and Use Tax increase. Mayor Russell recommended the Council move forward with the Energy Sales and Use Tax increase. He advised the Council would want to be able to report to the public the cost saving measures they were and were not able to implement as part of the budget process as explanation for a proposed property tax increase.

Councilwoman Lindstrom made a **motion** to adopt Ordinance No. 2013-04, amending Section 5-08-030 of the Centerville City Municipal Code, increasing the Energy Sales and Use Tax from the current 5 percent to 6 percent as allowed under State law, including the revisions proposed by the City Attorney. The motion was seconded by Councilman Allen and passed by unanimous vote (4-0). Councilman Allen stated he feels better about an increase in consumption-based taxes and fees than an increase in property tax, which he views as a more difficult decision.

FINANCIAL REPORT

Mr. Lutz presented a financial report for the period ending February 28, 2013.

MAYOR'S REPORT

The South Davis Metro Fire Agency is projecting that sufficient impact fees will be collected to make the bond payment due in October. Mayor Russell reported that legislation that would allow the conversion of the Fire Agency into a taxing entity passed during the Legislative Session. With that option available, the Agency has commissioned a financing feasibility study to see if enough revenue would be generated to be beneficial.

CITY MANAGER'S REPORT

- Mr. Thacker updated the Council on the status of three basements that flooded recently as a result of a clogged storm drain. Repair costs will be paid by the Drainage Utility Fund. Staff will be adding this location to the special watch list for storm drains.
- As a result of a meeting with the Stewart Elementary School Community Council, the City has agreed to put crosshatch marks for three crosswalks on 400 West in addition to the striping and signage already in place. The Police Chief will be analyzing the west exit from the school property at 225 West, and police officers will meet with parents and students to teach correct crossing techniques. The City will also conduct a pedestrian count and study at crossing areas throughout the city as a basis for determining priorities for use of limited funding for pedestrian safety.
- A notice has been added to a new handout in the Community Development Department to notify developers and builders that the City may adjust, provide a credit, or waive impact fees under certain qualifying situations.

- Royce Allen has requested the City's support in selling a pocket version of his Centerville Trail Guide. The Council indicated approval for making the book available for purchase at City Hall and promoting its sale in City newsletters.

MISCELLANEOUS

- Councilman Wright informed the Council that the Earthquake Lady will be at Centerville Elementary on Thursday, March 21, at 7:00 p.m.
- A monthly CERT meeting is held in the Public Works conference room.
- Councilman Wright expressed a desire to learn more about what Syracuse did to send voting ballots to the whole community to increase the voting rate. Staff will gather information and put the matter on a future agenda.
- Councilman Allen has noticed that mosquitoes have already become a problem in March. He suspects that Centerville residents would be willing to pay more for mosquito abatement.

ADJOURNMENT

At 9:26 p.m. Councilwoman Lindstrom made a **motion** to adjourn the meeting. Councilman Allen seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

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

STAFF TRANSMITTAL REPORT

DATE: MARCH 27, 2013

TO: STEVE THACKER, CITY MANAGER

FROM: CORY SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

APPLICANT: ALAN PRINCE
4255 SUGAR PINE COURT
LEHI, UT 84043

PROPERTY: WOODS PARK PROJECT
2250 NORTH 800 WEST

ACREAGE: 6.10 ACRES (*GROSS AREA*)

ZONING: A-L (AGRICULTURAL-LOW)

APPLICATION: ZONE MAP AMENDMENT: REZONE FROM A-L TO R-L/PD (PLANNED DEVELOPMENT OVERLAY)

RECOMMENDATION: APPROVE THE REZONE TO R-L/PD

BACKGROUND

The proposed 29-lot development is to be located at 2250 North 800 West, which is on the north end of the City limit line adjacent to the Frontage Road. The applicant desires to develop the property into a Planned Development Overlay (PDO) Subdivision. In order for this to happen, the applicant must receive a zone map amendment to modify the zoning from Agricultural-Low to Residential-Low-Planned Development (R-L/PD).

On January 15, 2013, the City Council remanded back to the Planning Commission a previous action regarding the proposed Woods Park Development rezone request. The Commission's action had previously tabled the PDO portions of the rezone request, until the Council acted on only the zone change from A-L to R-L. Notwithstanding, the Council decided to withhold any action regarding any type of zone change until the Commission weighs in on the PDO request received from the developer. Additionally since the Planning Commission's tabling of their review and recommendation regarding the PDO proposal, the developer has secured an additional tract of land to the south and desires to include it in the PDO review process. Thus, the PDO request has been re-noticed to include the expanded development proposal.

PLANNING COMMISSION RECOMMENDATION

On February 27, 2013, the Planning Commission recommended to the City Council to approve the Woods Park Development by rezoning the property from A-L to R-L/PD, which includes the proposed Planned Development Overlay Concept Plan, as follows:

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.
2. Upon R-L/PD approval by the City, all future development must substantially comply with the Concept Plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission & City Council, except as amended by the City.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
 - a. May receive up to a 20% density bonus consisting of no more than 29 single-family homes.
 - b. May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.
 - c. May eliminate the public sidewalk along one side of the street.
 - d. May reduce front yards to 20 feet.
 - e. May reduce side yards to 5' or 10' between units.
 - f. May reduce rear yards to 15'.
4. This PDO Concept Plan acceptance is amended to include the following:
 - a. Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.
 - b. Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.
 - c. Reduce congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.
 - d. Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage.
 - e. The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
 - f. All primary buildings and attached accessory building elements are to comply with the approved setbacks.
 - g. The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.
 - h. Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
 - i. Provide increased architectural interest and detail on the perimeter fencing facing the roads.
 - j. Trees for privacy added in the landscaping plan along the backs of Lots 9-14.
 - k. A plat note added and a seller disclosure provided that this development is next to existing agricultural zoning.
5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
6. This PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.
7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City Ordinances.

Suggested Reasons for the Action (Findings):

1. The Planning Commission finds that the propose PDO Concept Plan, with the listed conditions, results in a residential project design and layout that could not be accomplished through conventional zoning.
2. The Planning Commission finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080.
3. The Planning Commission finds that the PDO Concept Plan, with the listed conditions, provides sufficient evidence in regard to the project's design and amenities to receive a bonus density of up to 20% [12-480(c)(2)].
4. The Planning Commission finds that the PDO Concept Plan is in harmony with the General Plan's residential base density [Section 12-480-5].
5. The Planning Commission finds that the PDO Concept Plan is in harmony with the General Plan's desire to have future development to occur within small PUD's [Section 12-480-5].

Planning Commission Vote (4-1):

Commissioner	Yes	No	Not Present
Merrill (Chair)	X		
Holman			X
Markham		X	
Kjar	X		
Fillmore	X		
Holbrook	X		
Randall			X

RELATED PLANNING COMMISSION & COUNCIL MEETINGS

- ✓ October 10, 2012 – Planning Commission Held Public Hearing Only for Rezone From A-L To R-L, Recommended Rezone, Tabled Action for PDO Consideration.
- ✓ November 20, 2012 – City Council held Public Hearing, Tabled Action, and Requested Additional Information
- ✓ January 15, 2013 – City Council Continued the Public Hearing for Rezone, Tabled Action, and Remands Request Back to Planning Commission for PDO Recommendation
- ✓ February 27, 2013 – Planning Commission Held Public Hearing and Recommended Approval of Rezone & PDO Plan to City Council

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: VAL WOODS TRUST
103 EAST 500 SOUTH
FARMINGTON, UT 84025

APPLICANT: ALAN PRINCE
4255 SUGAR PINE COURT
LEHI, UT 84043

PROPERTY: WOODS PARK DEVELOPMENT
2250 NORTH 800 WEST

ACREAGE: 6.10 ACRES (*GROSS AREA*)

ZONING: A-L (*AGRICULTURAL-LOW*)

APPLICATION: ZONE MAP AMENDMENT: A-L TO R-L/PD WITH PDO
CONCEPTUAL PLAN ACCEPTANCE

BACKGROUND

The proposed 29-lot development is to be located at 2250 North 800 West, which is on the north end of the City limit line adjacent to the Frontage Road. The applicant desires to develop the property into a Planned Development Overlay (PDO) Subdivision. In order for this to happen, the applicant must receive a zone map amendment to modify the zoning from Agricultural-Low to Residential-Low-Planned Development (R-L/PD).

On January 15, 2013, the City Council remanded back to the Planning Commission a previous action regarding the proposed Woods Park Development rezone request. The Commission's action had previously tabled the PDO portions of the rezone request, until the Council acted on only the zone change from A-L to R-L. Notwithstanding, the Council has decided to withhold any action regarding any type of zone change until the Commission weighs in on the PDO request received from the developer. Additionally since the Planning Commission's tabling of their review and recommendation regarding the PDO proposal, the developer has secured an additional tract of land to the south and desires to include it in the PDO review process. Thus, the PDO request has been re-noticed to include the expanded development proposal.

ISSUES SURROUNDING THE REMAND REQUEST

As part of the Council deliberations, the Council tabled their review and asked staff to more thoroughly address the issue of “adequate facilities and services” and the potential costs for the City, if the property was rezoned. Staff reported that most of the infrastructure and services were or would be available to serve the property. However after review of a specific issue related to drainage by the City Engineer, it was determined there was insufficient data to understand and provide an adequate response to the City Council regarding drainage. The City Manager then authorized some funds from the drainage and utility funds to perform a localized hydrology study in relation to this rezone request before the Council. The following outline is an attempt to explain the outcome and complexity of the drainage needs:

- The property is located in a FEMA Flood Zone (based on a 100-year storm event). Such Flood Zone requires that all new development needs to be designed and constructed in such a manner to prevent flooding of new structures and it cannot put other existing or future structures at risk.
- Adding to the potential problem of a 100-year storm event, the Lone Pine Creek, a perennial stream (mainly snow melt), drains into this FEMA flood area.
- The City’s Master Drainage Plan calls for a 36-inch culvert under the I-15 Corridor to handle and manage such flood waters. However to date, only a 24-inch culvert exists for this particular area.
- Additionally as flood waters drain westerly beyond the freeway, this 24-inch culvert then ties to a 12-inch culvert under the UTA/UP rail corridor. This creates a choke point and the flood waters will back up within the system.
- In order to manage these flood waters, as well as to take the area out of the floodplain, a detention area along the Frontage Road would need to be constructed to temporarily hold the storm event waters until capacity in the drainage system becomes available. However, the detention basin to capture the snowmelt (over a few weeks) would be too massive to construct and develop the property.
- In order to allow any type of development of this property, with or without rezoning, it requires a minimum off-site installation of a 24-inch culvert under the UTA/UP Rail Corridor to manage the related flood waters.

Staff’s Conclusion to the Council – The drainage infrastructure for this area was inadequate. Although, it may have seemed questionable to approve the rezone, staff desired to emphasize to the Council that this inadequacy was present regardless of whether the property was rezoned. Therefore, staff believed that there may (or even likely) be a good solution to resolving this drainage inadequacy. Such a resolution would begin to alleviate the existing drainage concerns that were voiced previously by the residents, both at the Planning Commission and the City Council meetings. Staff, representatives of the property owner, and the developer had discussed the following concepts to some extent or another during the review of the drainage concerns:

- a) [Developer Obligation] Prepare a plan, submit, and have FEMA approve a LOMAR or CLOMAR (map amendments) to remove the property from the flood Hazard area.
- b) [Developer Obligation] As part of a development approval, a drainage detention needs to be constructed to manage the flood waters that satisfies FEMA and complies with the City’s Floodplain Ordinance.

- c) [Developer Obligation] As part of a development approval, project on-site drainage infrastructure would need to be installed (along Lund Lane) to properly manage the Lone Pine Creek water flows.
- d) [Developer Obligation] Before developing the property, an off-site 24-inch drainage pipe needs to be installed under the UTA/UP Rail Corridor. The ability to finance and construct this needs to be secured prior to any rezone and development approval.
- e) [Optional City Participation] City fund the upsizing of the 24-inch pipe to a 36-inch pipe to meet the desires of the City's Master Drainage Plan.
- f) [Optional City Participation] Enter into an agreement, between the City and the developer, for the City to spearhead a request to install the pipe upgrade to the UTA/UP Rail Corridor to potentially save significant project costs, specifically with the administrative engineering and UTA/UP permits.
- g) [Optional City Decision] Allow opportunity for the developer to recapture some of the off-site costs for pipe upgrade by considering the possibility of rezoning the property using a "Planned Development Overlay" approval, which would allow up to a 20% density bonus for a subdivision development. Staff suggests that the City Council remand the current rezone matter back to the Planning Commission to have them forward a recommendation regarding the PDO rezone and plan proposal that has been tabled at their level of review.
- h) [Optional City Decision] Package these ideas and proposals together into an appropriate development agreement prior to making a final decision to rezone the property.

After discussing the findings regarding the "adequacy of infrastructure and services" and at the request of City staff, the City Council remanded the matter back to the Planning Commission to instruct the Commission to take action and make a recommendation regarding the PDO request that was received from the developer.

PLANNED DEVELOPMENT OVERLAY REVIEW 12-41

The purpose of the Planned Development Overlay (PDO) is to allow a residential project to be developed in a manner that allows flexibility in design and layout that would not be accomplished through conventional zoning. In order for a project to receive flexibility from the standard requirements of the Zoning Ordinance and Subdivision Ordinance, the proposed project must meet certain goals standards of the PDO Zone found in Chapter 12-41 of the Zoning Ordinance. The PDO design must not be used as a tool for the developer to be exempt from zoning standards; it is a tool that creates a higher quality subdivision in regards to design standards.

Approval Standards 12-41-080

The applicant has provided the required conceptual plan describing the overall layout plan and selected thematic elements. The developer has provided evidence that Continental Bank will be the financial backer for the project. The applicant has not yet provided a development schedule indicating when they believe the project will be constructed and potentially when it will be built out. As part of the approval standards, a density bonus is allowed for enhanced design within a project. The developer is requesting a full 20% density bonus. Below, staff

will summarize the proposed alterations to typical City Standards and review the bonus density criteria along with any design suggestions.

Proposed PDO Alterations or Changes:

1. Increase of density with 5 additional units (24 allowed to 29 w/ PDO)
2. Right-of-way reduction to 44 feet (50' required to 44')
3. Elimination of public sidewalk along one side of the street
4. Placing interior island sidewalk against curb and connecting pathways
5. Reduce front yards to 20 feet (25' required to 20')
6. Reduce side yards to 5' or 10' between units (10/8' required to 5' or min 18')
7. Reduce rear yards to 15' (20' required to 15')

Proposed Amenities and Density Bonus 12-41(c)(2)

Enhanced Overall Design Theme (5%) and Landscaping (5%) = 10%

- Enhanced landscaping along the Frontage Road, between the fencing and the sidewalks – this was desired and suggested by planning staff.
- Enhanced landscaping of the detention area – noise buffering from the interstate
- Streetscape trees along all interior streets
- Common front yard landscaping to be maintained by a Home Owner's Association.
- Upgraded decorative street lighting within the project with interior pathway lighting
- Entry monuments into the subdivision along with a flag pole
- Center court play area with pathway and landscaping
- Centralized decorative mailbox feature area
- Solid perimeter fencing around the project

➤ **Staff Comment:** Suggested bonus for Enhanced Theme & Landscaping = 10%

Improved Building Design (5%), Energy Efficiency (5%), Parking (5%) = 15%

- Developer is not proposing any qualifying upgrades with the exception of garages for parking, however, the developer is willing to commit to an overall architectural theme with involving exterior features, colors, and materials.

➤ **Staff Comment:** Suggested limited bonus for Parking = 2%

Open Space (5%) and Recreational Facilities (5%) = 10%

- Center court play area with pathway and landscaping
- Centralized decorative mailbox and feature area
- Enhanced landscaping of the detention area

➤ **Staff Comment:** Suggested bonus for Open Space & Recreation = 10%

➤ **Suggested Total Bonus Awarded by staff = 22% (maximum allowed for density is 20%)**

STAFF'S SUGGESTIONS FOR IMPROVING THE OVERALL DESIGN OF THE PROJECT

There are several additional items that should be considered in design of this particular project. Staff suggests that the following design elements be added to the proposed PDO concept plan:

- Provide a connecting southern end pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks. This will provide a minor and major looping system connecting the open spaces in and around the development.
- Switch the interior sidewalk around the island to the outside loop and re-connect the pathways. This will give all homes access to a walkway and access to the overall pathway system.
- Reduce driveway congestion (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.
- Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage. This softens the outside barrier appearance due to fencing and improves the visual appearance of the landscaped bed along the perimeter fence line.
- With the request proposing reduced rear yard setbacks and having the rear building elevations predominately seen from the public streets or adjacent along the perimeter of the development, the building architecture for rear elevations needs to be enhanced with additional design elements. This will provide the visual quality that is needed to ensure compatibility with future off-site development.
- With the reduced setbacks and smaller yard areas, all primary buildings and attached accessory elements need to also comply with the approved setbacks.
- Also with reduced setbacks and yard area, the use of detached accessory buildings needs to be addressed with future submittals.
- To improve the visibility of street crossings, stamped-colored concrete crosswalks ought to be added as part of the pathway system.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Planned Development Overlay Request for the Woods Park Subdivision located at 2250 North 800 West: I hereby make a motion for the Planning Commission to recommend approval to the City Council for a Planned Development Overlay Concept Plan for the Woods Park Subdivision, located at 2250 North 800 West, subject to the following:

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.
2. Upon R-L/PD approval by the City, all future development must substantially comply with the Concept Plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission & City Council, except as amended by the City.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
 - a. May receive up to a 20% density bonus consisting of no more than 29 single family homes
 - b. May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.
 - c. May eliminate the public sidewalk along one side of the street.

- d. May reduce front yards to 20 feet.
- e. May reduce side yards to 5' or 10' between units.
- f. May reduce rear yards to 15'.
4. This PDO Concept Plan acceptance is amended to include the following:
 - a. Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.
 - b. Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.
 - c. Reduce congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.
 - d. Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage.
 - e. The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
 - f. All primary buildings and attached accessory building elements are to comply with the approved setbacks.
 - g. The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.
 - h. Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
6. This PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.
7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City Ordinances.

Suggested Reasons for the Action (Findings):

1. The Planning Commission finds that the propose PDO Concept Plan, with the listed conditions, results in a residential project design and layout that could not be accomplished through conventional zoning.
2. The Planning Commission finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080.
3. The Planning Commission finds that the PDO Concept Plan, with the listed conditions, provides sufficient evidence in regard to the project's design and amenities to receive a bonus density of up to 20% [12-480(c)(2)].
4. The Planning Commission finds that the PDO Concept Plan is in harmony with the General Plan's residential base density [Section 12-480-5].
5. The Planning Commission finds that the PDO Concept Plan is in harmony with the General Plan's desire to have future development to occur within small PUD's [Section 12-480-5].



CONCEPT PLAT

Woods Center PDQ Subdivision/Division

Beginning at the intersection of the quarter section line and the east line of a Frontage Road on the east side of the Interstate 15 Freeway; said point being North 40° 12' 00" East 384.68 feet along the quarter section line from the West Quarter corner of Section 21, Township 2 North, Range 1 East, S88 Lake Mendocino, and running:

Thence North 0° 11' 10" East 396.61 feet along the east line of said Frontage Road to the south line of Lund Lane;
Thence North 89° 30' 30" East 505.00 feet along the south line of said Lund Lane;
Thence South 0° 11' 10" West 418.54 feet to a point 33.00 feet south of the quarter section line;
Thence South 89° 12' 00" West 300.04 feet, 73.00 feet south of and parallel to the quarter section line;
Thence North 0° 11' 10" East 21.15 feet to a house line;
Thence North 89° 55' 50" West 199.99 feet along a fence line to the east line of said Frontage Road;
Thence North 0° 11' 10" East 8.78 feet along the east line of said Frontage Road to the point of beginning.

Covers 207.497 square feet, 4.763 acres, and 241.16



SALT LAKE CITY
45 W. 1000 S., Suite 500
Sandy, UT 84070
Phone: 801.755.0529
Fax: 801.255.4448

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.863.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.590.0187
WWW.ENSIGNUTAH.COM

FOR DEVELOPMENT
ON LUND LANE CORNER
1/4 SECTION 21
T2N R1E S88L
NAN PRINCE
PHONE: 801.240.0010
FAX:



HORIZONTAL GRAPHIC SCALE
0 10 20 30
FEET
1/4" = 10'

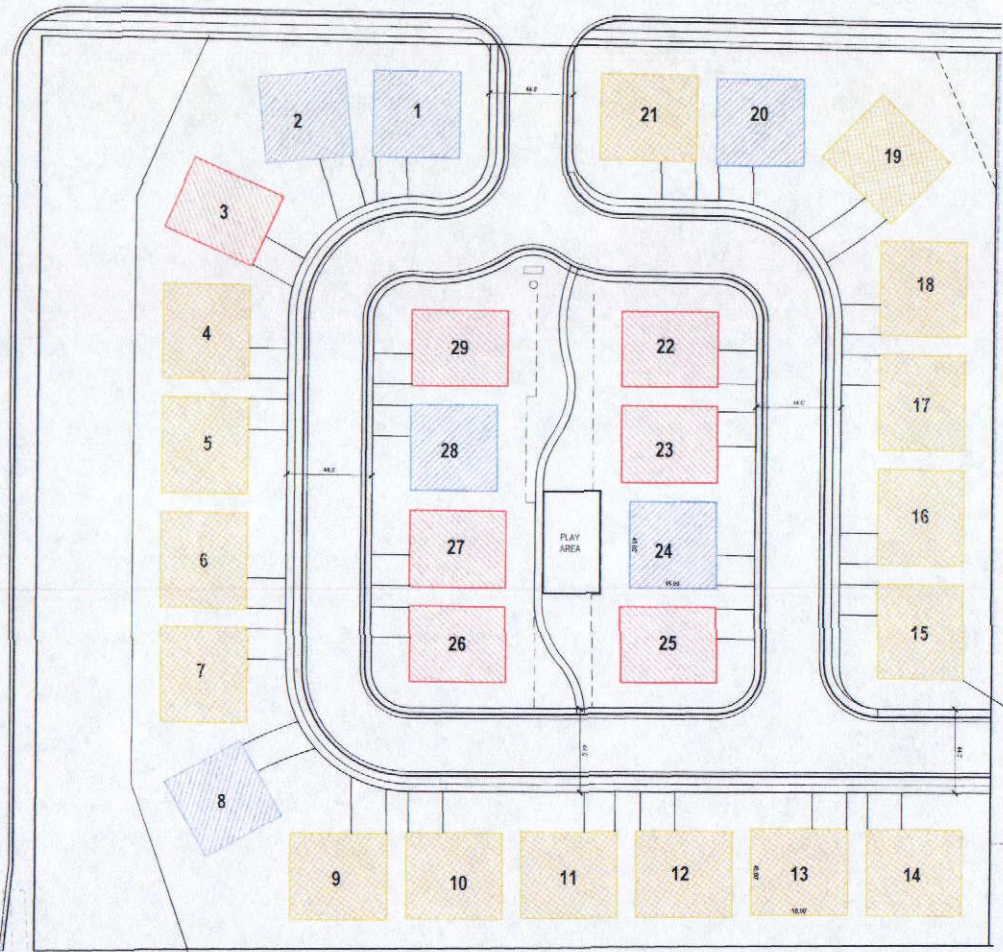
CONCEPT PLAT

DATE	1/2/11
BY	EN
CHECKED	EN
DATE	1/2/11

1 OF 1

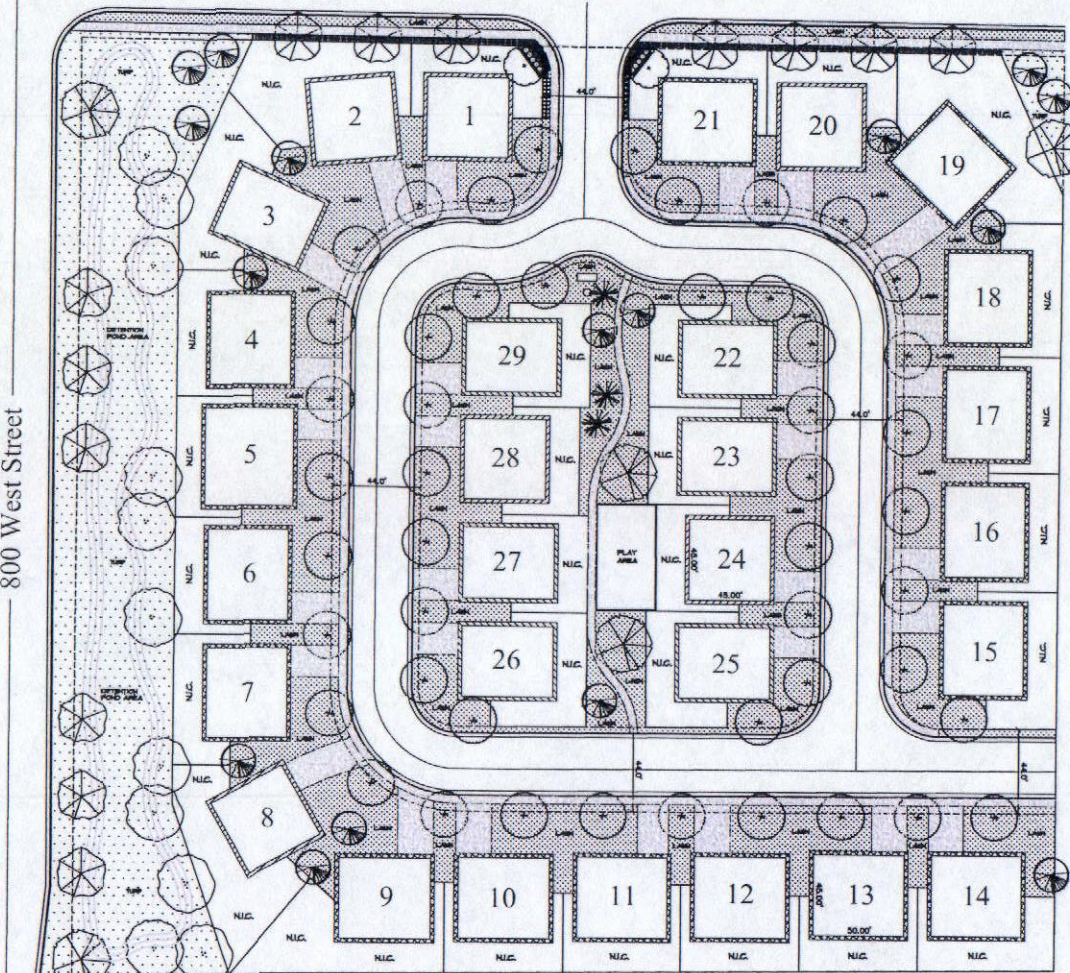
LUND LANE

800 WEST STREET



- 40' WIDE x 50' DEEP 7 LOTS
- 45' WIDE x 45' DEEP 6 LOTS
- 50' WIDE x 45' DEEP 16 LOTS





Plant List (TREES)

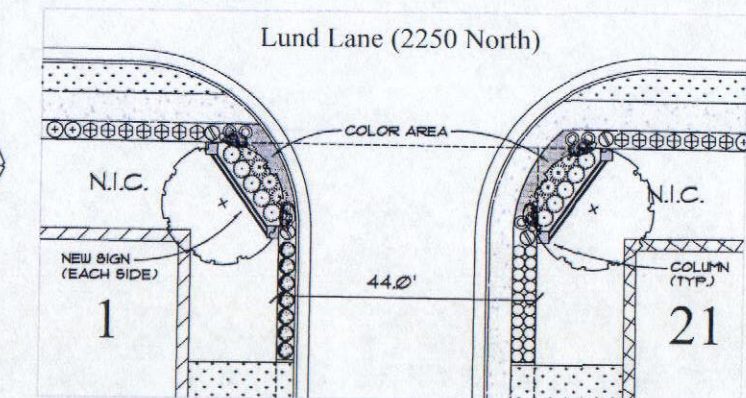
Symbol	Botanical Name	Common Name	Size
	<i>Acer platanoides</i> 'Columnare'	Columnar Norway Maple	2" Caliper 8'-10' Height
	<i>Acer plat.</i> 'Crinum Sentry'	Crinum Sentry Maple	2" Caliper 8'-10' Height
	<i>Picea orientalis</i> 'Green Knight'	Green Knight Spruce	4'-5" Height B & B / Full
	<i>Populus aluminata</i> 'Robusta'	Robusta Poplar	1 1/2" Caliper 8'-10' Height
	<i>Prunus virginiana</i> 'Candied Red'	Candied Red Cherry	1" Caliper 6'-8' Height
	<i>Pyrus calleryana</i> 'Chanticleer'	Chanticleer Flowering Pear	2" Caliper 8'-10' Height
	<i>Tilia tomentosa</i> 'Stirling Silver'	Stirling Silver Linden	2" Caliper 8'-10' Height

Plant List (SHRUBS)

Symbol	Botanical Name	Common Name	Size
	<i>Buxus japonica</i> 'Julia Jane'	Julia Jane Boxwood	1 Gallon
	<i>Cornus alba</i> 'Balthasar'	Ivory Halo Dogwood	1 Gallon
	<i>Euonymus alatus</i> 'Compacta'	Dwarf Burning Bush	1 Gallon
	<i>Physocarpus opul.</i> 'Summer Wine'	Summer Wine Ninebark	1 Gallon
	<i>Rhus aromatica</i> 'Grow Low'	Grow Low Fragrant Sumac	1 Gallon
	<i>Rosa sp.</i> 'Knock Out Red'	Knock Out Shrub Rose	1 Gallon
	<i>Spiraea bumalda</i> 'Goldmound'	Goldmound Spiraea	1 Gallon
	<i>Spiraea japonica</i> 'Neon Flash'	Neon Flash Spiraea	1 Gallon

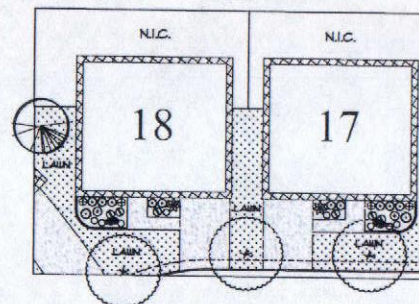
Plant List (GRASSES/PERENNIALS)

Symbol	Botanical Name	Common Name	Size
	<i>Calamagrostis a. Foersteri</i>	Foerster Feather Grass	1 Gallon
	<i>Lavandula spec.</i> 'Munstead'	Munstead Lavender	1 Gallon
	<i>Pennisetum alopec.</i> 'Hawaii'	Hawaii Fountain Grass	1 Gallon



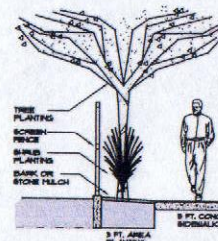
1 Main Entry/Signage Plan

SCALE: 1" = 10'-0"



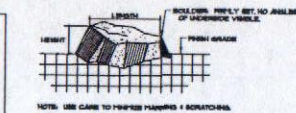
2 Typical Building(s) Planting

SCALE: 1" = 20'-0"



3 Fence / Parkstrip Cross Section

N.T.S.



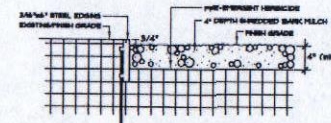
4 Landscape Boulder

N.T.S.



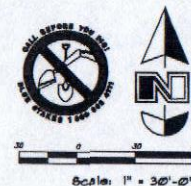
5 Shrub Planting

N.T.S.



6 Steel Edging / Bark Mulch

N.T.S.



WOODS PARK
SUBDIVISION
CENTERVILLE CITY, UT

COLOR BOARD



SHINGLES



FASICA



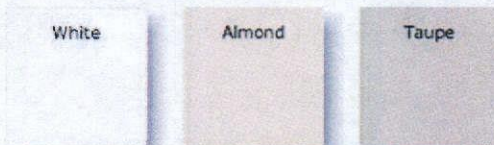
BOARD & BATT



STUCCO



WINDOW



WOOD TRIM



BRICK TRIM



STONE



**PUBLIC HEARING - WOODS PARK SUBDIVISION - REZONE/
CONCEPTUAL PLANNED DEVELOPMENT OVERLAY ZONE - Consideration of
rezoning property from A-L (Agricultural-Low) to R-L (Residential-Low)/Planned
Development and PDO Concept Plan for the Woods Park Subdivision; which would create
29 building lots, located at approximately 2250 North 800 West. Alan Prince, Prince
Development LLC, Applicant.**

Cory Snyder, Community Development Director, reported several months ago the Planning Commission recommended to the City Council approval of a rezone and a conceptual site plan for Woods Park Subdivision. The City Council reviewed the application and directed staff to research the drainage issues further. After careful research it was discovered there is inadequate drainage for this site due to undersized culverts and the added flow of the Lone Pine Creek which drains through this flood plain area. The City's master drainage plan includes an upgrade to the culverts that drain water from this flood plain area west under I-15 and the UTA/UP rail corridor. In order for the Woods Park Subdivision to move forward these upgrades to the drainage plan will need to take place. This is an opportunity for the City to partner with the developer in order to make these improvements to the drainage plan a reality. Staff requested the City Council table action regarding the rezone and the conceptual site plan and remand it back to the Planning Commission for further review, as the applicant has modified the original proposed Planned Development Overlay (PDO). Tonight, the Commission is being asked to review the new PDO plans and determine if the rezone and conceptual site plan are in accordance with zoning ordinances and then make a recommendation regarding the entire project to the City Council. The City Council will then make a decision regarding the rezone, the conceptual site plan, and the upgrades to the drainage system.

Mr. Snyder reviewed the newly proposed site plan. He explained the PDO process changes the typical cookie cutter subdivision standards. The PDO provides the developer incentives (i.e., increased density, modified setbacks, etc.) in order for the city to gain an enhanced subdivision (i.e., increased landscaping, enhanced architecture, etc.). The applicant has acquired some additional land and the proposed project is now six (6) acres. The applicant is proposing a 29-unit single-family development. Zoning ordinances allow 24 total units and the PDO process allows an additional 20% increase to that density. This would permit a total of 30 units on the proposed six (6) acres. As permitted per the PDO the applicant is requesting increased density, reduced right-of-way, elimination of sidewalk on one side of the street, and reduced front, side and rear yard setbacks. In exchange for these incentives, the applicant has agreed to enhanced and varying architecture, varying lot sizes, enhanced landscaping including streetscape trees, decorative interior and street lighting, entry monuments, common play area, connecting pathways, and perimeter fencing. In addition, the applicant will partner with the City to improve the drainage system as needed which will benefit the city as a whole.

1 Mr. Snyder responded to questions from the Commission. He explained staff suggests the
2 applicant move the sidewalk proposed around the perimeter of the island in the middle of the
3 project to the opposite side of the street making the sidewalk more accessible to the entire
4 development. The sidewalk would still be connected to the pathway (via designated pedestrian
5 crosswalks) down the middle of the island which would serve as access for the eight (8) island
6 homes. There is a gate proposed for each rear yard fence of the island homes in order to access
7 the pathway. He explained the City Council will enter into an agreement with the developer
8 explaining the responsibilities of the drainage improvements. The applicant will be responsible
9 to provide proof of funding for both drainage improvements and PDO development at
10 preliminary approval. He also explained the FEMA regulations with regard to development in a
11 flood plain. All structures will be required to be above the flood plain, this is accomplished by
12 filling the site before construction. This is why it is important to upgrade the drainage culverts so
13 that all water can be drained appropriately and not flow onto neighboring properties.

14
15 Commissioner Fillmore said she is concerned with having sidewalk on only one side of
16 the street. She believes it is safer for children when there is sidewalk on both sides of a street
17 easily accessible to all homes. She questioned the need to narrow the street width to 44 feet. She
18 asked if this is necessary for the development or a cost convenience. She also suggested the
19 perimeter fencing be upgraded. She is not in favor of a long straight vinyl wall along streets. She
20 suggested a split rail fence, rod iron, or other adjustments in the perimeter fencing. She said it
21 seems other PDO developments within the city have been held to a higher standard. Chair
22 Merrill questioned the reduced setbacks. He does not want to see a deck, patio, or accessory
23 building encroach into the already reduced rear-yard or side-yard setback.

24
25 Mr. Snyder explained the right-of-way is being narrowed to 44 feet. This means the park
26 strip is being narrowed, it does not mean the street width will be narrowed. The asphalt width
27 will be the same as any other typical subdivision street, the narrowing of the right-of-way is what
28 eliminates the sidewalk on one side. He said the sidewalk system is aesthetically proportionate
29 for the development and there is access to the sidewalk system from every unit in the
30 development. Requiring sidewalk on both sides of the street will diminish the front-yard setback
31 and would require a narrowing of the asphalt width to the road. This is something the City
32 Engineer is not comfortable with. The elimination of sidewalk on one side of the street also
33 allows for snow storage. Mr. Snyder said he is not sure if there are decks or patios on the homes.
34 The conceptual plan only shows a building envelope. Any decks will have to be within that
35 envelope. In addition, all accessory buildings will have to comply with the rear-yard and side-
36 yard setbacks. The homeowners' documents will include these details.

37
38 Alan Prince, applicant, reviewed pictures of the current state of the site, explaining the
39 improvements to this site, through this project, will be a benefit to adjoining neighbors and the

1 community as a whole. The proposed project will beautify this area. He said the City is in need
2 of drainage improvements and he is happy to help make this a reality. He explained the narrowed
3 44-foot right-of-way helps contribute land for the proposed drainage swell along the Frontage
4 road, which is part of the master drainage plan for the city. He said this project will be similar to
5 the Henry Walker Homes development just north of this site in Farmington City. In fact, Henry
6 Walker Homes has approached him to buy lots within this proposed subdivision. He said they
7 have not asked for the maximum density allowed because the proposed layout has a more fluid
8 feel. He explained both Lot 8 and Lot 19 will have an enhanced setback so these lots are less
9 intrusive to adjacent properties. This will also increase beautification. Mr. Prince explained the
10 perimeter fence is proposed to be a two-tone solid vinyl fence, per City ordinances. He said the
11 perimeter fence encloses the rear yards which is a privacy issue. He said he is in favor of jogging
12 the fence every so often and adding planter boxes to help break up the solid feel along Lund
13 Lane.
14

15 Mr. Snyder said the fence along Lund Lane will be setback from the roadway behind
16 sidewalk and landscaping. The landscaping will diminish the visibility of the fence while
17 providing privacy for residents and appropriate public space for pedestrians. The fence line along
18 Lund Lane is also the drainage utility corridor.
19

20 Chair Merrill opened the public hearing.
21

22 Paul Cutler, 1872 North Main, said he appreciates the significant improvements the
23 developer has made since the first proposal; however, he still has concerns. He said he is
24 concerned with sidewalk on only one side of the street. He is concerned with only one point of
25 egress. He understands the need for the egress to line up with the street opposite Lund Lane, but
26 believes another egress would be beneficial. He is concerned the amount of traffic generated by
27 this many homes will be too great for a single egress. He is concerned with the potential number
28 of children this subdivision will attract. There is no safe sidewalk on Lund Lane or from this
29 development to the nearest elementary school. Sidewalk improvements outside this development
30 would be a significant cost for both Centerville and Farmington and the developer is not in favor
31 of constructing sidewalk beyond the subdivision. He said perhaps an asphalt trail could be
32 encouraged to the nearby elementary. He is concerned with the narrowed right-of-way and how
33 that may affect on-street parking. He is concerned with the potential for the homeowners
34 association to fail in such a small subdivision. There needs to be a guarantee that the
35 homeowners association will be set up properly with funding in order to maintain landscaping.
36 He also questioned if the culvert along Lund Lane will be completely enclosed to protect
37 children from gaining access.
38

1 Brent Garlick, 2164 North Frontage Road, said his property borders this proposed
2 development on the south. He agreed with the many concerns voiced by Mr. Cutler. He
3 appreciates the adjustments that have been made to the detention swell along the Frontage Road.
4 He said the proposed subdivision may be better than the typical cookie cutter subdivision, but
5 there are still a number of concerns. He said the rear-yard setback is only fifteen (15) feet. This is
6 really close to his property line. He wondered if there is a way to inform residents that move into
7 this subdivision that they are locating next to an active agricultural use. He said the farming
8 activities on his property often smell unpleasant and he does not want any complaints. Overall,
9 he would not like this property rezoned, but if it must be then the things the developer has
10 promised must be guaranteed.

11
12 Cindy Garlick, 2164 North Frontage Road, said it seems the City may be putting the cart
13 before the horse with the drainage improvements. She said UTA/UP has not approved the
14 drainage upgrades, so how does the City know the improvements can be accomplished. Perhaps
15 the City should hold off on approving this rezone until there is a surety the improvements will
16 move forward. She has always anticipated development on this site, but never imagined it would
17 only be fifteen (15) feet from her property line. She too is concerned for the safety of children
18 walking within the neighborhood and from school as there are no sidewalks.

19
20 Chair Merrill closed the public hearing.

21
22 Mr. Snyder said street parking will not be affected by the reduced right-of-way because
23 the asphalt width will not change. He said the culvert will be sufficiently covered and safe from
24 children. He said UTA/UP will approve the drainage upgrades, all the studies and calculations
25 have been completed and the City has already met with UTA. He said the Public Works Director
26 has stated an asphalt pathway could easily be installed for children walking outside this
27 development. He said the elementary school is just under a mile away from this development. At
28 that distance busing is not approved and it is likely most parents will carpool their children.

29
30 Bruce Baird, Prince Development, agreed to provide a plat note and a seller disclosure
31 stating this subdivision is within the vicinity of existing agricultural uses. He agreed to install
32 additional landscaping along the Garlick's property line to further buffer the 15-foot rear-yard
33 setback and enhance privacy. He also explained that new State laws enforce and strengthen
34 provisions governing homeowners associations. He assured the Commission it is not likely the
35 homeowners association will fail. The homeowners association will maintain all front yards, all
36 common space, and the detention swell along the Frontage road.

37

Chair Merrill said he believes the proposed rezone is appropriate. He said there are many that would like to live in Centerville and the PDO is a good tool to provide an opportunity for others to move in and enjoy this great city.

Commissioner Fillmore made a **MOTION** for the Planning Commission to recommend approval to the City Council for a Planned Development Overlay Concept Plan for the Woods Park Subdivision, located at 2250 North 800 West, subject to the following:

Conditions:

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.
2. Upon R-L/PD approval by the City, all future development must substantially comply with the Concept Plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission & City Council, except as amended by the City.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
 - a. May receive up to a 20% density bonus consisting of no more than 29 single-family homes
 - b. May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.
 - c. May eliminate the public sidewalk along one side of the street.
 - d. May reduce front yards to 20 feet.
 - e. May reduce side yards to 5 feet or 10 feet between units.
 - f. May reduce rear yards to 15 feet.
4. This PDO Concept Plan acceptance is amended to include the following:
 - a. Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.
 - b. Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.
 - c. Reduce congested driveway (i.e., amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front-yard green space and appearance for these units.
 - d. Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear-yard fence lines), along the Lund Lane frontage.
 - e. The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
 - f. All primary buildings and attached accessory building elements are to comply with the approved setbacks.

- g. The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.
 - h. Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
 - i. Provide increased architectural interest and detail on the perimeter fencing facing the roads.
 - j. Trees for privacy added in the landscaping plan along the backs of Lots 9-14.
 - k. A plat note added and a seller disclosure provided that this development is next to existing agricultural zoning.
5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
 6. This PDO Concept Plan acceptance is subject to all other applicable City ordinances and other related development applications and approvals.
 7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City ordinances.

Reasons for the Action (Findings):

1. The Planning Commission finds that the proposed PDO Concept Plan, with the listed conditions, results in a residential project design and layout that could not be accomplished through conventional zoning.
2. The Planning Commission finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080.
3. The Planning Commission finds that the PDO Concept Plan, with the listed conditions, provides sufficient evidence in regard to the project's design and amenities to receive a bonus density of up to 20% [Section 12-41-080(c)(2)].
4. The Planning Commission finds that the PDO Concept Plan is in harmony with the General Plan's residential base density [Section 12-480-5].
5. The Planning Commission finds that the PDO Concept Plan is in harmony with the General Plan's desire to have future development to occur within small PUDs [Section 12-480-5].

The motion was seconded by Commissioner Holbrook.

Commissioner Kjar said he is in favor of the proposed development and it will improve the neighborhood for the better.

Commissioner Markham said he is not in favor of the rezone. He said there is no driving reason to rezone from agricultural at this time. He is sympathetic to the neighbors.

Chair Merrill called for a vote on the motion. The motion *passed* with a roll-call vote (4-1). Commissioner Markham opposed.

PUBLIC HEARING – CONCEPTUAL SITE PLAN - MTC BUILDING #2 & PARKING STRUCTURE - Consideration of a conceptual site plan for a second building and parking structure for the Management and Training Corporation (MTC), to be located on Lot 202 of the Centerville Corporate Park Amended Subdivision, 550 North Market Place Drive, in the C-VH Zone. Dayton West, LLC, Applicant.

Brandon Toponce, Assistant Planner, reported the applicant is seeking conceptual approval for a second Management and Training Corporation (MTC) building and a parking structure on Lot 202 of the Centerville Corporate Park Subdivision. The proposed use is consistent with the Commercial Very-High (C-VH) Zone and the General Plan for this area. Staff has received the necessary utility provider sheets stating services are available at this location. The proposed building and parking structure appear to meet the development standards for the C-VH Zone. The proposed site plan, including the parking structure, consists of 338 parking stalls with a shared parking agreement. The applicant has submitted a site plan showing the general location of landscaping, but will be required to submit a more detailed plan, including vegetation types, quantities and irrigation at final site plan. The applicant is still working with the City Engineer regarding the dumpster location so it does not conflict with water lines. In addition, all dumpsters, utility equipment, and service areas will need to be screened appropriately. Also, any signage will be reviewed and approved according to applicable City ordinances.

Mr. Toponce explained the proposed site is located within the Parrish Lane Gateway and is subject to the Parrish Lane Design Guidelines. Staff believes the proposed building plans for both the building and the parking structure do not meet the articulation standards and suggests additional architectural features be added, such as column bump outs, decorative trim, canopies, archways, or stepping of the building walls. The applicant will be required to provide a storyboard showing the exact color and materials at final site plan approval. The applicant will also be required to show details concerning the parking garage roof and how the snow will be held back to avoid sheeting. The proposed plans appear to meet the requirements for pedestrian access as there are adequate pedestrian connections to the first MTC building (Lot 201) and the proposed parking structure. However, staff suggests additional public amenities be added, such as benches or raised landscaping beds that could be used as benches. The applicant is also encouraged to provide a safe pedestrian walkway from the CenterPoint Legacy Center around the parking garage to the Frontage Road. The applicant proposes to continue the high standard of landscaping already established on Lot 201. The overall design of the landscaping should have a theme that carries throughout the development, including the parking lot. This could include rock

1 Schedule regarding Sex Offender Registry Fees. Councilman Averett seconded the motion,
2 which passed by unanimous vote (5-0).
3

4 **ZONE MAP AMENDMENT ON PROPERTY LOCATED AT THE FRONTAGE ROAD**
5 **AND LUND LANE FROM A-L TO R-L – WOOD PARK SUBDIVISION (TABLED FROM**
6 **DECEMBER 4 MEETING)**
7

8 Mayor Russell stated that a public hearing regarding the Zone Map Amendment
9 occurred on November 20, 2012. Cory Snyder, Community Development Director, explained
10 that the General Plan is not the only guide when considering a rezone, but it should be given
11 weighty consideration. In Centerville, the General Plan is adopted by ordinance. A General
12 Plan can be adopted by resolution or by ordinance. In Mr. Snyder's opinion, a resolution
13 specifies the City's desires and wants as a type of "wish-list." Decisions adopted by ordinance
14 are taken a little more serious, and compliance is expected. The General Plan should heavily
15 weigh in the Council's decision. The majority of the Planning Commission voted that the
16 application for Zone Map Amendment is in accordance with the intent of the General Plan. The
17 property located at the Frontage Road and Lund Lane is currently zoned Agricultural-Low (A-L).
18 The application would rezone it to Residential-Low (R-L). R-L to A-L is an appropriate jump
19 from one zone to another, consistent with the land-use hierarchy in the General Plan.
20 According to the General Plan property is considered rural if it is five acres or more. The idea
21 that a half acre plot is still rural is not consistent with the General Plan. The neighborhood land
22 use plan states that the base density of the neighborhood is four units per acre. The density of
23 an R-L Zone is four units per acre, so the rezone request remains consistent with the General
24 Plan. Staff feels a planned PDO should be considered in conjunction with a rezone request.
25 The Planning Commission sent only the rezone request to the Council for consideration.
26

27 Mr. Snyder reported how the proposed development would blend in with the surrounding
28 areas. Farmington has already moved toward low-density single-family housing on the other
29 side of Lund Lane. The property in question is not geographically far from other developed
30 neighborhoods. It is considered a transition area, not a preservation area. New development is
31 transitional in nature. The property is not currently in good shape. It is low-grade pasture land,
32 and is not ideal for agriculture. Staff does not feel changing the zone would change the
33 character of the area.
34

35 Addressing the question of the adequacy of facilities, Mr. Snyder stated that utilities are
36 available, and roads in the area can handle development (in fact, the development would finish
37 out its share of the Frontage Road and Lund Lane). There are missing links to the sidewalk
38 system in the area, with the least amount missing on the Frontage Road. Randy Randall, Public
39 Works Director, has indicated that temporary sidewalks could be added if necessary. The
40 distance to the elementary school is three quarters of a mile. In Mr. Snyder's opinion, at that
41 distance most parents would drive their children to school. He does not feel the lack of sidewalk
42 qualifies as inadequate facilities, since sidewalk is built one project at a time in the natural
43 development process. Subsurface drainage is studied and resolved at the time of development.
44 Surface water is a big issue on the property. There is a choke point under the Union
45 Pacific/UTA corridor which creates back-up. Lone Pine Creek adds to the problem with spring
46 run-off. According to the FEMA map, surface water does not flow from the property in question
47 onto adjoining properties. A minimum 24-inch pipe would need to be installed under the railroad
48 tracks to handle the high flows in the spring and make the property useable. A 36-inch pipe
49 would be ideal and would greatly benefit the vicinity. Staff recommends that, if the project is
50 approved, the developer pay for the 24-inch pipe and the City upgrade it to a 36-inch pipe. The

1 36-inch pipe would be a substantial cost, but Mr. Snyder feels that allowing a PDO and
2 partnering with the developer would be beneficial. The City has a greater chance of influencing
3 development with a PDO than with a simple rezone. The Council could deny the request to
4 rezone based on insufficient facilities, but the drainage problem exists whether the property
5 develops in ½ acre lots under A-L or at a higher density under R-L. Staff recommends the
6 Council remand the issue back to the Planning Commission with the request that the PDO be
7 considered with the rezone request, to enable or incentivize a better project.

8
9 Councilman Higginson suggested Centerville ask Farmington to share in the cost of the
10 larger culvert since the nearby Farmington area would benefit from reducing the flood plain.
11 There is a portion of the property in question that is not in the FEMA flood plain. Mayor Russell
12 agreed with the staff recommendation to remand the matter back to the Planning Commission.
13 Councilman Wright made a **motion** to remand this matter back to the Planning Commission to
14 have them forward a recommendation regarding the R-L/PDO Rezone and Plan that has been
15 tabled at their level of review, before making any decision regarding rezoning the property, and
16 directing the developer and staff to review, prepare, and provide the suggested concepts found
17 in the staff report to address the lack of adequate drainage infrastructure, before making any
18 decision regarding rezoning the property. Councilwoman Lindstrom seconded the motion,
19 which passed by unanimous vote (5-0).

20
21 To prevent any misunderstanding, Mr. Snyder informed the Council and those present of
22 activity that will soon happen on the property that is not dependent on the proposed
23 development. The developer has requested a grading permit from the City and the owner has
24 agreed to allow an amount of fill to be stored on the Woods property, not within the FEMA flood
25 plain. The fill will be placed in a pattern that will continue to allow water to flow on the property.

26
27 The Council took a short recess at 8:02 p.m. and reconvened again at 8:10 p.m.

28
29 **PUBLIC HEARING RE: ADOPTING PARK IMPACT FEE FACILITIES PLAN, PARK**
30 **IMPACT FEE ANALYSIS AND REVISED PARK IMPACT FEE – CONSIDERATION OF**
31 **ORDINANCE NO. 2013-01**

32
33 Mayor Russell opened a public hearing for the purpose of public comment regarding the
34 Park Impact Fee Facilities Plan, Park Impact Fee Analysis and proposed Ordinance No. 2013-
35 01 at 8:11 p.m. Seeing no one who wished to comment the Mayor closed the public hearing.

36
37 City Manager Thacker suggested setting the Park Impact Fee at an even amount,
38 rounding down to \$2,057 from the maximum allowed amount of \$2,057.61 stated in the
39 Ordinance. Ms. Romney recommended the Council adopt the Ordinance with the maximum
40 amount specified, and later approve a Resolution that will set the Fee at the even amount on the
41 Fee Schedule. Councilwoman Lindstrom made **motion** to adopt Ordinance No. 2013-01
42 adopting a Park Impact Fee Facilities Plan and a written Park Impact Fee Analysis; amending
43 and enacting Park Impact Fees; and establishing a service area for purposes of the Park Impact
44 Fees. Councilman Wright seconded the motion. Councilman Allen applauded staff for an
45 excellent job making sure the City is compliant with State law. The motion passed by
46 unanimous vote (5-0).

**PUBLIC HEARING – FINAL SUBDIVISION – CHAPEL RIDGE COVE SUBDIVISION –
2250 NORTH 150 EAST – POSTPONED FROM NOVEMBER 7, 2012 MEETING**

Cory Snyder, Community Development Director, explained the request for final plat and plan approval for the Chapel Ridge Cove Subdivision. He reported that the Sewer District is generally in favor of the plans, but has not yet approved all aspects. Mr. Snyder recommended the Council approve the final plat and plan with the condition that final Sewer District approval is obtained prior to recording.

Mayor Russell opened a public hearing at 7:15 p.m. and closed the public hearing seeing that no one wished to comment. Councilman Wright made a **motion** to approve the final subdivision plat and plan subject to staff verification of the plat and final verification from the Sewer District. Councilman Higginson seconded the motion, which passed by majority vote (4-1), with Councilman Averett dissenting.

**PUBLIC HEARING – ZONE MAP AMENDMENT ON WOODS PARK SUBDIVISION –
CONSIDERATION OF ORDINANCE NO. 2012-32 – POSTPONED FROM NOVEMBER 7,
2012 MEETING**

Mayor Russell emphasized that the purpose of the public hearing was to consider a rezoning of the proposed Woods Park Subdivision property. The details of any future proposed subdivision were not within the scope of this public hearing, but would be considered at a future public hearing if pursued by the developer. The Planning Commission recommends approval (by a 4-3 vote) of the rezone of this property. Mr. Snyder reviewed General Plan requirements related to rezoning, and explained that the requested rezone is consistent with the General Plan.

Alan Prince, representing the property owner and the potential developer, stated that to their understanding the use which they propose for the land is in harmony with the General Plan and has the approval of the Planning Commission and staff to move forward with the zoning change. He deferred further comments until after the public hearing.

At 7:32 p.m. Mayor Russell opened a public hearing.

Paul Cutler – Mr. Cutler advocated that the Council not look at the request as a simple rezone, but look at the big picture and consider whether or not they are willing for the proposed development to go forward. He stated that Centerville has a mixed record with regard to small subdivisions. The City should be concerned about potential infrastructure problems. He expressed concern for drainage issues, both surface and subsurface, and feels it is reasonable to require engineering studies to be completed before approving rezone. The proposed development would require a rebuild of Lund Lane and the Council should be prepared for the added cost. He also expressed concern that the development would not be connected to any other development by sidewalks and feels the Council would be pressured to build sidewalks to provide a safe way for children to walk to school – another cost to consider. Mr. Cutler pointed out that members of the Planning Commission with real estate experience voted against the rezone. He feels there is very weak justification in the design that he saw for the added density requested, the reduced road width, and the elimination of sidewalks. He suggested if additional density above the base density is going to be granted, there ought to be greater justification, or the city or the property owners should get amenities out of it. Small subdivisions have difficulty keeping up homeowner associations that maintain property, especially by the Frontage Road.

1 Pennee Stewart – Ms. Stewart is a daughter of the property owner. Her father is no
2 longer able to maintain the property as it should be. He would like to sell the property to help
3 pay for his failing years.
4

5 Dee Evans – Mr. Evans is a neighboring property owner. He does not think it makes
6 sense to put medium-density housing on that property. He is skeptical that the planned
7 drainage would be adequate. He asked if the Council has taken into account the amount of
8 asphalt involved in a development with 24 homes on a five acre lot. There are many issues to
9 consider before approving medium-density housing. He is concerned about child safety.
10 Children used to be bused to school by the District, but parents now have to drive their children
11 to school because there are no safe sidewalks for them to walk on. He has a one acre lot with
12 two cows on it. The proposed development would be next to his property. Homeowners in the
13 proposed development would not be able to walk to any kind of services. He requested the
14 Council table approval until a better plan for developing the area is in place.
15

16 Trish Evans – Ms. Evans and her husband own property to the east of the proposed
17 project. They purchased their land in order to raise children and grandchildren with land-related
18 responsibilities. She wants the area to remain agricultural. She does not want 24 homes next
19 to her property that has two male bull-cows in the pasture. She does not want little children in
20 her pasture. She mentioned that children used to be bused to Reading Elementary. When
21 bussing stopped children had to be driven to school because it was not safe enough for them to
22 walk. Lund Lane would not handle the increased traffic. Drainage is a huge problem. She
23 does not feel it is a good plan for Centerville and the people who have lived there for years and
24 years and years. The property should be sold in half-acre lots as currently zoned.
25

26 Cindy Garlick – Ms. Garlick owns property neighboring the proposed development. She
27 does not want Mr. Wood to be prevented from being able to sell his property, but would like the
28 development to be in harmony with the area. She raised six children on her property. They
29 were not allowed to be on the Frontage Road, and it was unsafe for them to walk to school.
30 She feels the homes should be on at least half-acre lots. She feels the improvements planned
31 would only benefit the residents of that subdivision. Drainage is a big issue. The Council
32 should consider the people who already live here and who invest their time, and pay their taxes,
33 and are involved in the community. Her family has made significant effort to share what they
34 have with the community. She feels the land should be developed in half-acre parcels.
35

36 Deeann Evans – Ms. Evans is a resident on Lund Lane. Drainage is a problem in the
37 area. She thinks the rezone should be tabled. The agricultural zoning provides an opportunity
38 for children to learn responsibility. She encouraged Council members to give children an
39 opportunity to learn responsibility through agriculture.
40

41 At 8:16 p.m. Mayor Russell closed the public hearing. Councilman Averett asked Cory
42 Snyder to explain the decision of three Commissioners to vote against the proposed rezone.
43 Mr. Snyder responded that he cannot explain all of their reasons, but the statement of
44 Commissioner Markham quoted by Mr. Garlick describes a lot of the sentiment involved in the
45 decision. Councilman Averett asked Mr. Snyder to address the comments about drainage and
46 Lund Lane. Mr. Snyder explained that the planned drainage improvements would benefit more
47 than the development property. Infrastructure is being planned for more than just that
48 development. There are plans for the future to carry greater capacity under the freeway and
49 potentially eliminate the need for some of the receiving areas along the Frontage Road. Mr.
50 Snyder stated it is true that the area is unsafe for school children. The decision has to be made

1 by parents if their kids will be allowed to walk to school. That area of Lund Lane would be
2 rebuilt by the developer, and sidewalks would be added along the project. Councilman Averett
3 asked about the elevation of the project in relation to neighboring properties. Mr. Snyder
4 responded that the homes will be built-up somewhat, with an internal drainage system to
5 capture runoff. The water table is somewhere around five to seven feet. Walk-out basements
6 may be an option. Detention would be put into a fifty-foot easement for the City.

7
8 Councilman Allen stated that a lot of issues have been brought to their attention by the
9 public. He asked Mr. Snyder how much the Council should take those issues into account when
10 deciding on a rezone. Mr. Snyder responded that the Council can consider the potential
11 problems in their decision of whether to rezone, but it is his opinion that most of the complaints
12 are engineering issues that can be dealt with in the development of the subdivision. The
13 Council needs to decide whether they want a development of half-acre lots in an A-L Zone, or a
14 subdivision in an R-L Zone. He feels the planned development would benefit the surrounding
15 area with regional infrastructure that would be difficult to get from half-acre development. He
16 questions the viability of half-acre lots that would be too small to further subdivide in the future.
17 The City would benefit from the R-L Zoning.

18
19 Mayor Russell acknowledged the concern expressed by members of the public that the
20 proposed development would affect their ability to continue with agricultural uses on their
21 properties. The Mayor and Mr. Snyder confirmed that property owners would be able to
22 continue doing what they are currently doing on their properties. The perception is that the
23 lifestyle is being eaten away, but a rezone would not prohibit the agricultural uses.
24 Councilwoman Lindstrom asked Mr. Snyder if there is a point at which the neighbors would lose
25 their ability for agricultural use if the rest of the neighboring properties were developed in the
26 future. Mr. Snyder responded that the Council would have to change current policy for that to
27 happen.

28
29 Councilman Wright stated that this is a classic example of two competing interests. He
30 asked Mr. Snyder about subsurface water. Mr. Snyder responded that the water table sits at
31 about seven feet, rising and lowering with the yearly cycle. Councilman Wright asked if staff
32 has looked at the cost to the City of resurfacing roads and the cost of infrastructure. Mr. Snyder
33 stated that the developer will take care of the infrastructure in the development. It is not
34 standard procedure to do a traffic study as part of a rezone. Mr. Snyder reminded the Council
35 that they are only considering whether to rezone the property to R-L, not the development that
36 may or may not come later. Councilman Wright does not want to piece-meal the process. Ms.
37 Romney stated that the Council is only looking at the density for an R-L Zone. A Planned
38 Development Overlay (PDO) would be the subject of a later discussion.

39
40 Responding to a public comment that compared the current situation with the hillside
41 plan, Councilwoman Lindstrom commented that a master plan for the A-L area would not make
42 sense with so few property owners and the relatively small amount of land. Mr. Snyder
43 suggested that the two situations cannot be compared since there is no infrastructure in place
44 on the hillside, but the land being considered already has water lines and roadways in place.

45
46 Bruce Baird, legal counsel for the applicant, responded to the public comments. He
47 pointed out that not a single person discussed or disputed the staff conclusion that the rezone is
48 compliant with the General Plan. Eighty percent of the public complaints were objections to
49 technical development issues. The Planning Commission decided that the question to be
50 answered is whether the land should remain zoned for half-acre lots or be rezoned R-L. Mr.

1 Baird suggested that the half-acre lots are not compliant with the spirit of the General Plan. The
2 technical issues can be taken care of in the development stage. He stated that development of
3 a large area does not follow an orderly plan unless one person owns all the property. The
4 question before the Council is whether the land should remain A-L, or be rezoned R-L with the
5 possibility of going higher with all of the technical issues having to be resolved. He has faith in
6 the ability of City engineering staff to take care of the technical issues. The City does not have
7 the resources to solve all existing problems in the area. Development would help solve the
8 existing problems. This Council meeting is not the time or place for detailed engineering
9 questions about the development. Every detail of the project will come back to staff and the
10 Council at a later time.

11
12 Councilman Allen thinks the R-L zoning is reasonable based on the General Plan. He
13 thinks there are serious issues to deal with regarding development, but he supports the first step
14 of rezoning.

15
16 Councilwoman Lindstrom appreciated Mr. Baird's comment that no one disputed the
17 recommendation that the rezone is compliant with the General Plan. She pointed out that the
18 public requested the issue be tabled to further look at the existing infrastructure needs, not
19 denied. In her experience, personal property rights trump other concerns. She feels that in
20 order to hold on to a strong real estate market the community needs a good mix of housing
21 inventory. There are a number of residents in the community who want Centerville to stay rural.
22 She has compassion for that. She lives on Porter Lane where the density was changed and
23 development occurred in the neighborhood, and she feels the quality of life was not ruined.
24 Residents along Porter Lane were able to hold on to agricultural zoning for as long as they
25 needed it. Centerville is not a rural community. She respects that many people in attendance
26 are holding onto what it means to be rural. She hopes they do not lose their property rights, but
27 she agrees with Councilman Allen that the rezone is in keeping with the General Plan.

28
29 Councilman Higginson feels it is also in keeping with the General Plan to not rezone.
30 The General Plan does not say the Council has to rezone. He does not feel the rezone is a
31 good fit for the area at this time. He grew up in a rural community. As density increases,
32 tolerance for rural life decreases. He feels the General Plan would be well served if the Council
33 chooses not to rezone.

34
35 Councilman Averett listed some of the challenges that would be faced by the proposed
36 development (i.e., improvements to Lund Lane, drainage issues, missing sidewalks). Some of
37 the infrastructure is in place and some is missing. He would like to know the cost to the City to
38 provide the necessary infrastructure that would not be provided by the developer. Councilman
39 Averett feels that Council members represent the citizens of Centerville, are stewards of city
40 resources, and are also responsible to protect the health and safety of the citizens. He
41 recommended the Council table the issue to the next meeting and direct staff to present what
42 city resources would be required to make the project safe. He feels the matter is complicated
43 and is not prepared to make a decision at this time.

44
45 Councilman Wright stated he did not hear major disagreement with developing the
46 property. He heard the problems associated with development. He feels the zone change is
47 prompted by development. Although they have tried to consider the zone change separately,
48 he feels they are connected. Councilman Wright suggested the Council tie the zone change
49 and the proposed development together, and look at the issues the developer is willing to

1 address as well as the cost to the City to provide the necessary improvements and benefits. He
2 is in favor of tabling the matter to obtain more information.

3
4 Mayor Russell feels it is important to separate the discussion as the Planning
5 Commission requested. The fundamental policy question is whether or not to allow the zoning
6 to change from A-L to R-L, which would not guarantee that anything further would happen. The
7 density that would ultimately be allowed would be decided at a different time. Lisa Romney
8 stated that the applicant is the one who decides whether to pair the two issues or not. City
9 ordinances do not require them to be combined and it would be legally suspect to do so. It
10 would also be legally suspect to deny a rezone because of inadequate sidewalks. She
11 encouraged the Council to focus on the use – agricultural versus residential, referring to the
12 General Plan. When considering a rezone there are four criteria to look at:

- 13
14 1. Whether the rezone is consistent with the General Plan;
15 2. Whether the proposed amendment is harmonious with the overall character of the
16 existing development in the area;
17 3. The extent to which the proposed amendment may adversely affect adjacent
18 properties;
19 4. The adequacy of the facilities and services intended to serve the subject property.

20
21 Ms. Romney stated it is problematic to require too much detail for a rezone when the
22 ordinances do not support that type of detail. She advised that the Council not request cost
23 allocations. Centerville will not be improving Lund Lane. The City addresses development with
24 the developer paying for the infrastructure necessary to their project. Centerville has no
25 transportation impact fee. If the Council wants to table for further information, Ms. Romney
26 recommends they have staff report back on the adequacy of facilities and services.

27
28 Mayor Russell is in favor of property owners being able to do what they want with their
29 property, and feels it would be a disservice to the land owner and the larger community as a
30 whole to put the decision off requesting more information. The information will be presented as
31 part of the PDO phase. Councilman Wright would like the matter to be tabled to the next
32 meeting to get more information. Mr. Baird indicated willingness to provide more information
33 before a decision is made. Councilman Allen feels more information would be valuable. Ms.
34 Romney repeated that it would be legitimate to table the issue to determine the adequacy of
35 facilities and services.

36
37 Councilman Allen made a **motion** to table the matter to the next meeting so Cory
38 Snyder can put together information on the four criteria listed by Ms. Romney and make a
39 recommendation from staff, flushing out what the majority of the Planning Commission talked
40 about. Councilwoman Lindstrom seconded the motion. Responding to Councilman Averett's
41 comment about the Council's stewardship over tax dollars, Councilwoman Lindstrom stated that
42 another element of good stewardship is making sure the Council does not use budget funds on
43 legal costs towards unnecessary law suits by not following the process or by making
44 inappropriate decisions. Councilman Wright feels it is important to consider the possible
45 adverse affect the decision could have on the community. Councilman Averett wants to know if
46 the City will need to do anything to Lund Lane in conjunction with what the developer would do,
47 and what the cost would be. The motion passed by unanimous vote (5-0).

48
49 Councilman Averett was excused at 9:29 p.m.

4. The property is currently zoned Commercial-Very High (C-VH) and has met all the applicable development standards found in Chapter 12-34 of the Zoning Ordinance in regard to layout and proper street frontage.
5. The general requirements for all subdivisions appear to have been addressed and fulfilled [Chapter 15-5].
6. The allowance of jogged property lines for Lots 201 and 202 are acceptable based on the following good causes:
 - a. In a commercial zone, it may not be as critical when the lots are mainly to accommodate separate buildings in the center of shared parking and landscaping.
 - b. This has been done to accommodate Lot 201.
 - c. Place the shared drive-isle in Lot 202.
 - d. Give Lot 202 the proper street frontage.

The motion was seconded by Commissioner Markham and passed by unanimous roll-call vote (5-0).

PUBLIC HEARING – WOODS PARK SUBDIVISION – REZONE PROPERTY, PLANNED DEVELOPMENT OVERLAY APPROVAL AND CONCEPTUAL PLAN – 2250 NORTH 800 WEST - Consider rezoning property from A-L (Agricultural-Low) to R-L (Residential-Low)/Planned Development and Conceptual Plan for the Woods Park Subdivision; which would create approximately 24 building lots, located at 2250 North 800 West. Alan Prince, Prince Development LLC, Applicant.

Cory Snyder, Community Development Director, explained there are three separate applications to discuss, a rezone, a conceptual subdivision, and a planned development overlay (PDO). First, the property must be rezoned from Agricultural-Low (A-L) to Residential-Low (R-L). The rezone does require final approval from the City Council. Next, the applicant has applied for a conceptual subdivision. This application provides information to show the Commission that a subdivision is possible on the proposed property. Finally, the applicant is requesting a PDO approval which would allow the applicant additional density in return for increased amenities.

Rezone: Agricultural-Low to Residential-Low

Brandon Toponce, Assistant Planner, reported the applicant desires to rezone 4.74 acres of land from A-L to R-L. This property is located on the corner of Lund Lane and the Frontage Road on the Centerville/Farmington border. Mr. Toponce reviewed the goals of the General Plan which state that development in this area should be compatible with surrounding land uses. The General Plan also states that no future development shall have access on the Frontage Road. Surrounding uses of this property include agriculture and single-family homes on larger lots. The

1 applicant has proposed to develop single-family homes on smaller lots with the subdivision
2 being accessed from Lund Lane. Mr. Toponce said some of the adverse affects to the proposed
3 rezone and subsequent subdivision could include density, traffic, and utility services. Also, there
4 are adequate roadways in this area to accommodate traffic and all utilities are already available
5 for use in the area.

6
7 Commissioner Merrill asked what size the lots are for the adjacent single-family
8 subdivision to the north. He also pointed out that property to the east is vacant land zoned A-L
9 and questioned if rezoning this property would be spot zoning.

10
11 Mr. Toponce said he is not sure what size lots the subdivision to the north utilizes
12 because this subdivision is in Farmington not Centerville. However, the use is single-family. He
13 also said the rezoning can be dealt with on a case by case basis as an application is submitted.
14 The Commission is not being asked to rezone the area, only this property. Mr. Snyder said it is
15 possible for the City to initiate a wholistic rezone, but that is not the case here.

16
17 ***Conceptual Subdivision***
18

19 Mr. Toponce reviewed the conceptual subdivision application. The proposed subdivision
20 meets the qualifications necessary to show how the land could be developed. The applicant
21 proposes to build 24 single-family homes with a circular private drive and common open space.
22 The common area includes walking paths and sidewalk on one side of the street. Staff
23 recommends these walkways be better connected with stamped concrete across the private
24 roadway. The proposed site does have drainage issues which will require the applicant to fill the
25 site and raise the homes. All drainage plans will have to be properly engineered and approved by
26 the City Engineer.

27
28 ***Planned Development Overlay (PDO)***
29

30 Mr. Toponce reviewed the PDO application. The PDO allows the applicant flexibility and
31 in return the City requires additional enhancements within the subdivision. The applicant is
32 requesting 5-units an acre, an increase from the permitted 4-units per acre. The applicant is
33 requesting a reduced right-of-way from 50 feet to 44 feet. The applicant is also asking for
34 reduced setbacks. In return, the applicant will include an enhanced architectural design theme,
35 varied lot sizes, enhanced fencing, enhanced landscaping, public open space, enhanced street
36 lights, entry monument, water feature, etc. These enhancements are not required of a typical
37 standard subdivision. Staff believes the proposed enhancements warrant the extra density as
38 requested by the applicant.

1 The Commission questioned the density of various projects throughout the city.
2 Commissioner Markham expressed concern with the play area being located next to the Frontage
3 Road. Chair Fillmore said there was mention of "leapfrogging" in the staff report. She asked if
4 this is still a concern, since A-L will surround this lot if rezoned.

5
6 Mr. Snyder said the Pineae Subdivision is 8-units an acre, Silver Oaks is about 7-units an
7 acre, and Hidden Acres is about 5-units an acre. He said staff is not concerned with the location
8 of the play area because there is a 50-foot landscaped swell between the play area and the
9 Frontage Road. He also said "leapfrogging" was an initial concern until staff discovered that
10 utilities are already in place for use. "Leapfrogging" generally refers to property that has no
11 infrastructure available. This is not the case here.

12
13 Mr. Snyder said the question remains, where is Centerville headed in the future;
14 agriculture or development? He explained the General Plan includes two concepts. Pre-2003 the
15 General Plan discussed the preservation of agricultural lots but also discussed a need to increase
16 the size to greater than half-acre in order to adequately serve agricultural activities. In 2003, the
17 entire Zoning Ordinance was revised and there was no increase provided for agricultural lot
18 zoning. Therefore, it can be presumed that agriculture may not be the plan for the future. The
19 current General Plan also promotes compatible uses and the majority use is single-family,
20 therefore, we can presume R-L is also acceptable.

21
22 Lisa Romney, City Attorney, explained the standard of review on a rezone is "reasonably
23 debatable." Is it "reasonably debatable" to keep the A-L Zone? In this type of decision you first
24 look to the General Plan. In this case, the General Plan allows small PDOs within this area.
25 Although there was some language preserved in the General Plan regarding agricultural uses, it
26 was pre-2003 and nothing has been adopted since to implement the desire to further increase
27 agriculture in the city. The proposed development is consistent with the current General Plan.
28 She said if the Planning Commission would like to preserve the A-L Zone it may be beneficial to
29 table the issue and allow staff to further research a "reasonably debatable" argument.

30
31 Alan Prince, applicant, said he is aware this is a significant step for this area of the city.
32 He explained the layout for this property has been a lengthy process, but ultimately it was
33 decided a PDO would be the best option to meet all the unique challenges. He explained the
34 many public improvements that he will be required to develop with this subdivision including
35 curb, gutter, sidewalk, 50+ foot culvert, 10-inch water main, and 42-inch storm drain with two
36 cleanout vaults. He said these types of public improvements are above what it typically required
37 of a developer. In return, he requests the PDO be allowed as proposed with 5-units an acre
38 density. He said this is also a double edge sword because the PDO also requires additional
39 enhancements and amenities. He said there is a new Henry Walker development just north of this

1 property in Farmington. He said his proposal will be a similar development and that he is in
2 negotiations with Henry Walker to sell these lots to them if this is passed. Mr. Alan distributed
3 several home design renderings for review. These renderings are of Henry Walker homes. He
4 also explained there will be three different sized building lots for diversity. Mr. Alan reviewed
5 the water table/flood issues associated with the lot. He said they are having soils tests done to
6 find out exactly how much fill will need to be brought in to allow basements. He said they intend
7 to landscape everything outside the building pads. The entire site will be landscaped upon
8 completion. He said they would like to fence the private backyard, but all other open space will
9 be common and maintained by the homeowners association.

10
11 Chair Fillmore opened the public hearing.

12
13 Hermila Cutler, 115 West 2150 North, said her family is the largest property owner in
14 this area. She said there are no sidewalks on Lund Lane. She said the potential of this subdivision
15 could include upwards of 50 children. This is a lot of children traveling in the area and
16 trespassing on her property to get to school each day. She is concerned she will be liable for any
17 accident that may occur on her property. She said this land should remain A-L like all the other
18 property surrounding it.

19
20 Arthur Healey, 387 West 1125 North, said 18 homes would be better than 24 on this
21 property. He said he would like to buy a half-acre lot in Centerville, but more and more it is not
22 possible to find. He said allowing 24 homes on this site is overcrowding and will create a high
23 turnover subdivision. He said as a family grows it will have to relocate from these small cramped
24 houses. He said he has always been attracted to Centerville because of their allowance for larger
25 lots. He asked this opportunity not be taken away.

26
27 Ralph Cutler, 2177 North Main, said he does not believe there is an inalienable right to
28 develop. He said he has a half-acre lot and there is plenty of room for his agricultural activities.
29 He said the General Plan provides opportunity to keep this north Centerville area as half-acre
30 agricultural lots and encouraged the Commission to keep it that way. He said all past
31 development in this area has conformed to the half-acre rule and this project should too. He said
32 all surrounding uses are single-family, but on larger lots. As mentioned in the General Plan
33 consistent uses is encouraged, which would mean single-family on large lots, not small lots. He
34 said drainage is a significant issue in this area. He said if this site is filled for basements then all
35 the water will be pushed away from this site, flooding all surrounding neighbors. He said the
36 biggest problem with drainage is that the drains under the freeway are not adequate to handle the
37 flow and they back up. He said it will not matter how many new pipes this developer installs if
38 there is still a bottle neck at the freeway.

39

1 Brent Garlick, 2164 North Frontage Road, said he has lived in this area for 12 years and
2 their standard of living is adequate with the A-L Zone. He said it may be true that large A-L lots
3 are no longer popular, but they are desired and a way of life for many. The City should keep A-L
4 Zones, as long as there is a desire and people living in this zone. He said rezoning this property
5 will significantly impact their way of life. Rezoning would also make it easier for the City to
6 arbitrarily and wholistically rezone this area in the future. He said just because there was no
7 change to the General Plan in 2003 upsizing A-L lots, it does not mean they are not desired. He
8 said he appreciates the challenges of this property for the developer, but all the residents in the
9 area have had the same challenges and were still able to develop according to the density
10 permitted. He said he appreciates the requirements the City has set for this developer and
11 believes they are appropriate. He also said there is a boundary discrepancy of about 25 feet
12 depending on which direction the properties are surveyed from. He said new survey stakes have
13 appeared in the recent past and they increase that discrepancy taking even more land away from
14 his own property.

15
16 Sharon Cutler, 2177 North Main, said she is also concerned with the amount of children
17 this development could introduce. She is also concerned with the amount of new cars coming
18 and going in the area. She said Lund Lane has always been in disrepair and the Frontage Road is
19 quite busy. She suggested a traffic light be added if this many new cars are introduced.

20
21 Cindi Garlick, 2164 North Frontage Road, said this development will border her property
22 entirely. She said there is a need and a desire for agriculture. She said she accommodates the
23 students of Reading Elementary every year by allowing them to visit her farm in order to
24 experience agricultural activities and learn where clothing and food come from. This is an
25 experience that should be preserved. She said agricultural activities raise good, selfless children
26 and should not be taken away. She said this is a unique area of the city and encouraged the
27 Commission to vote against this rezone.

28
29 Suzanne Wright, 415 West Lund Lane, said this property backs up to her property and
30 she is very concerned with drainage. She said another neighboring property to the north recently
31 back-filled their property and it has caused her basement to flood three times this past year. Any
32 development on the proposed property will also shift the water table and will cause flooding onto
33 surrounding properties. She too is concerned about children. Children will be forced into the road
34 because there is not adequate sidewalk in the area. She questioned if there would be any
35 possibility of busing students to school.

36
37 Dee Evans, 44 West Lund Lane, said he owns the property immediately east of this site
38 and has lived there for 22 years. He said Lund Lane is a pothole mess and has never been
39 adequately paved. He said the proposed plans show a road stub on the east property line. He

1 questioned why a road would be stubbed to his property. He said he has a third-acre lot and he
2 has been able to support many agricultural activities. He said half-acre lots are more than
3 adequate for agriculture. He said low-density housing is what this area is about. He claimed his
4 driveway washes out each year from rainwater that washed down from the properties above his.
5 He said backfilling this property will cause a damming effect that will further flood his property.
6 He said the Henry Walker development to the north in Farmington has caused drainage problems
7 for the area, allowing another development will not help. He said there is a saying that if there
8 was no agriculture everyone would be naked and hungry. He said there is a need for agriculture
9 and to say otherwise is a bunch of malarkey. He said the homes proposed in this subdivision are
10 too small and too close together.

11
12 Craig Tew, 103 East 500 South, Farmington, said he is a relative of the property owner.
13 He said Mr. Woods has owned this property for years and has rented out the use of the field.
14 Recently the taxes on the property were raised significantly. This property is Mr. Woods's
15 retirement and denying this rezone kills the property value and Mr. Woods's retirement. There is
16 no possibility of return on this property if it is not developed.

17
18 Trish Evans, 44 West Lund Lane, said she raises animals on her third-acre without a
19 problem. She too is concerned about children. There are many animals in the area and if children
20 trespass they could get hurt. She said agriculture is a way of life. She does not want to see
21 "cracker boxes" next to her home. It will devalue her property.

22
23 Heather Healey, 387 West 1125 North, said she moved to this area because of the open
24 feel. She said this project is too dense and will attract a high turnover element to the area. Those
25 that purchase these homes will not be invested in Centerville, they will be transitory. She also
26 said that this many houses in such a small space will reduce the sense of community.

27
28 Pennee Stewart, 1710 North Hampton Ct, Farmington, said she lives east of an agricultural
29 area in Farmington that has been recently converted to single-family homes. She said the
30 majority of those that have moved into this type of housing have not been transitory, but rather
31 older couples whose children have grown and gone. These empty nesters choose subdivisions
32 like these because they no longer wish to care for a large lot. She said there is a possibility of
33 some children but not near what people think. She said there is a need for this type of
34 development and she believes the public's characterization of the populous is inaccurate.

35
36 Claire Hogan, 2167 North Main Street, said she would like to see agriculture remain in
37 this area. He would hate to see this option taken away too soon. She said there will always be
38 someone desiring larger agricultural lots.
39

1 Chair Fillmore closed the public hearing.
2

3 Alan Prince, applicant, said no one is being asked to sell or rezone their property. They
4 are able to keep what they have, how they have it, retaining their agricultural lifestyle. He said at
5 some point someone might choose to sell their agricultural lot and they too would want the right
6 to do so. It is unfair not to allow Mr. Woods the right to sell his property. This is why there are
7 ordinances set up to allow for the possibility of development. He said drainage seems to be a
8 high concern. He assured all drainage on the property will be adequately engineered and all
9 water on the site will be captured and disposed of appropriately. He said, by law, there is no
10 neighbor that is allowed to drain their property onto Mr. Woods property and he will not do the
11 same. In addition to the proposed drainage improvements there is a large open swell that can
12 catch and retain water.
13

14 Mr. Snyder responded to questions raised during the public hearing. He agreed a half-
15 acre may be large enough to support several agricultural activities. However, City ordinance
16 gives agricultural activities an animal unit number rating. For example, according to current City
17 ordinance, only one large animal is permitted on a half-acre lot (50 points). This is why the
18 General Plan encouraged upsizing agricultural lots. Since that did not happen with the zoning
19 ordinances, a half-acre agricultural lot may not be adequately sized for desired agricultural
20 activities. He said he realizes there are many half-acre lots with several animals and/or other
21 agricultural activities and this is allowed because they are grand-fathered, but any new purchaser
22 of a half-acre lot would be held to the current standard, limiting their ability to raise several
23 animals. Agricultural uses in this area can remain, but the current General Plan encourages the
24 density be increased to an R-L level, as well as continuing the A-L zoning. The General Plan
25 considers both zones as low-density single-family development. This is the judgment call or
26 decision.
27

28 Mr. Snyder said many of the sidewalks planned for this development will dead end into
29 neighboring properties, the developer is only required to install sidewalks within the boundaries
30 of the development. He said he is not sure if children within this development would be bused to
31 school, but he said the School District is informed of new developments and they will plan
32 accordingly. He said property owners maybe should post no trespassing signs on their properties
33 if they are worried about people wandering about. He also mentioned often homeowner
34 insurance policies cover accidents that might occur on a person's property. He said the City is
35 aware of the drainage issues associated with this property. He said the City Engineer will ensure
36 the drainage from this property is adequate and does not negatively affect neighboring properties.
37 He also explained that Centerville's Master Street Plan shows a road connection from this
38 development east to Main Street. This is why there is a road stub to the east from this
39 development.

1 Mr. Snyder said Davis County is seeing a significant loss of agriculture and there is
2 increasing pressure to push agriculture out. However, agriculture also contributes to a
3 community's sustainability and this is why urban farming is a growing trend. He said
4 Centerville's General Plan has not decided that agriculture is a preservation component of this
5 neighborhood, and as stated, it provides low-density residential as the vision for the future. He
6 said this vision may still be 25+ years away, but the sentiment for suburbanization is there. He
7 explained that society is moving in a direction where children are not taking over the family
8 farm, but rather are looking for smaller homes with increased entertainment with technology. He
9 said farmers do not have conventional retirement plans, they sell their land for retirement.

10
11 Commissioner Holbrook said he agreed that more middle aged and older people will buy
12 these homes. He said two cars per household is typical but not all those cars will occupy the road
13 at the same time. He believes Lund Lane and the Frontage Road are adequate to accommodate
14 the added traffic. He said Mr. Wood has a right to sell his property and the right to develop if the
15 issues can be mitigated. He said the rezone will not change the zone of any of the neighbors; they
16 can keep what they have.

17
18 Chair Fillmore addressed the public explaining this is a legislative decision and the final
19 decision will be made by the City Council. She also explained another public hearing will be
20 held at the City Council level for all those wishing to comment again. She explained this is a
21 policy decision. The Commission is required to review written documents and follow their
22 intent. She said there seems to be good arguments on both sides and it is a tragedy to see
23 agricultural land lost. However, from what she understands in the written documents this change
24 is foreseen. She said the applicant has presented a reasonable application that follows the intent
25 of the General Plan and it is not the City's right to take away Mr. Woods right to sell his
26 property.

27
28 Chair Fillmore made a **motion** for the Planning Commission to recommend approval to
29 the City Council the Zone Map Amendment for the property located at 2250 North 800 West
30 from Agricultural-Low to Residential-Low with the following conditions:

31
32 **Conditions:**

- 33 1. The rezone shall be for the property located at 2250 North 800 West only, and shall
34 change the zone form Agricultural-Low (A-L) to Residential-Low (R-L).
35 2. The applicant shall receive approval from the City Council in regard to Zone Map
36 Amendment.

Reasons for the Action (Findings):

1. The applicant has submitted the correct information for the consideration of a rezone request [Section 12-21-080(d)(1)].
2. The rezone is in harmony with the General Plan [Section 12-480-5].
3. The request for a rezone meets the review procedures found in Section 12-21-080(e) of the Zoning Ordinance.

The motion was seconded by Commissioner Merrill.

Commissioner Holman said it seems premature to rezone this property if there is a possibility that it may not be financially feasible. Perhaps this rezone should wait until all testing is complete. He said cities need diversity to keep them viable; keeping agriculture an option promotes viability. He said there is always a push for different housing types and there is a desire for larger lot single-family homes.

Commissioner Markham said Centerville's mission statement says, "We serve the people of Centerville by promoting their peace, health, safety, and welfare while planning for the future and preserving the past." He said if this rezone is approved then the City is essentially destroying the peace, health, safety, and welfare of the current surrounding residents. He agreed that society may be gravitating toward residential uses in the future, but that future could still be many years away. He said this area has always been agriculture and there does not seem to be an overwhelming trend to change it now. He said this rezone does not make sense because it would create an island of residential as this property is surrounded by A-L. He also agreed that this development will cause drainage problems for all properties up stream.

Chair Fillmore called for a **vote** on the motion. The motion passed by roll-call vote (4-3). Commissioners Kjar, Holman, and Markham opposed.

Chair Fillmore made a **motion** to table the discussion and possible motions regarding the Conceptual Subdivision application and the Planned Development Overlay application until the City Council has heard, discussed and rendered a decision regarding the rezone. If the rezone is not approved by the City Council then the subsequent applications will be moot. The motion was seconded by Commissioner Randall and passed by a roll-call vote (6-1). Commissioner Markham opposed.

REQUEST FOR

Planned Development Overlay (PDO) Zone Designation



Overview

Woods Park
SUBDIVISION • CENTERVILLE • UTAH

The development partnership of David Ellis and Prince Development are grateful for the opportunity that has been presented them to purchase and pursue the creation of a lovely, affordable residential project on this unique parcel of land.

The development of this site will facilitate the installation of several key components to the public infrastructure of this section of Centerville City, which include meaningful and valuable extensions to the public culinary water system, local and regional flood control systems, street and intersection completion, and the collection and underground piping of storm drain that has heretofore produced localized flooding in the immediate area, (due to the lack of these systems being completed).

In presenting this site to the City, a unique collaboration has begun, due in no small part to the insight and creativity of Cory Snyder, as the head of the Centerville City Planning Department, where how to properly develop this site utilizing the flexibility of the City's PDO Overlay, is as important as that it develops. The owners and developers of this project give grateful acknowledgment to Mr. Snyder, and his desire to see nicer and more creative development pursued in the City.

In requesting the granting of a PDO status to this project, it is envisioned that quality affordable single-family housing can be provided, which not only gives the City valuable infrastructure assets, but provides for a fully contained, fully landscaped residential development, complete with numerous community amenities, and does so in a manner that will not only be pleasing for the families that live here, but will provide a 'turnkey' integrated quality addition to the overall neighborhood, and one that creates the lowest possible intrusion into a largely rural lifestyle presently enjoyed in this corner of the City.

Our goal as a development team is to provide the highest possible affordable housing for our clients and customers who will call this community home, while providing our fellow neighbors, and the community as a whole, with a well-done, value-enhancing, beautiful finished product that brings credit and viability to the notion of how to properly utilize a PDO designation.



Specific Development Features



Lot Sizes / PUD Designation

There are a total of 24 individual building pads designated for this project. The pads vary in actual dimension, from a small of 40ft. x 40ft. to a large of 50ft. x 45 ft. The ownership of a home in this community will be a classic PUD format, (Planned Unit Development), where the individual home rests on its own individual, singularly owned "lot" (building pad), and the surrounding ground, walkways, playgrounds, and facilities, are all owned in common by a Homeowners Association.

Maintenance of Common Areas

Care and upkeep of the landscape is handled through a Homeowners Association (HOA), to whom the individuals owning their private homes pay a monthly fee, and the HOA schedules and coordinates maintenance, replacement and repair. Power usage for the water-feature pump and the sidewalk yard lights are paid for by the HOA.

Density

Density is in conformance with the underlying RL Zone, (4 units/acre), plus the PDO designated density-upgrade of .20%, bringing the total to 24 units. This 20% density enhancement is accomplished by conforming to the PDO requirements meriting said increase.

Setbacks

Pursuant to the PDO designation, there is a 20 foot perimeter setback (to any building pad), on the South and East sides of the project, and 10 feet on the West and North. The distance between individual building pads is a minimum of 10 feet. The distance from the street to the front of any building pad is a minimum of 20 feet. (Individual homes will not necessarily fill up the depth and width of the individual pads, therefore there can easily be, and probably will be, even greater distances between actual residential structures.)

Public Streets

The streets accessing individual homes within this project will be public streets, owned and maintained by Centerville City. They will be constructed, at the very minimum, to meet the standards set forth by the City. Their width and configuration will be as approved and set forth by the City, and approved through the public-hearing process of meetings with City Staff, the Planning Commission, and the ratification of the City Council.

Storm Drainage

The project interfaces three distinct Storm Drain Systems. One is within the interior site of the project itself. This system will capture rain and surface waters through the use of curb and gutter and deposit same into underground storm catch-basins, which then bleed into the adjacent storm drain public facilities. The adjacent public storm drain facilities will consist of a 45 ft. wide 400+ft. long sculpted landscaped regional storm drain retention basin to the adjacent west, and an oversized, (42" reinforced concrete-pipe) underground master storm drain line along the 500+ft.

Specific Development Features



north boundary to the property. This master system will include at least two concreted silt cleanout/ catch basins (vaults) integrated into the storm line. These specialized boxes will permit the City crews to vacuum out collected siltation, and to have a point at where they can spray out and clean the adjoining master storm drain line. This vaulted system will connect to the regional (above ground) retention basin, where excess waters can back flow, pond, and then trickle out into the main downstream outflow as storm water pressure recedes at the conclusion of a major storm.

The construction and provision of this system is a major benefit of approving and developing this project.

Adjacent Public Streets/Intersection

An additional tremendous benefit of approving and developing this project is the construction and dedication to the City of nearly 1000 linear feet of public streets cape, including curb and gutter, finished roads, planted park strip, and concrete sidewalk. This project will also improve the intersection corner, (to municipal standards), of 800 West and 2250 North, (Lund's Lane). These improvements are at no additional cost to Centerville City, but are part of the benefit for approval of this project, both for the City itself, and for the benefit of the neighborhood and citizens living in this area, or utilizing these City streets.

Project Street Configuration

We are asking for the interior streets of this project to be approved with two-way traffic on a 27ft. asphalt driving surface, with either high back or low back curbing (2.5ft wide per side), and one contiguous 4ft. sidewalk (on the outside edge of the street), with a 4ft. park strip adjacent to the sidewalk, and a 4ft. park strip adjacent (on the opposite side) to the curb and gutter. This represents a total dedicated street profile of 44 feet.

Streetscape Trees

We are proposing street-side deciduous trees be planted within the park strip area bordering the roads throughout this subdivision. This would include the landscaped regional flood control basin, and the public-dedicated road improvement along Lund's Lane, (in addition to the interior streets within the subdivision itself). These trees would conform (in terms of size, placement and specie) to the City's planting ordinances.

Project (Interior) Landscaping

We envision every square foot of this project, (not covered by street, sidewalk, or building), to be fully sprinklered and landscaped. This is one of the great benefits of this PDO designation, rather than a normal regulation standard subdivision. In a standard subdivision, not a square inch is mandated for planting. In this instance, we are budgeting in the neighborhood of \$100,000.00 specifically for this cause ... that's quite a bit of greenery, appearance, and value! If was for this very reason that we have elected to change the name of this project from Woods Corner to Woods Park. The name speaks for itself. We do not plan on making minimum plantings ... not in terms of caliper,

Specific Development Features



abundance, specie, or location. We will prepare a landscape proposal, (including a landscape architect stamp) in the processing of this project for approval.

Decorative Streets Lights

It is our intention to conform to any and all street lighting requirements set forth by the municipality, both outside and inside the project boundary. By way of the PDO designation, we can, (and will) select upgraded decorative street lights, and tie them with a corresponding appearance to the walkway yard lights we place at interval along the community jogging path and sidewalks. It may be feasible to add ground lights at strategic locations, particularly at the monumented entries, the water-feature grotto, and the MBV /Flagpole location.

Mail Delivery/Flagpole

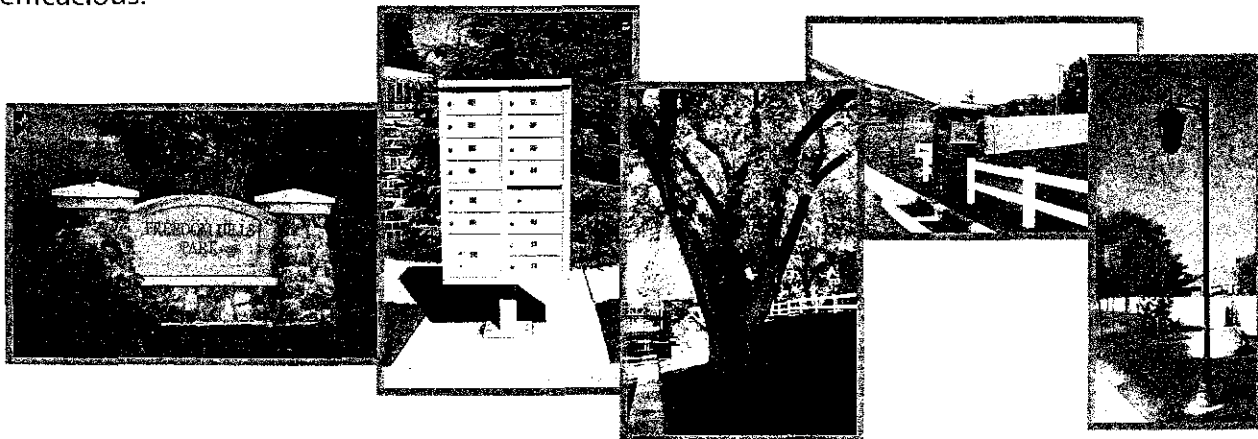
We would propose two separate MBU mail box collection units, (placed at or near the entry to the neighborhood), where residents can come and gather their mail. We would also like to erect an oversized community flagpole at this location, as part of the PDO inclusion, and to give the residents the means of displaying their patriotism when they wish to. (Flag will be included).

Extension of Municipal Water Main

A notable improvement to the physical infrastructure that comes with the approval of this project is the extension (by nearly 1,000 linear feet!) of the City's culinary water line bordering this project. This is slated to be a 10" line, and is a MAJOR public improvement, opening up accessto culinary water for future development, and coming into the City's hands at no additional expense. This is a major issue and reason to approve this project.

Homeowners Association (HOA)/Restrictive Covenants (CCRs)

Pursuant to the standards set forth in the PDO Ordinance, (and in this instance, an absolute functioning necessity), the developer will craft and establish a fully-functioning HOA, and the community will have a full set of applicable CCRs. Copies of these will be recorded, and will be presented to and cleared by the City prior to the recordation of the project, or them becoming efficacious.



Specific Development Features



Requested PDO Application for this project

Overall Road Dimension (Width)	44ft.
Density	4 Units/Acre + 20% Bonus
Front Yard Setback	20 feet
Rear Yard Setback	20 feet
Side Yard Setback	5 feet
Minimum Separation Between Buildings	10 feet
Building Pad Sizes (Varies)	40 feet x 40 feet - 50 feet x 45 feet
Total Acreage	4.74 acres
Total Number of Building Pads	24



Concessions



Concessions applicant is willing to provide in exchange for PDO approval

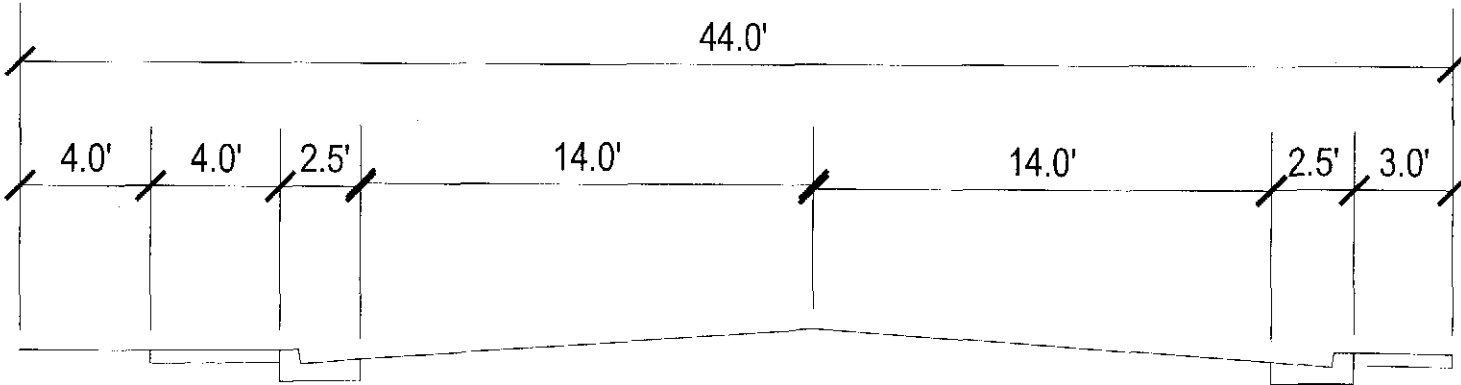
- Tree-Lined Streets (2" Calibre. Pear/Maple Trees).
- Perimeter vinyl fencing (six to eight foot sight-obscuring) against adjacent properties to the West and North and 3 rail horse fencing to the East and South.
- Decorative fencing at strategic points within the community.
- Entry monuments with name plates on each side of the project entry.
- Decorative upgraded street lighting.
- Looping of 10 inch municipal water main from 800 West to end of project on Lunds Lane .
- Multiple tree plantings to shield freeway noise and sight.
- Dedicated storm-drain-system tie-in to regional flood control basin.
- Professionally prepared project CCR's/HOA Documentation (fully functioning at turn-over).
- Professional MBU Mail-Collection/Delivery provided.
- Professional landscaping of entry corners, central community flower bed and full border to border project landscaping.
- Overall architectural styling of project homes.
- Rear-yard private fencing provision for each home.
- Pondless water feature (waterfall) with surrounding grotto trees.
- Sprinkling system for entire project.
- Street traffic signs.
- Professionally installed community childrens play area.
- More then \$100,000.00 invested in community greenspace landscaping.

Subdivision Plat



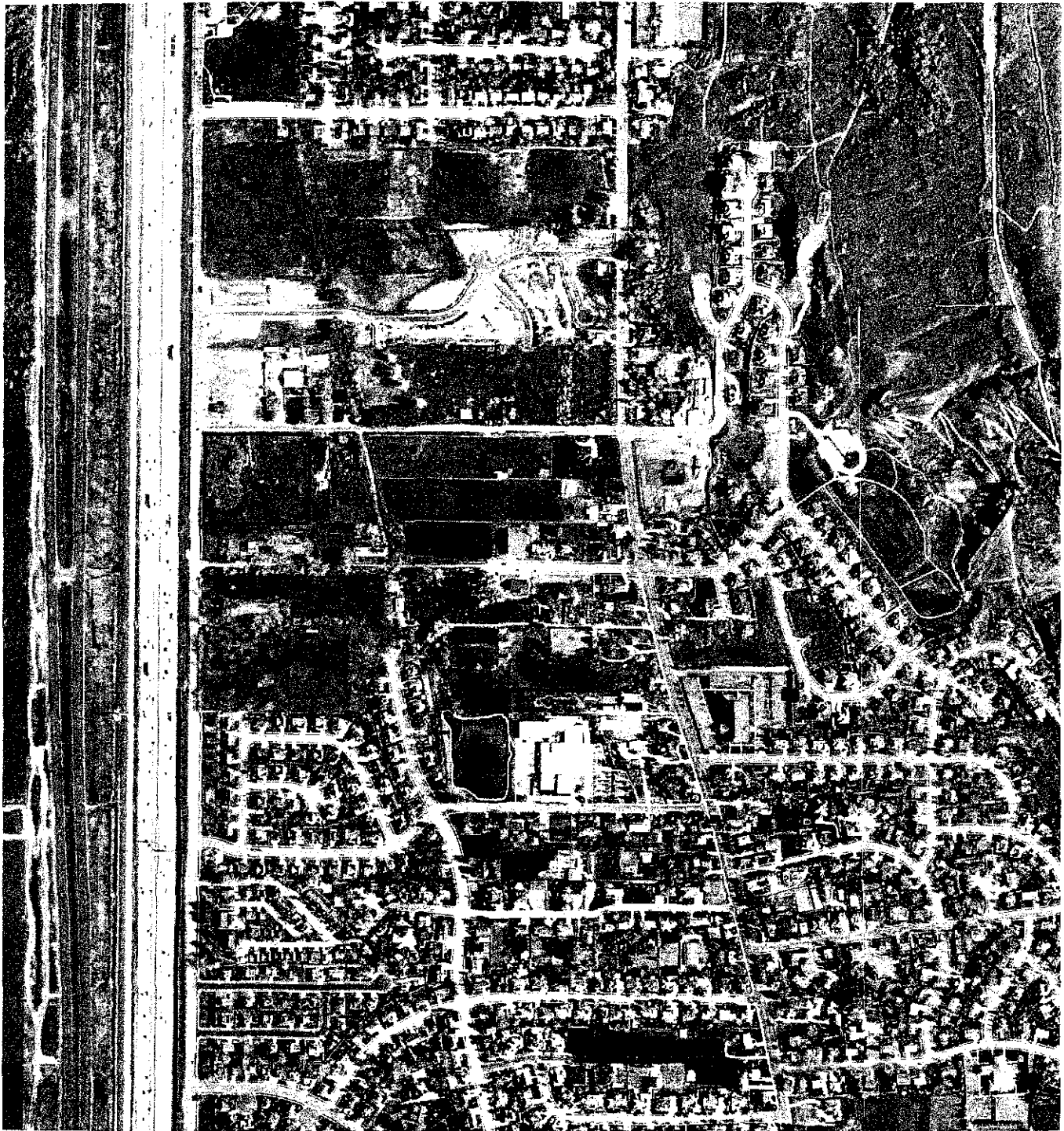
44' Street Cross Section

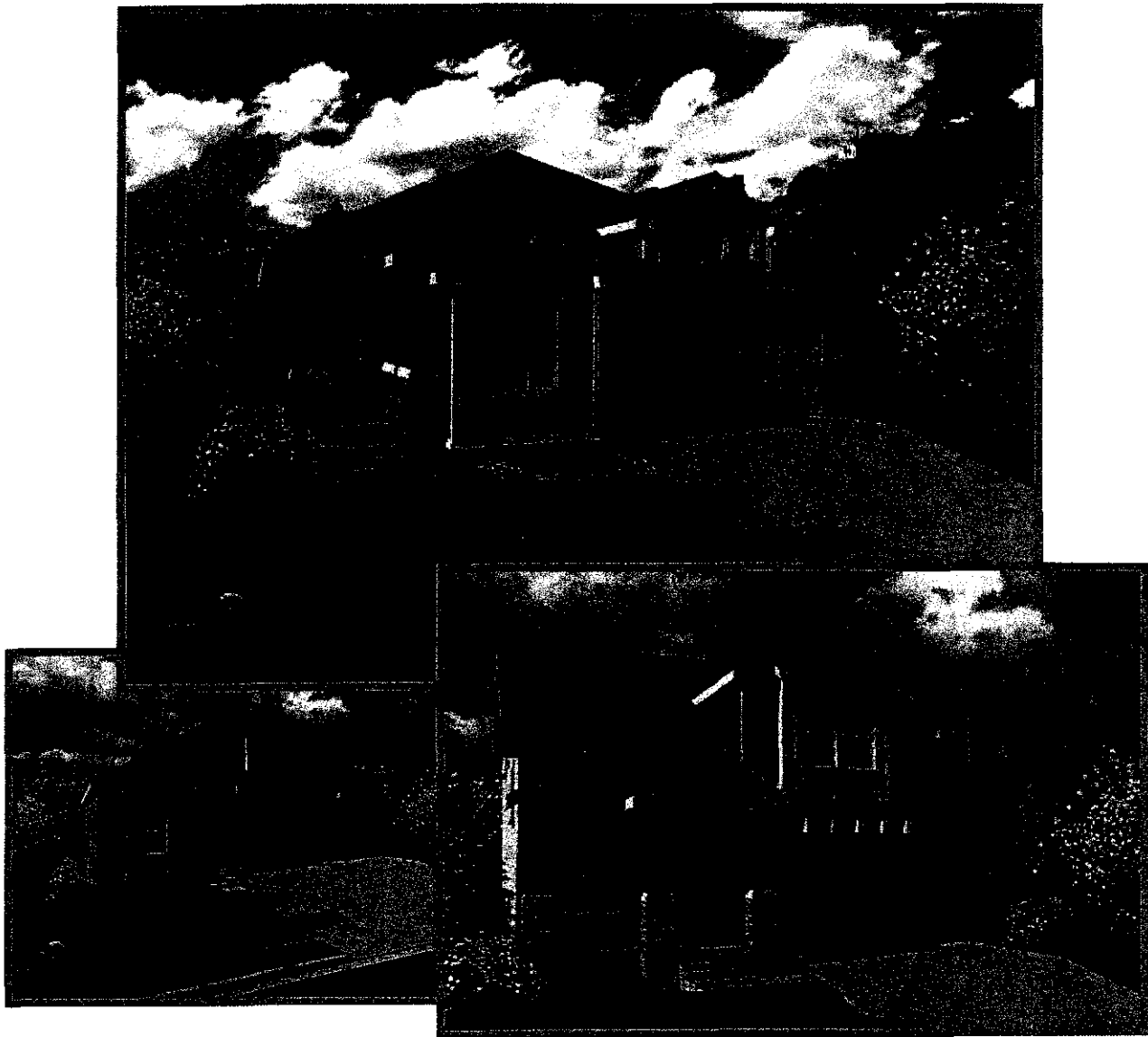
WOODS PARK SUBDIVISION PROPOSED PDO 44' ROADWAY



Satellite Map Image

Woods Park
SUBDIVISION • CENTERVILLE • UTAH





Financing By
 CONTINENTAL BANK


Woods Park
SUBDIVISION • CENTERVILLE • UTAH

OWNER
David L Ellis
801-209-6373

DEVELOPER/MANAGER
Alan Prince
801-556-6000

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 2c

Date of City Council Meeting: April 2, 2013

Short Title: Development Agreement for Woods Park PDO

Initiated By: Staff

Scheduled Time: 7:10 p.m. (30 min.)

RECOMMENDATION

Review and approve Development Agreement between Centerville City, William J. Wright and Suzanne B. Wright, and David Ellis for the Woods Park Planned Development (PDO) regarding necessary infrastructure and improvements for development.

BACKGROUND

On January 15, 2013, after recommendation from the Planning Commission, the City Council reviewed a proposed rezone for the subject property located at approximately 2250 North (Lund Lane) 800 West (Frontage Road) from A-L to R-L ("Property"). At that meeting, the City Council remanded the matter back to the Planning Commission to have the Planning Commission review and forward a recommendation regarding the PDO rezone and concept plan to the City Council. The Council also directed Staff to work with the developer to come up with a plan to ensure the adequacy of drainage facilities associated with proposed development of the Property and to prepare a development agreement addressing such solutions.

On March 27, 2013, as directed by the Council, the Planning Commission reviewed and has forwarded a positive recommendation to the City Council regarding the PDO rezone and conceptual plan for the Woods Park PDO.

As directed by the Council, Staff has worked with the developer to come up with a plan to ensure the adequacy of drainage facilities associated with the proposed development of the Property. Such plan includes the construction of a minimum 50' wide Detention Basin along Frontage Road to retain at least 1.61 acre feet of water during a storm event and to handle spring runoff from Lone Pine Creek. Such plan also includes the construction of a 36" diameter Drainage Culvert underneath the UPRR and UTA tracks (replacing an existing 12" diameter pipe in this location). According to the Lone Pine Creek Drainage Study, as conducted by ESI Engineering, these two improvements to

the drainage facilities in the area will provide adequate drainage for the flood and surface waters associated with the Property.

Staff has prepared the enclosed Development Agreement setting forth the proposed obligations and responsibilities of the parties regarding the necessary drainage facilities to be installed for purposes of developing the Property. Highlights of this Agreement are summarized as follows:

- Developer will be responsible for constructing and installing a Detention Basin and related facilities, including landscaping, along Frontage Road. This Detention Basin will connect into and make improvements to the existing detention basin on the adjacent property as indicated in the Agreement. Developer will also grant to the City a 50' detention, drainage and public utility easement over and across the portion of the Detention Basin on the Property. Developer will be eligible for a storm drain impact fee credit for the installation of the Detention Basin and dedication of the 50' wide easement to the City.
- Developer will contribute \$150,000 to the City representing Developer's rough-proportionality share of the 36" Drainage Culvert. As determined by the parties, Developer's rough-proportionality share of the Drainage Culvert is equal to the cost of installing a 24" culvert. The City agrees to pay \$33,800 for the estimated costs associated with upsizing the Drainage Culvert from a 24" to a 36" diameter pipe. Such upsizing is recommended by Staff and has been deemed to represent the system improvement portion of the facilities. The City also agrees to obtain the permits and administer the project in order to facilitate approval from UPRR and UTA. If the total cost (not including UPRR and UTA permitting and flagging fees) exceeds \$183,800, the overrun will be split 50/50 between the City and the Developer.
- Developer is required to obtain a LOMR for the portion of the Property currently located within the FEMA Flood Plain Zone A. No building permits shall be issued for any lots within the Flood Plain Zone A until the LOMR has been approved and all conditions of the LOMR have been met.
- The finished base floor elevation for any dwelling within the subdivision, including basements, whether finished or unfinished, shall be one foot (1') above the projected 100 year flood event for the Property.

It is recommended by Staff that the City Council first approve and enter into the Development Agreement regarding required drainage facility improvements for the Property. With this Development Agreement in place, the City has sufficient assurance that all required and necessary drainage facilities and improvements for the project will be installed and completed. In addition, the Development Agreement ensures the adequacy of services and facilities for purposes of zoning approval. Once the

Development Agreement has been approved, the City may then review and approve the proposed rezone of the Property.

Recommended Action Item No. 2c: *The City Council hereby approves the Development Agreement between Centerville City, William J. Wright and Suzanne B. Wright, and David Ellis for the Woods Park Planned Development (PDO) regarding necessary infrastructure and improvements for development.*

Attachments	Development Agreement for Woods Park PDO Exhibits to Development Agreement
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When recorded, return to:

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

Effects Parcel Nos.: 07-070-0118 and 07-072-0025

**DEVELOPMENT AGREEMENT BETWEEN CENTERVILLE
CITY, VAL D. WOOD TRUST, WILLIAM J. AND SUZANNE B. WRIGHT AND DAVID
L. ELLIS FOR THE WOODS PARK PLANNED DEVELOPMENT (PDO)**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of April, 2013, by and between **CENTERVILLE CITY**, a Utah municipal corporation ("City"), **VAL D. WOOD, TRUSTEE OF THE VAL D. WOOD REVOCABLE TRUST AND VAL D. WOOD**, as their interests appear, ("Wood Trust"), **WILLIAM J. WRIGHT AND SUZANNE B. WRIGHT**, as joint tenants with full rights of survivorship ("Wright") and **DAVID L. ELLIS**, an individual ("Ellis"). Wood Trust, Wright and Ellis may be referred to herein collectively as "Developer."

RECITALS:

A. Wood Trust owns approximately 4.74 acres of real property located at the southeastern corner of 2250 North (Lund Lane) and 800 West (Frontage Road) in Centerville City, Davis County, State of Utah, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Wood Trust Property").

B. Wright owns property immediately south and adjacent to the Wood Trust Property located at approximately 2168 North and 800 West (Frontage Road) in Centerville City, Davis County, State of Utah, a portion of which Ellis is under contract to purchase after legal lot split or boundary line adjustment is accomplished, said portion of the Wright property to be purchased and included in the project is more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference (the "Wright Property").

C. Ellis is under contract to purchase the Wood Trust Property and the Wright Property (collectively referred to as the "Property") and desires to rezone, subdivide and develop the Property as a planned residential development under applicable Centerville City Ordinances.

D. Ellis, as authorized agent for the subject property owners, has applied for a Zone Map Amendment and Rezone of the Property from Agricultural-Low (A-L) to Residential-Low (R-L) with a Planned Development Overlay (PDO) and Conceptual Subdivision Plan acceptance under applicable provisions of the Planned Development Overlay Ordinance.

E. The Property is restrained as developable property due to storm water and flood water issues in the area and specifically associated with the Property due to its low elevation and the existence of Lone Pine Creek that flows adjacent to and through the Property.

F. A portion of the Property is located within the FEMA Flood Plain Zone A and Zone X as more particularly described and indicated on **Exhibit "C,"** attached hereto and incorporated herein by this reference, and a portion of the Property provides detention for and handles runoff from Lone Pine Creek that flows adjacent to and through the Property.

G. The City paid for and caused to be conducted an engineering drainage study of the Lone Pine Creek drainage system and its effect on the development capabilities of the Property as more particularly described in the attached Lone Pine Creek Drainage Study dated December 2012, as prepared by ESI Engineering, set forth in **Exhibit "D,"** attached hereto and incorporated herein by this reference.

H. As indicated in the Lone Pine Creek Drainage Study, in order to develop the Property, certain on-site and off-site improvements must be made to adequately address the sufficiency of facilities and infrastructure for the drainage of water associated with the Property.

I. Prior to approving the Zone Map Amendment and Rezone for the Property and acceptance of the Conceptual Subdivision Plan for the proposed planned development which will allow Developer to become eligible for certain density bonuses, the City wants to ensure that adequate storm water and flood water infrastructure and facilities will be provided by the Developer to handle project water issues, to ensure that the Property can and will be properly eliminated from the Flood Plain Zone A, and that adequate drainage and detention is provided for both flood waters and Lone Pine Creek runoff and storm water.

J. The purpose of this Agreement is to contractually reduce to writing the respective agreements and understandings of the parties regarding the required infrastructure improvements and facilities necessary to address storm water and flood water issues associated with the Property prior to development approval.

AGREEMENT:

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

1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Agreement.
2. **Planned Development Overlay Approval.** Developer shall be required to obtain a Zone Map Amendment and Rezone of the Property from Agricultural-Low (A-L) to Residential-Low (R-L) with a Planned Development Overlay (PDO), including Conceptual Subdivision Plan acceptance ("Rezone Approval"), in accordance with applicable provisions of Centerville City Ordinances within six (6) months from the date of this Agreement. If Developer does not obtain Rezone Approval within the required time frame, this Agreement and the obligations provided herein shall automatically become null and void. All development and use of the Property shall be subject to and shall comply with the terms and conditions of the Rezone Approval and the Planned Development Overlay Zone requirements. No additional property may be added to the Property or the Planned Development described herein for the purposes of this Agreement except by written amendment to this Agreement approved and executed by the parties. Nothing herein shall impact or affect the City Council's legislative decision-making authority with respect to the Rezone Approval. The purpose of this Agreement is merely to address and establish the adequacy of the facilities for purposes of developing the Property and obtaining development approval.
3. **Subdivision Approval.** Developer shall be required to obtain preliminary and final subdivision plat approval for the Property in accordance with applicable time frames set forth in Section 12-41-120 of the Planned Development Overlay Ordinance ("Final Plat Approval"). If Developer does not obtain Final Plat Approval within the required time frame, this Agreement and the obligations provided herein shall automatically become null and void. If Developer does not obtain Final Plat Approval within the required time frame, the City further reserves the right to rezone the property to remove the PDO designation pursuant to applicable provisions of the Planned Development Overlay Ordinance. All development and use of the Property shall be subject to and shall comply with the terms and conditions of Final Plat Approval and Centerville City Subdivision Ordinance requirements. Preliminary and final plats for the proposed subdivision shall be substantially consistent with the layout, design, infrastructure, density, amenities, and lots as indicated in the Conceptual Subdivision Plan and any applicable terms and conditions of Rezone Approval. A copy of the proposed Conceptual Subdivision Plan is set forth in **Exhibit "E,"** attached hereto and incorporated herein by this reference. Nothing herein shall impact or affect the City's administrative decision-making authority with respect to the Final Plat Approval. The purpose of this Agreement is merely to address and establish the adequacy of the facilities for purposes of developing the Property and obtaining development approval.

4. **Project Development.** If and when Rezone Approval and Final Plat Approval is granted by the City Council for the Property, it is anticipated that the Property may be developed as a Planned Development with up to a 20% density bonus from the base density permitted in the underlying Residential-Low (R-L) Zone based on eligible incentive factors, amenities and upgraded facilities as more particularly set forth in the Planned Development Overlay Ordinance. Developer must qualify for such density bonuses in accordance with the criteria and factors set forth in the Planned Development Ordinance. Such eligibility will be determined as part of the Rezone Approval and Final Plat Approval. Except as otherwise provided herein for the off-site drainage culvert improvements, Developer shall be required to pay for and install all required on-site and off-site public improvements and infrastructure for the Property to the extent reasonably necessary and related to the impact of the development in accordance with City Ordinances and engineering standards, including, but not limited to, streets, curbs, gutters, sidewalks, culinary waterlines and facilities, fire hydrants, street lights, sewer lines and facilities, secondary irrigation waterlines and facilities, storm drainage facilities, subdrain facilities, utilities, and detention facilities. All such improvements shall be bonded for and constructed and installed in accordance with applicable City Ordinances and specifications as determined necessary by the City Engineer. All plans and construction for water, sewer, street and drainage improvements shall be reviewed and approved by the City Engineer.

5. **Drainage Issues and Improvements.** The Property is restrained as developable property due to storm water and flood water issues associated with the Property, including flood plain designations and Lone Pine Creek runoff and drainage as discussed herein. Based on information provided in the Lone Pine Creek Drainage Study, certain on-site and off-site improvements must be provided by Developer in order to develop the Property. As indicated in the Study, in order for the Property to be developable, a 36" diameter culvert is recommended to be installed under the UTA/UPRR corridor at Lund Lane and approximately 2 acre feet of on-site detention needs to be provided along the Frontage Road. Based on additional calculations conducted since the Study and the proposal to connect Developer's detention facilities along Frontage Road to adjacent property detention facilities, it has been determined and agreed that Developer need only provide 1.61 acre feet of detention along Frontage Road. Such detention facilities and requirements are more particularly described in Section 6. The parties also agree that Developer's rough-proportionality share of the 36" diameter culvert under the UTA/UPRR corridor necessary to alleviate the burdens imposed on infrastructure by the development is equal to the cost of a 24" diameter culvert. Such culvert improvements and cost sharing requirements are more particularly described in Section 7 and Section 8.

6. **Frontage Road Detention Basin.** In order to detain the required amount of water flow as indicated in the Lone Pine Creek Drainage Study, as adjusted by subsequent credit calculations, Developer is required to provide a minimum of 1.61 acre-feet of detention along Frontage Road. Developer shall provide such detention on a portion of the Property and on adjacent property to the south ("Garlick Property") as more particularly shown on **Exhibit "F,"** attached hereto and incorporated herein by this reference ("Detention Basin"). Developer shall bond for and pay all costs associated

with designing and installing the Detention Basin and related facilities and landscaping along Frontage Road and obtain any required easements and approvals from the owners of the Garlick Property for the Detention Basin and related improvements, including those necessary to tie-in the drainage pipe for the Garlick Property. The Detention Basin and related facilities shall be integrated and designed in accordance with applicable City Ordinances and subject to approval from the City Engineer. Developer shall be required to grant to the City a 50' wide detention, drainage and public utility easement over and across the portion of Detention Basin located on the Property as more particularly shown on **Exhibit "F"**. Such easement shall be shown on the Final Plat. In accordance with applicable provisions of the Planned Development Overlay Ordinance, Developer may qualify for a density bonus calculation for the provision of the Detention Basin and facilities, provided such area is landscaped and maintained as common area by a homeowner's association or other qualifying entity. Developer may also qualify for a storm drain impact fee credit for such Detention Basin, related facilities and easement in accordance with applicable provisions of the City's Impact Fee Ordinance and credit policy. Until the Detention Basin is installed, completed and functioning, no building permits shall be issued for any lots within the subdivision as more particularly provided in Section 11. Developer shall provide a plat note on the Final Plat regarding such restrictions.

7. **Off-Site Drainage Culvert.** In order to provide for and handle the runoff for Lone Pine Creek as indicated in the Lone Pine Creek Drainage Study, a 36" diameter culvert and related improvements must be installed at the UTA/UPRR corridor at Lund Lane, including necessary improvements along the east side of the UTA tracks and along the west side of UPRR tracks to connect the new culvert to the existing drainage system ("Drainage Culvert"). Developer's rough-proportionality share of the Drainage Culvert requires Developer to pay for the cost of installing a 24" diameter culvert and related improvements as described herein. In exchange for Developer's rough-proportionality share contribution to the Drainage Culvert costs, the City agrees to pay for the cost of upsizing the Drainage Culvert in accordance with and subject to the project management and cost sharing provisions set forth in Section 8. Until all required permits have been obtained from UPRR and UTA for construction of the Drainage Culvert, no building permits shall be issued for lots within the subdivision and no certificates of occupancy for buildings within the subdivision shall be issued until the Drainage Culvert is installed, completed and functioning, as more particularly provided in Section 11. Developer shall provide a plat note on the Final Plat regarding such restrictions. The City agrees to file an application for permits from UPRR and UTA for installation of the Drainage Culvert within two (2) weeks from the date of Rezone Approval. The City further agrees to expedite the bidding and construction of the Drainage Culvert and to pursue the construction and completion of the Drainage Culvert with reasonable due diligence acknowledging time is of the essence for completion of the Drainage Culvert in order for certificates of occupancy to be issued.

8. **Drainage Culvert Cost Sharing.** If and when Rezone Approval and Final Subdivision Approval has been granted by the City, Developer shall be obligated to pay to the City \$150,000 representing Developer's rough-proportionality share of the Drainage Culvert. Such amount shall be due and owing to the City prior to recording

the Final Plat or prior to awarding the bid for the Drainage Culvert project, whichever is sooner. In exchange for Developer's rough-proportionality share contribution to the cost of the Drainage Culvert, the City agrees to administer the project for the design, permitting and installation of the Drainage Culvert and to pay for the cost of upsizing the culvert from a 24" diameter pipe to the 36" diameter pipe in the amount of \$33,800. The City also agrees to obtain and pay for permitting and flagging fees required from UPRR and/or UTA as associated with the approval and installation of the Drainage Culvert. If the total actual cost of the Drainage Culvert, including all design, engineering, testing services, soils reports and studies, construction, installation, materials and labor, but not permit or flagging fees, exceeds \$183,800 ("Base Estimate"), such excess amount shall be split equally between the parties ("Overruns"). If the total actual cost of the Drainage Culvert, including all design, engineering, testing services, soils reports and studies, construction, installation, materials and labor, but not permit or flagging fees, is less than the Base Estimate, the savings shall be split equally between the parties ("Underruns"). The City agrees to do a final accounting after completion of the Drainage Culvert and to send Developer an invoice for any Overrun amount due or for any Underrun amount to be refunded. Any additional Overrun amount due from the Developer or Underrun refund from the City shall be paid within thirty (30) days of invoice.

9. **Engineering Costs.** Certain engineering costs associated with project, defined to include design engineering, contract documents, construction engineering, construction staking and field review services shall be capped at a cost not exceed \$27,840 ("Capped Engineering Costs"). Capped Engineering Costs shall be included in the Base Estimate and used to calculate Overruns or Underruns on the project. Developer shall not be responsible for any Capped Engineering Costs in excess of \$27,840. Additional engineering costs may be required for the project, defined to include any testing services provided by other consultants or any soils reports or other studies required by UPRR or UTA ("Additional Engineering Services Costs"). Additional Engineering Services Costs shall be included in the Base Estimate and used to calculate Overruns or Underruns on the project. Certain engineering costs may be required for the project as necessary to obtain permits and/or flagging waivers from UPRR and/or UTA ("Permitting Costs"). Permitting Costs shall be paid for by the City. Permitting Costs shall not be included in the Base Estimate and shall not be used to calculate Overruns or Underruns for the project.

10. **Letter of Map Revision.** As indicated in **Exhibit C**, all or a portion of the Property is currently located within the FEMA designated Flood Plain Zone A and Zone X. In order to develop the Property, Developer is required to pay for and obtain a Letter of Map Revision ("LOMR") from FEMA and to pay for and install any and all improvements and infrastructure necessary to obtain such LOMR. Obtaining the LOMR shall be a condition of Rezone Approval and Final Plat Approval. Until the LOMR has been approved and all conditions of the LOMR have been met, no building permits shall be issued for lots located within the Flood Plain Zone A shown as Lots 2-5 on the Conceptual Plan set forth in Exhibit E, as more particularly provided in Section 11. Developer shall provide a plat note on the Final Plat regarding such restrictions and

indicating the existing and proposed Flood Plain Area. The City agrees to cooperate with Developer in obtaining and/or submitting necessary documents for LOMR approval.

11. **Building Permit Restrictions.** In order to ensure that all required facilities and improvements have been installed and/or are bonded for and the LOMR has been obtained prior to construction, the following restrictions on the issuance of building permits and certificates of occupancy within the subdivision shall apply:

a. No building permit for any lot within the subdivision shall be issued until and unless all wet utilities have been installed and completed and all streets are rough graded in accordance with applicable City Ordinances, including the storm drain improvements along Lund Lane, and the Detention Basin has been installed, completed and is functioning.

b. Notwithstanding the foregoing, no building permit for any lots within the subdivision shall be issued until and unless the City has obtained all required permits from UPRR and UTA for the construction of the Drainage Culvert and no certificate of occupancy shall be issued for any building within the subdivision until and unless the Drainage Culvert has been installed, completed and is functioning. The City agrees to file an application for permits from UPRR and UTA for installation of the Drainage Culvert and to pursue the construction and completion of such improvements with due diligence as more particularly set forth in Section 7.

c. Notwithstanding the foregoing, no building permit for any lots within Flood Plain Zone A shown as Lots 2-5 on the Conceptual Plan set forth in Exhibit E, shall be issued until and unless the Detention Basin and the Drainage Culvert have been installed, completed and are functioning, and Developer has received LOMR approval and all conditions of the LOMR have been met.

12. **Finished Floor Elevation Restrictions.** The finished base floor elevation for any dwelling within the subdivision, including basements, whether finished or unfinished, shall be one foot (1') above the projected 100 year flood event for the Property. Developer shall be required to provide an engineer's certificate of all base floor elevations prior to pouring the footings for any structure. Developer shall provide a plat note on the Final Plat regarding such restrictions and requirements.

13. **Compliance with City Ordinances and Development Standards.** The Property and all portions thereof shall be developed in accordance with the City Ordinances, Rezone Approval, Final Plat Approval, and all subsequent applicable final plans and construction drawings for individual lots within the Property. All applicable City, State and Federal construction standards and specifications shall be met.

14. **Time Frames and Deadlines.** Nothing in this Agreement is intended to extend or waive any applicable time frame or deadline as set forth in applicable City Ordinances. Commencement and completion of construction within the Property shall comply with all applicable City Ordinance provisions.

15. **Dedication or Donation.** Developer shall dedicate and convey to the City, at no cost to the City, all required public utility easements for the purpose of constructing, installing, operating and maintaining public utilities and improvements of every nature and kind as determined and required by the City, including the Detention Basin easement, and title to the other public improvements required by the City in connection with the Property along with the appurtenant easements and rights-of-way, the City's portions of water systems and storm drainage system and their related easements and rights-of-way. All public improvements and rights-of-way shall be dedicated in fee. Prior to the time of dedication, Developer shall take such action as is necessary to obtain a release of any encumbrance on any property to be dedicated to the City. The City shall have the right to inspect all such improvements prior to acceptance of a conveyance thereof. Developer is making the dedications and donations provided in this Agreement voluntarily and as a contribution to the City and hereby waives and releases any claims for compensation therefor.

16. **Reserved Legislative Powers.** Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power preserved by law.

17. **Indemnification.** During construction and until acceptance of the public improvements by the City, the Developer hereby agrees to indemnify and hold the City and its officers, employees, agents and representatives harmless from and against all liability, loss, damage, costs, or expenses, including attorneys' fees and court costs arising from or as a result of the death of any person or any accident, injury, loss or damage whatsoever caused to any person or to the property of any person which shall occur within the Property or occur in connection with any off-site work done for or in connection with the Property or any subsequent phase thereof and which shall be caused by acts done thereon, or any errors or omission of the Developer, its agents, servants, employees or contractors. In addition, Developer shall indemnify and hold the City and its officers, employees and representatives harmless from and against any claims, liability, costs and attorneys' fees incurred on account of any change in the nature, direction, quantity or quality of historical drainage flows resulting from the Property or the construction of any improvements therein. The Developer and any subsequent developers shall not be responsible for (and such indemnity shall not apply to) any negligent acts or omissions of the City or its agents, servants, employees or contractors. The City agrees to indemnify and hold Developer harmless from and against any such liability, loss, damage, costs, or expenses, including attorneys' fees and court costs arising from or as a result of the City's negligence.

18. **Insurance.** During the period from commencement of the work on the Property and ending on the date when public improvements have been accepted, Developer shall furnish, or cause to be furnished, to the City, satisfactory Certificates of Insurance from reputable insurance companies evidencing death, bodily injury and property damage insurance policies in the amount of at least \$2,000,000 single limit

naming the City as an additional insured. Developer shall require all contractors and other employees performing any work on the Property or in connection with development of the Property to maintain adequate workers compensation insurance and public liability insurance.

19. **Inspection and Approval by the City.** The City may, at its option, perform periodic inspections of the improvements being installed and constructed by the Developer. No work involving excavation shall be covered until the same has been inspected by the City's representatives and the representatives of other governmental entities having jurisdiction over the particular improvements involved. The Developer shall warrant the materials and workmanship of all improvements installed for a period required by City Ordinances from and after the date of final inspection and approval by the City of the improvements.

20. **Use and Maintenance During Construction.** During construction, the Developer, and any permitted subsequent developer, shall keep the Property and all affected public streets and public easements free and clear from any unreasonable accumulation of debris, waste materials and any nuisances and shall contain construction debris and provide dust control so as to prevent scattering via wind and water or otherwise. Such construction maintenance and control of construction debris shall be conducted in accordance with applicable City, State and Federal laws, regulations and permits, including, but not limited to applicable Utah Department of Environmental Quality regulations and permitting requirements, and in accordance with applicable best management practices.

21. **Default.** The City may pursue any enforcement action deemed necessary and appropriate for any violation of City Ordinances in accordance with applicable enforcement provisions as set forth in City Ordinances or otherwise permitted by law. Notwithstanding and in addition to the City's right to pursue any enforcement action for violation of City Ordinances, in the event any party fails to perform its obligations hereunder or to comply with the terms of this Agreement, the non-defaulting party may have the following enforcement remedies. Prior to the invoking the remedies provided herein, the non-defaulting party shall provide the defaulting party written notice of default and a twenty (20) day cure period. All notices of default shall be provided in accordance with the Notice provisions set forth in Section 25. In the event the non-defaulting party does not cure the default within the required twenty (20) day cure period or enter into a written agreement for curing the default within a reasonable time, acceptable to the non-defaulting party in its reasonable discretion, the non-defaulting party may, at its election, have the following remedy or remedies:

a. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.

b. The right to withhold all further approvals, licenses, permits or other rights associated with the particular lot, parcel or building to which the default is applicable until such default has been cured.

c. The right to draw on any security posted or provided in connection with the Property or project.

d. The right to terminate this Agreement with respect to the particular lot, parcel or building to which the default is applicable.

e. The rights and remedies set forth herein above shall be cumulative.

22. **Insolvency or Misrepresentation.** Developer shall be in default under the terms of this Agreement under the following circumstances if not cured within twenty (20) days after notice of default is given: (i) Developer is adjudicated bankrupt or makes any voluntary or involuntary assignment for the benefit of creditors, or bankruptcy, insolvency, reorganization, arrangement, debt adjustment, receivership, liquidation or dissolution proceedings shall be instituted by or against Developer; and, if instituted adversely, the one against whom such proceedings are instituted consents to the same or admits in writing the material allegations thereof, or said proceedings shall remain undismissed for 150 days; or (ii) Developer has made a materially false representation or warranty in any agreement with or application to the City.

23. **Assignment.** Developer shall not assign its obligations under this Agreement or any rights or interests herein without giving prior written notice to the City. Any future assignee shall consent in writing to be bound by the terms of this Agreement as a condition precedent to the assignment. No party shall transfer, assign, sell, lease, encumber, or otherwise convey its rights and obligations under this Agreement separate from that party's interest in the Property except for the sale of individual completed homes within the Property. For purposes of individual completed home sales, the Developer agrees to remain liable and responsible for completion and fulfillment of the obligations and terms of this Agreement through Termination, as more particularly defined in Section 41. In the event of a sale or transfer of the Property, or any portion thereof, other than the sale of individual completed homes, the buyer or transferee ("Subsequent Developer") shall be liable for the performance of each of the obligations contained in this Agreement as it relates to that portion of the Property it is buying, and acceptance of a deed to any portion of the Property shall constitute an agreement to assume and to be bound by the provisions of this Agreement as it relates to the Property covered by the deed. Each buyer or transferee shall sign an assignment and assumption agreement in a form reasonably acceptable to the City agreeing to be bound by the terms and conditions of this Agreement as provided herein. Any reference to Developer herein shall be construed to refer to any Subsequent Developer with respect to the portion of the Property owned by such Subsequent Developer.

24. **Ownership and Recording.** Wood Trust and Wright hereby warrant and represent that they are the legal owners of record of the respective portions of the Property as described herein, they have the right to develop their respective portions of the Property, and they have full authority to enter into the terms of this Agreement encumbering their respective portions of the Property. Developer hereby agrees and acknowledges that this Agreement shall be recorded against the Property upon Rezone

Approval. Prior to recording this Agreement, Developer shall provide the City with a current and accurate title report regarding the Property. Developer shall be required to cure or subordinate any unacceptable encumbrances on the Property, as determined by the City, prior to recording of this Agreement. All persons or entities with an ownership interest in the Property as shown on the title report shall sign and be a party to this Agreement.

25. **Notice.** All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses:

To Centerville City:	Centerville City Attn: City Manager 250 North Main Street Centerville, Utah 84014
To Wood Trust:	Val D. Wood Trust 1331 North Dixie Down Road, #108 St. George, Utah 84770
To Wright:	William J. and Suzanne B. Wright P.O. Box 353 Centerville, Utah 84014
To Ellis:	David L. Ellis 1699 East 6525 South Salt Lake City, Utah 84121

Any party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

26. **Attorneys' Fees.** Each party agrees that should it default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including reasonable attorneys' fee which may arise or accrue from enforcing this Agreement, or in pursuing any remedy provided hereunder or by the statutes or other laws of the State of Utah.

27. **Entire Agreement.** This Agreement, together with the Exhibits attached hereto, documents referenced herein, and all regulatory approvals given by the City for the Property, contains the entire agreement of the parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the parties which are not contained in such agreements, regulatory approvals and related conditions.

28. **Construction of Agreement.** This Agreement shall be construed so as to effectuate the public purpose of implementing long-range planning objectives, obtaining public benefits, and protecting any compelling countervailing public interest. For purposes of this Agreement and the construction of its terms, the parties acknowledge that both participated in the drafting of this Agreement and neither shall be considered the drafter.

29. **Non-Liability of City Officials, Employees and Others.** No officer, representative, agent or employee of the City shall be personally liable to the Developer or any successor in interest or assignee of the Developer in the event of any default or breach by the City, or for any amount which may become due Developer, or its successors or assigns, or for any obligation(s) arising under the terms of this Agreement.

30. **No Third Party Rights.** Unless otherwise specifically provided herein, the obligations of Developer and the City set forth in this Agreement shall not create any rights in or obligations to any other persons or third parties.

31. **Binding Effect.** This Agreement shall be binding upon the parties hereto and their respective officers, agents, employees, successors and assigns, as permitted herein. The covenants contained herein shall be deemed to run with the Property and a copy of this Agreement shall be recorded by the Developer in the office of the Davis County Recorder, State of Utah.

32. **Governing Law and Jurisdiction.** The provisions of this Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah. The parties to this Agreement agree that any judicial action associated with the Agreement shall be taken in the Utah state or federal court of competent jurisdiction.

33. **No Waiver.** Any party's failure to enforce any provision of the Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

34. **Severability.** If any portion of this Agreement is held to be unenforceable by court of competent jurisdiction, any enforceable portion thereof and the remaining provisions shall continue in full force and effect.

35. **Time of Essence.** Time is expressly made of the essence with respect to the performance of each and every obligation hereunder.

36. **Knowledge and Covenant Not to Sue.** The parties have read this Agreement and have executed it voluntarily after having been apprised of all relevant information and risks and having had the opportunity to consult with legal counsel of their choice. Developer hereby agrees that Developer's rough-proportionality share of the Drainage Culvert is fair and reasonable cost sharing of such improvements. In exchange for the negotiated cost sharing arrangement and the parties' cooperative

approach to installation of the Drainage Culvert and other public improvements associated with the Property, Developer agrees not to sue or initiate any claim or other administrative or legal action against the City for an exaction, takings claim, impact fee challenge, or other claim with respect to the Drainage Culvert, Detention Basin and easement, or any other provision of this Agreement as associated with the Property. The parties acknowledge that they enter this Agreement voluntarily and with the intent to address and establish the adequacy of the facilities for purposes of developing the property and obtaining development approval.

37. **Supremacy.** In the event of any conflict between the terms of this Agreement and those of any document referred to herein, this Agreement shall govern.

38. **No Relationship.** Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties.

39. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto. Any amendments to the Planned Center documents, including, but not limited to the Planned Center Master Site Plan, the Planned Center Guidelines, and the Planned Center Project Plans, or the Wal-Mart documents, including, but not limited to the Wal-Mart Site Plan and Wal-Mart Project Plans, must be approved by the City in accordance with applicable City Ordinances in addition to required amendments to this Agreement.

40. **Force Majeure.** Neither party hereto shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to acts of God, acts of the United States Government or the State of Utah, fires, floods, or other casualties or causes beyond the reasonable control and without the fault or negligence of the party obligated to perform hereunder; provided the party seeking relief under the provisions of this Section: (1) notifies the other party in writing of a force majeure event within fifteen (15) days following the affected party's knowledge of the occurrence of the claimed force majeure event, and (2) promptly resumes the keeping and performance of the affected obligations after such cause has come to an end. Each party shall make every reasonable effort to keep delay in performance as a result of such a cause to a minimum.

41. **Termination.** This Agreement shall terminate upon completion and fulfillment of all the obligations and terms of this Agreement; provided, Sections 17, 18 and 36 shall remain in full force and effect until expiration of the warranty period for public improvements and any bonded improvements, such as landscaping, and expiration of any applicable statute of limitation for contractual claims, takings issues, impact fee challenges, or other claim with respect to the terms and conditions of this Agreement ("Termination").

42. **Release for Individual Home Sales.** The purchaser of an individual completed home in the project may take ownership of such lot free and clear of the obligations of this Agreement with respect to said lot; provided, the Developer shall

remain liable and responsible for completion and fulfillment of the obligations and terms of this Agreement through Termination, as more particularly defined in Section 41. Upon request, the City agrees to provide a Certificate of Compliance for individual home sales in accordance with the provisions of this Section.

43. **Estoppel Certificate.** Upon request, the City agrees to provide Developer or its lenders with an estoppel certificate or other written verification of the issuance or non-issuance of any notice of default under the terms of this Agreement

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

[Signature page to follow]

"CITY"

CENTERVILLE CITY

ATTEST:

City Recorder

By: _____
Mayor Ronald G. Russell

"DEVELOPER"

VAL D. WOOD TRUST

By: _____
Val D. Wood, Trustee

By: _____
Val D. Wood

WILLIAM J. AND SUZANNE B. WRIGHT

By: _____
William J. Wright

By: _____
Suzanne B. Wright

DAVID L. ELLIS

By: _____
David L. Ellis

CITY ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the _____ day of _____, 2013, personally appeared before me Ronald G. Russell, who being duly sworn, did say that he is the Mayor of **CENTERVILLE CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Ronald G. Russell acknowledged to me that the City executed the same.

Notary Public

My Commission Expires:

Residing at:

VAL D. WOOD TRUST ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF _____)

On the _____ day of _____, 2013, personally appeared before me Val D. Wood, who being duly sworn, did say that he is an individual and the Trustee of the Val D. Wood Revocable Trust, and that the foregoing instrument was signed by Val D. Wood in his individual capacity and in his capacity as the Trustee of the Val D. Wood Revocable Trust, and he acknowledged to me that he executed the same.

Notary Public

My Commission Expires:

Residing at:

WRIGHT ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the _____ day of _____, 2013, personally appeared before me William J. Wright and Suzanne B. Wright, who being duly sworn, did say that they signed the foregoing instrument in their individual capacity and they acknowledged to me that they executed the same.

Notary Public

My Commission Expires:

Residing at:

ELLIS ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the _____ day of _____, 2013, personally appeared before me David L. Ellis, who being duly sworn, did say that he signed the foregoing instrument in his individual capacity and he acknowledged to me that he executed the same.

Notary Public

My Commission Expires:

Residing at:

EXHIBITS

Exhibit A	Wood Trust Property Description
Exhibit B	Wright Property Description
Exhibit C	FEMA Map
Exhibit D	Lone Pine Creek Drainage Study
Exhibit E	Conceptual Plan
Exhibit F	Detention Basin Plans

EXHIBIT "A"

Wood Trust Property Description

EXHIBIT A

Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40.0 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road and South 89°36'30" East 200.0 feet along the South line of said lane from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 200.0 feet along the South line of said lane; thence South 0°11'10" West 417.98 feet to a point 33.0 feet South of the North line of the Southwest quarter of said section; thence South 89°13'20" West 200.04 feet parallel to the North line of said 1/4 section; thence North 0°11'10" East 422.06 feet to the point of beginning.

ALSO: Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 200 feet along the South line of said lane; thence South 0°11'10" West 400.908 feet to a fence; thence North 89°30'12" West 199.975 feet along said fence to a frontage road; thence North 0°11'10" East 400.54 feet more or less along the East line of said frontage road to the point of beginning.

ALSO: Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40.0 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road and South 89°36'30" East 400.0 feet along the South line of said lane from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 100.0 feet along the South line of said lane; thence South 0°11'15" West 415.94 feet to a point 33.0 feet South of the North line of the Southwest quarter of said section; thence South 89°13'20" West 100.02 feet parallel to the North line of said quarter section; thence North 0°11'10" East 417.98 feet to the point of beginning.

PARCEL A:

Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40 feet distance Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian; thence South 89°36'30" East 200 feet along said line of said lane; thence South 0°11'10" West 422.06 feet; thence South 89°13'20" West 200 feet, more or less, parallel to the North line of said quarter section to a point South 0°18' West of the point of beginning; thence North 0°18' East 415.94 feet, more or less, to the point of beginning.

LESS AND EXCEPTING from the above described Parcel A the following:

Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 200 feet along the South line of said lane; thence South 0°11'10" West 400.908 feet to a fence; thence North 89°30'12" West 199.975 feet along said fence to a frontage road; thence North 0°11'10" East 400.54 feet more or less along the East line of said frontage road to the point of beginning.

Parcel Identification Number 07-070-0118 (for reference purposes only)

EXHIBIT "B"

Wright Property Description

BEGINNING AT A POINT ON THE EAST LINE OF A FRONTAGE ROAD ON THE EAST SIDE OF THE INTERSTATE 15 FREEWAY, SAID POINT BEING NORTH 89°13'20" EAST 384.08 FEET ALONG THE QUARTER SECTION LINE TO THE EAST LINE OF A FRONTAGE ROAD AND SOUTH 0°11'10" WEST 33.00 FEET ALONG THE EAST LINE OF A FRONTAGE ROAD FROM THE WEST QUARTER CORNER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN AND RUNNING THENCE NORTH 89°13'20" EAST 500.05 FEET; THENCE SOUTH 0°11'15" WEST 50.00 FEET; THENCE SOUTH 89°13'20" WEST 500.05 FEET TO THE EAST LINE OF A FRONTAGE ROAD; THENCE NORTH 0°11'10" EAST 50.00 FEET ALONG THE EAST LINE OF A FRONTAGE ROAD TO THE POINT OF BEGINNING. CONTAINS 0.574 ACRES.

EXHIBIT “C”

FEMA Map

**DAVIS COUNTY
UNINCORPORATED AREAS
490038**

**ZONE AE
(EL 4217')**

RAILROAD

CITY OF FARMINGTON
DAVIS COUNTY

**DAVIS COUNTY
UNINCORPORATED AREAS
490038**

ZONE A

CITY OF FARMINGTON
CITY OF CENTERVILLE

ZONE X

31

FRONTAGE

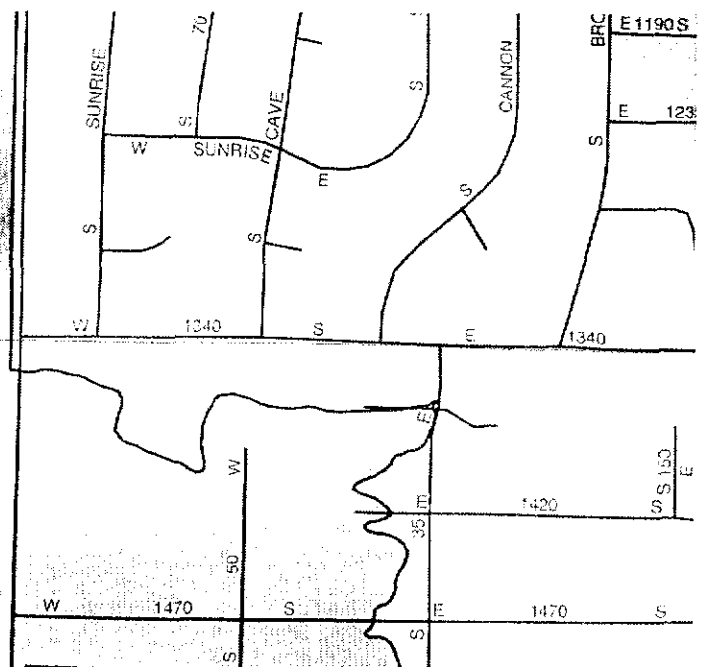


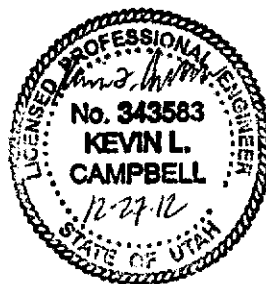
EXHIBIT "D"

Lone Pine Creek Drainage Study

LONE PINE CREEK DRAINAGE STUDY FOR CENTERVILLE CITY

PREPARED BY
KEVIN L. CAMPBELL, P.E.
CENTERVILLE CITY ENGINEER

ESI ENGINEERING, INC.



DECEMBER 2012

I. Overview

Lone Pine Canyon is the minor canyon located between Rick's Creek Canyon in Centerville and Davis Creek Canyon in Farmington and is on very north end of Centerville. In an effort to understand the Lone Pine Canyon Stream characteristics several hours were spent on the hillside with Randy Randall, Centerville Public Works Director, investigating how runoff is conveyed through the various ravines and canyons. This effort was beneficial in order to verify the upper watershed drainage area and to verify where the upper watershed area drained to. Also, as part of the process of developing this report an investigation of the history of how the Lone Pine Canyon drainage has been managed by Centerville City and Davis County in the past was completed. Several reports and studies were available and used in compiling the information in this report. The reports and studies are referenced in the body of the report.

II. Background Information for Lone Pine Canyon

In October of 1991, William Mulvey with Utah Geological Survey (a division of Utah Department of Natural Resources) submitted a proposal to Fred Campbell, City Engineer, to complete a debris-flow hazard study for Lone Pine Canyon. This was in response to Centerville City's concern regarding potential debris flows from Lone Pine Canyon and the City's desire to undertake hazard mitigation measures if they were warranted. The proposal was that there be a cooperative venture between UGS, Centerville City and J.B. Parsons Co. UGS provided the geological expertise and equipment for trench shoring, Parsons provided a backhoe, and the City obtained permission from property owners and apparently provided about \$2,000 to cover direct costs for the study.

In March of 1993, William Mulvey with UGS completed the aforementioned study and delivered a "Debris-Flood and Debris-Flow Hazard" report for the Lone Pine Canyon. The report evaluated debris-flow hazard for the canyon through geologic investigations of debris-flow and alluvial-fan deposits on the Bonneville shoreline bench. Subsurface investigations and geologic mapping were used to estimate thickness, extent, and volume of past deposits.

"On the Lone Pine Canyon fan there are three distinct channels, only one of which generally carries water during runoff (the northern channel)... the northern channel carries modern flows..." (UGS report pages 15-17).

"The hazard from large debris floods and debris flows from Lone Pine Canyon to the valley floor near the Parsons gravel pit is low, and with proper mitigation measures to reduce the risk, development can proceed... the average volume of debris in the youngest sedimentation events is 500 cubic yards... the largest was approximately 2,300 cubic yards and occurred between 1,100 and 1,400 years ago." (UGS report page 25).

The UGS report concluded that flood waters and locally derived debris are the greatest hazard to development at the base of the canyon and that possible options for reducing the hazard from sedimentation events from Lone Pine Canyon are: (1) construction of a debris and flood-water retention structure on the Bonneville shoreline bench, (2) construction of a debris basin in the Parsons gravel pit, or (3) both.

In 1997, Park Hills Subdivision developed and at that time plans for a the Freedom Hills City Park were set in motion.

In May of 1998 a request for LOMR with supporting documentation was submitted to FEMA. Additional information was requested by FEMA in October of 1998. The additional information included a geological report compiled by DeForrest Smouse, PhD as well as revised debris basin volume calculations prepared for a 2,250 cubic yard debris basin in the City Park. A debris basin was constructed and incorporated into the Freedom Hills Park. The FIRM was revised in May of 1999 from Main Street to the future City Park removing the Zone A in this area (see Appendices A & B).

II. Hydrology, Detention and Hydraulics

Since 1983 Centerville City and Davis County have used hydrologic flows compiled in the "Hydrologic Report - Flood Insurance Studies for 20 Utah Communities" prepared for FEMA by Gingery Associates, Inc. (1979) for stream channel discharges. Drainage system improvements completed in the City since 1983 along the stream channels have typically been designed to meet the 100 year discharge for the stream or overflow systems have been implemented where improvements to original stream channel systems were not feasible.

Detention basins used for peak flow reduction of rain events are typically designed for the 100 year event. The 100 year discharge from a stream for the upper portion of the watershed (upstream of canyon mouth) cannot be detained as the flow is a combination of snow melt and rainfall and due to the fact that the peak snow melt event may last for a week or two. It should be noted from the Gingery report that "flooding on the streams reported are both snow-melt and rainfall events..." and that "no additional snowmelt is added from the downstream area..." The 100 year discharge reported is not the 100 year snow-melt event in addition to the 100 year rainfall event, but is "the probability of these two sources statistically combined." The Gingery Report - Discharge-Frequency Data Summary is attached to this report as Appendix D.

Conveyance systems for stream channels must be designed to pass the 100 year discharge from the upper portion of the watershed in addition to the 100 year discharge for the drainage area in the lower portion of the watershed (downstream of canyon mouth). Detention may be used to limit discharge rates into the stream channel in the lower portion of the watershed.

The 100 year event discharge from the Lone Pine Canyon mouth is 28 CFS (Gingery Report) and the upper drainage area is approximately 500 acres. The total lower drainage area from the Frontage Road to the canyon mouth is approximately 105 acres and the 100 year event discharge is calculated to be 47 CFS under current developed conditions. Approximately 40 acres of the lower watershed are currently developed with approximately 65 acres undeveloped (see Lower Drainage Area map - Appendix E). The combined 100 year flow for the upper and lower drainage areas is calculated to be 75 CFS (28 CFS + 47 CFS). It should be noted that the LDS Church on Lund Lane and Main Street was required to detain site runoff (0.15 Acre-Feet of detention). Future developments in this drainage area should be required to have detention until the culverts beneath I-15 and the UTA/UPRR corridor are upsized and improved.

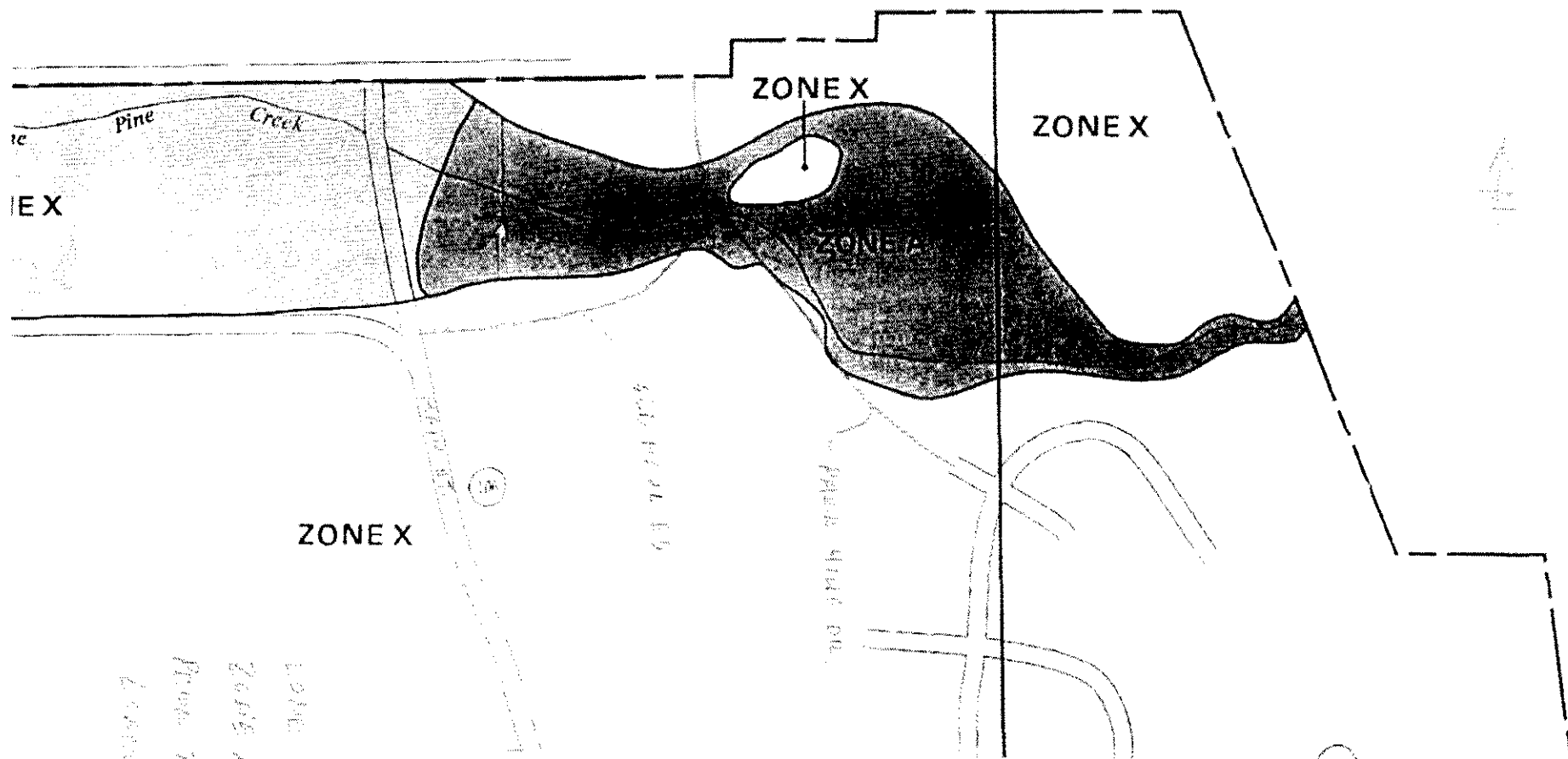
Currently this drainage area has one main trunk line that the developed portion of the area drains into. The main trunk line consists of a 24" diameter system that daylights out of the debris basin in the park and is then open channel to the Freedom Hills Booster Station. It then enters into a 24" diameter system that heads due west from the pump station to Main Street. At Main Street there is an old 15" diameter CMP system with a newer 24" diameter RCP along side it. These systems tie into a new 30" diameter RCP system west of Main Street along the south side of Lund Lane. The 30" system daylights into the open ditch along the south side of Lund Lane and there are several 24" culverts at drive entrance locations along this ditch. At Lund Lane and Frontage Road there is an old 24" CMP system that crosses I-15 and ties into a 12" system beneath the UTA / UPRR corridor. There is another old 24" CMP culvert approximately 400' south of Lund Lane that crosses the Frontage Road and I-15, but does not cross beneath the UTA / UPRR ROW.

The 12" diameter culvert beneath UTA / UPRR will handle about 8 CFS. For illustrative purposes, if only the lower drainage area were needed to be detained and using the 12" diameter culvert as the outlet, approximately 3 Acre-Feet of detention would be needed to handle the 100 year storm for the area as it is currently developed.

III. Conclusion

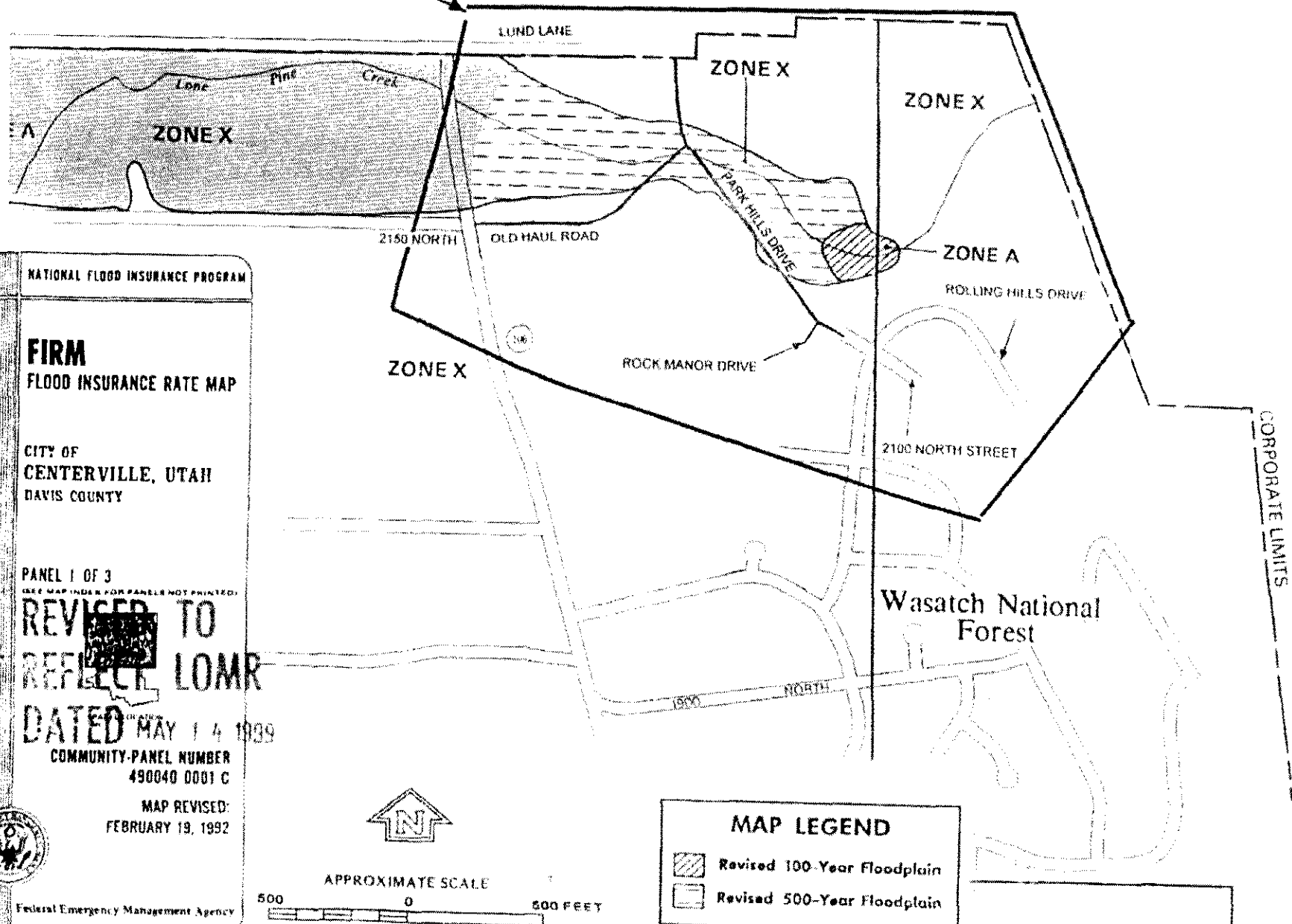
It is clear that the current drainage system is extremely deficient due to the 12" diameter system beneath the UTA / UPRR ROW. If there were at least a 24" diameter system beneath UTA / UPRR, it could handle the 100 year discharge from the upper drainage area and the lower drainage area could possibly be detained. As concluded in the 2007 City Storm Drainage Master Plan a 36" diameter system beneath the Frontage Road, I-15 and UTA / UPRR corridor along with detention along the east side of the Frontage Road is recommended for this drainage area. The 36" diameter system would handle approximately 50 CFS and the remaining discharges could be detained with approximately 2 Acre-Feet of detention along the 1,200 feet of property frontage along the Frontage Road in this drainage area. The future system along the south side of Lund Lane is also scheduled to be a 36" diameter system from the end of the existing 30" diameter system to the Frontage Road.

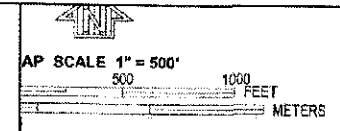
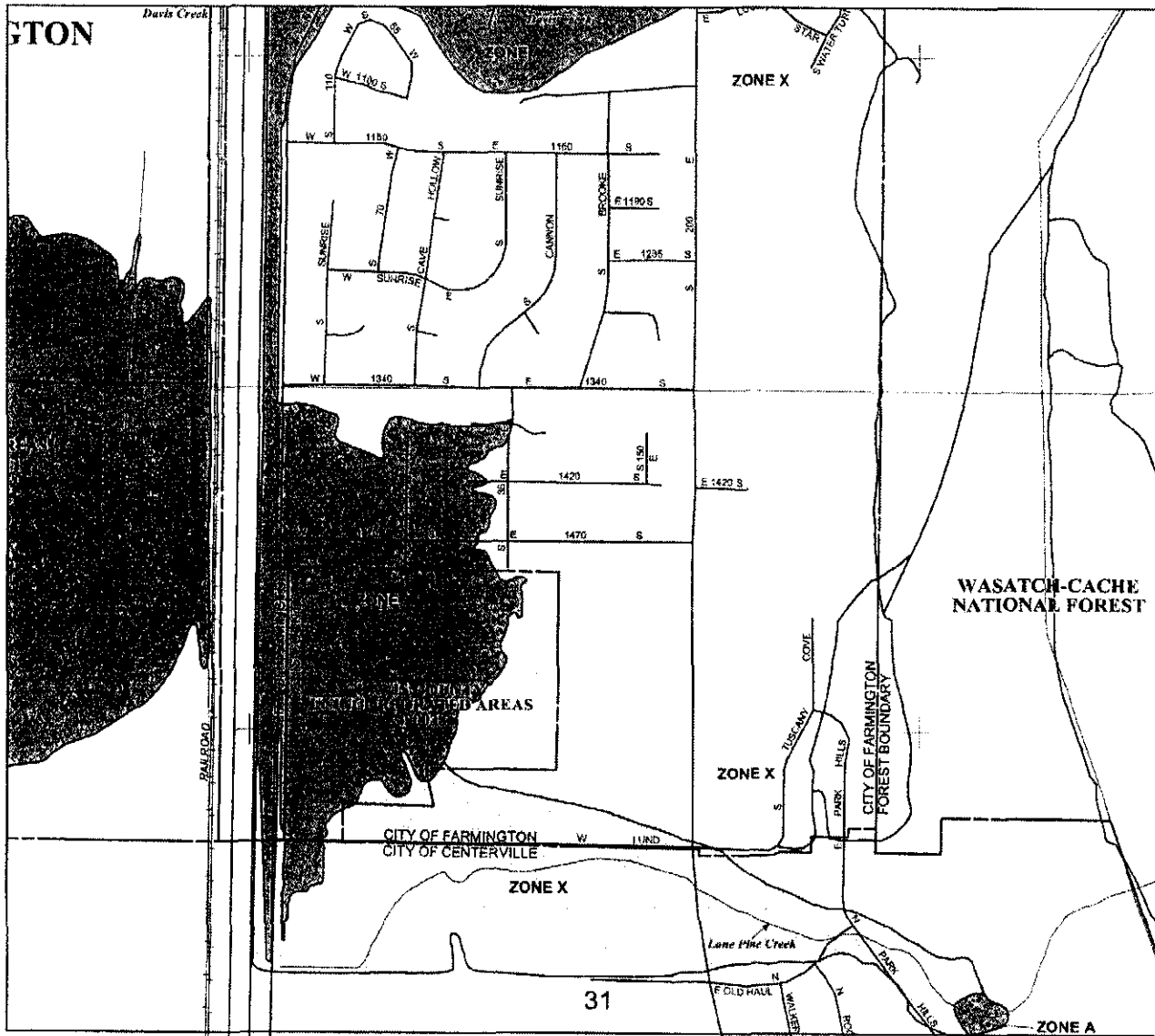
Approx. 1/4



LONG PINE CREEK
ZONE A (4/1/10)
From 70 May 1911
Lone

REVISED AREA





FIRM

FLOOD INSURANCE RATE MAP

DAVIS COUNTY, UTAH

UNINCORPORATED AREAS

PANEL 384 OF 575
SEE MAP INDEX FOR FIRM PANEL LAYOUT

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DAVIS COUNTY	490030	0384	E
INTERVILLE, CITY OF	490040	0384	E
FARMINGTON, CITY OF	490044	0384	E

Notes to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
49011C0384E

EFFECTIVE DATE
JUNE 18, 2007

Federal Emergency Management Agency

This is an official copy of a record of the above information. It was extracted using E-FAST software. The map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest and most accurate information about National Flood Insurance Program coverage, check the FEMA Flood Map Service Center website.

APPENDIX "D"

TABLE 7
DISCHARGE-FREQUENCY DATA SUMMARY

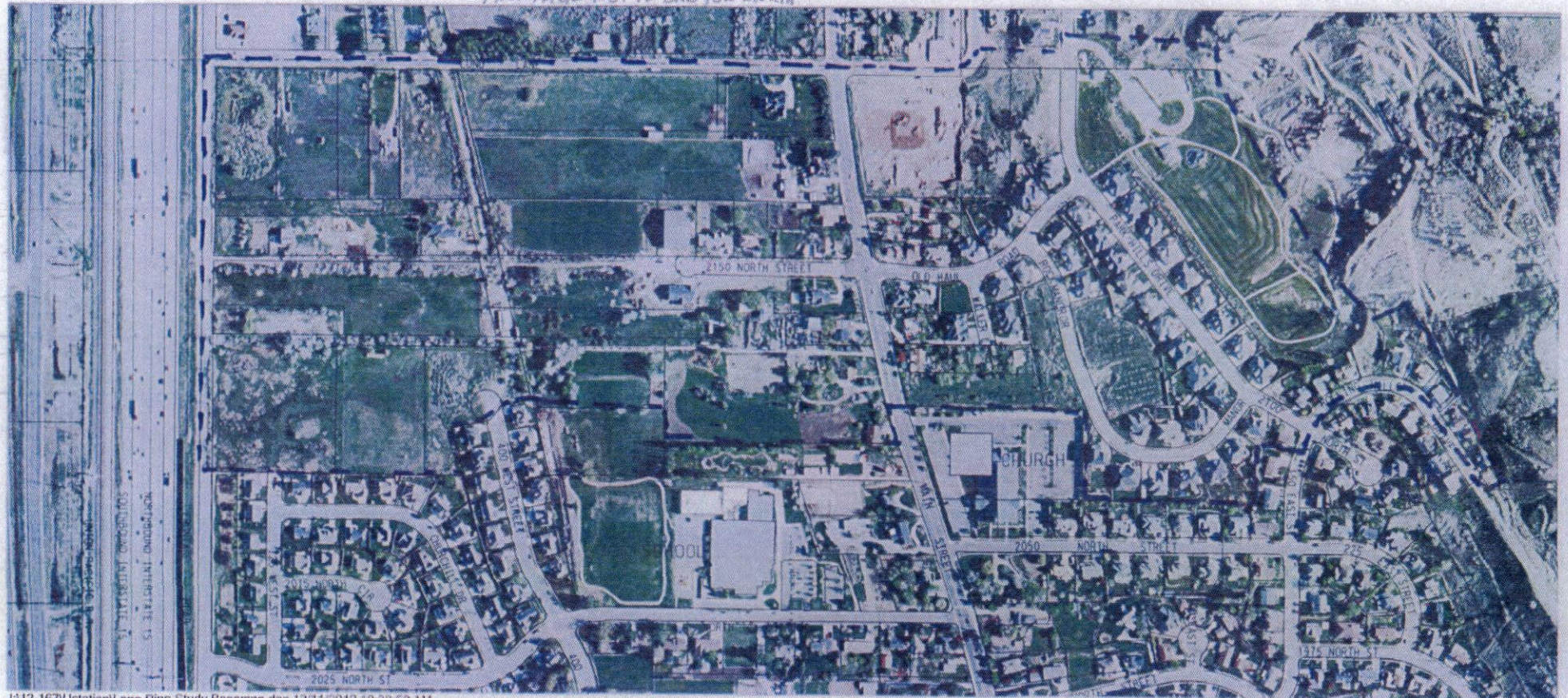
STREAM NAME	AFFECTED COMMUNITIES	LOCATION	IDENTIFICATION NUMBER	DRAINAGE AREA (sq. mi.)	DISCHARGES (cfs)			
					10-Yr.	50-Yr.	100-Yr.	500-Yr.
Tributary #1	North Salt Lake	Canyon Mouth	1	0.75			25	
Tributary #2	North Salt Lake	Canyon Mouth	2	1.2			40	
Tributary #3	North Salt Lake	Canyon Mouth	3	1.3			45	
Hooper Canyon	Davis County	Orchard Drive Canyon Mouth	4	1.4	50	120	160	320
			5	1.0	16	25	33	67
North Canyon	Davis County	Orchard Drive Canyon Mouth	6	3.1	60	170	250	550
			7	2.7	40	70	110	225
Mill Creek	West Bountiful	Interstate 15	8	10.9	220	300	310	310
Barton Creek	West Bountiful	Interstate 15	9	7.4	100	230	250	260
Stone Creek	West Bountiful	Interstate 15	10	6.4	50	230	575	1450
Deuel Creek	West Bountiful Centerville	Interstate 15 Canyon Mouth	11	3.4	135	280	360	600
			12	3.1	35	65	110	300
Parrish Creek	Centerville	D&RGW Railroad Canyon Mouth	13	3.3	50	140	220	550
			14	2.1	30	50	70	200
Barnard Creek	Centerville	D&RGW Railroad Canyon Mouth	15	2.0	70	155	220	500
			16	1.4	20	35	50	130
Ricks Creek	Centerville	D&RGW Railroad Canyon Mouth	17	3.1	110	230	300	520
			18	2.5	45	95	150	400
Unnamed Creek (Lone Pine)	Davis County	D&RGW Railroad Canyon Mouth	19	1.4	20	70	110	270
			20	0.78	10	20	28	50

APPENDIX "E" - LOWER DRAINAGE AREA

FRONTAGE RD. TO CANYON MOUTH



1" = 300'



J:\12-167\Ustation\Lone Pine Study Basemap.dgn 12/11/2012 10:38:50 AM

DRAINAGE AREA -

Approximately 105 ACRES TOTAL

± 40 ACRES Residential

± 65 ACRES Undeveloped

- USE TRAVEL TIME OF 60 MINS.

- 100 YR INTENSITY = 2.02 inches/hr

- USE "C" VALUE OF = 0.22

DISCHARGE FOR DRAINAGE AREA = 47 C.F.S.

APPENDIX "F"

OUTLETS FOR
LONE PINE
DRAINAGE AREA



APPENDIX "G"

 ESI ENGINEERING, INC. Consulting Engineers & Land Surveyors 3500 South Main, Suite 206 Salt Lake City, Utah 84115 Phone 263-1752 FAX 263-1780		PROJECT <u>LUND LANE -</u> <u>BORE OF UPRR / UTA</u>		SHEET NO 1 OF 1
		OWNER <u>CENTERVILLE CITY</u>		
		BY: KLC REVIEW:		PROJECT NO. 12-167
ITEM NO.	ITEM DESCRIPTION	AMOUNTS & UNITS	UNIT PRICE	TOTAL
ENGINEER ESTIMATE FOR 24" DIA. STEEL CASING OF UPRR / UTA AT LUND LANE				
1	Bore Pit	1 LS	\$10,000.00	\$10,000.00
2	Receiving Pit	1 LS	\$5,000.00	\$5,000.00
3	24" Steel (½" thick) Casing - Materials	100 LF	\$100.00	\$10,000.00
4	24" Steel Casing - Bore including weld	100 LF	\$450.00	\$45,000.00
5	Rip Rap outlet and ditch tie-in west of UPRR	1 LS	\$2,000.00	\$2,000.00
6	Head-wall structure and tie-in east of UTA on west side of I-15	1 LS	\$5,000.00	\$5,000.00
7	Loop fiber optics as needed	2 Each	\$15,000.00	\$30,000.00
8	UPRR Flaggers	4 Days	\$1,000.00	\$4,000.00
9	UTA Flaggers	4 Days	\$1,000.00	\$4,000.00
10	UPRR Permit	1 LS	\$4,000.00	\$4,000.00
11	UTA Permit	1 LS	\$4,000.00	\$4,000.00
12	Traffic Control on I-15 as needed	1 LS	\$5,000.00	\$5,000.00
13	Mobilization	1 LS	\$10,000.00	\$10,000.00
14	Geotech report as needed	1 LS	\$2,000.00	\$2,000.00
	Subtotal			\$140,000.00
15	Contingencies	12.5%		\$17,500.00
16	Design Engineering	12.5%		\$17,500.00
	TOTAL			\$175,000.00

APPENDIX 'H'

 ESI ENGINEERING, INC. Consulting Engineers & Land Surveyors 3500 South Main, Suite 206 Salt Lake City, Utah 84115 Phone 263-1752 FAX 263-1780		PROJECT <u>LUND LANE -</u> <u>BORE OF UPRR / UTA</u> OWNER <u>CENTERVILLE CITY</u>		SHEET NO 1 OF 1
		BY: KLC REVIEW:	PROJECT NO. 12-167	
ITEM NO.	ITEM DESCRIPTION	AMOUNTS & UNITS	UNIT PRICE	TOTAL
ENGINEER ESTIMATE FOR 36" DIA. STEEL CASING OF UPRR / UTA AT LUND LANE				
1	Bore Pit	1 LS	\$10,000.00	\$10,000.00
2	Receiving Pit	1 LS	\$5,000.00	\$5,000.00
3	36" Steel (5/8" thick) Casing - Materials	100 LF	\$200.00	\$20,000.00
4	36" Steel Casing - Bore including weld	100 LF	\$650.00	\$65,000.00
5	Rip Rap outlet and ditch tie-in west of UPRR	1 LS	\$2,000.00	\$2,000.00
6	Head-wall structure and tie-in east of UTA on west side of I-15	1 LS	\$5,000.00	\$5,000.00
7	Loop fiber optics as needed	2 Each	\$15,000.00	\$30,000.00
8	UPRR Flaggers	6 Days	\$1,000.00	\$6,000.00
9	UTA Flaggers	6 Days	\$1,000.00	\$6,000.00
10	UPRR Permit	1 LS	\$4,000.00	\$4,000.00
11	UTA Permit	1 LS	\$4,000.00	\$4,000.00
12	Traffic Control on I-15 as needed	1 LS	\$5,000.00	\$5,000.00
13	Mobilization	1 LS	\$10,000.00	\$10,000.00
14	Geo-tech report as needed	1 LS	\$2,000.00	\$2,000.00
	Subtotal			\$174,000.00
15	Contingencies	10%		\$17,400.00
16	Design Engineering	10%		\$17,400.00
	TOTAL			\$208,800.00

APPENDIX "I"

STANDARD RAINFALL DATA FOR CENTERVILLE CITY

ESI Engineering
10-28-08

FREQUENCY - RETURN PERIOD 100 YRS		
Duration (minutes)	Intensity (inches/hour)	Accumulation (inches)
5	7.68	0.64
10	5.88	0.98
15	4.84	1.21
30	3.26	1.63
60	2.02	2.02
120	1.15	2.29
360	0.43	2.55
720	0.26	3.10
1440	0.16	3.74

References:

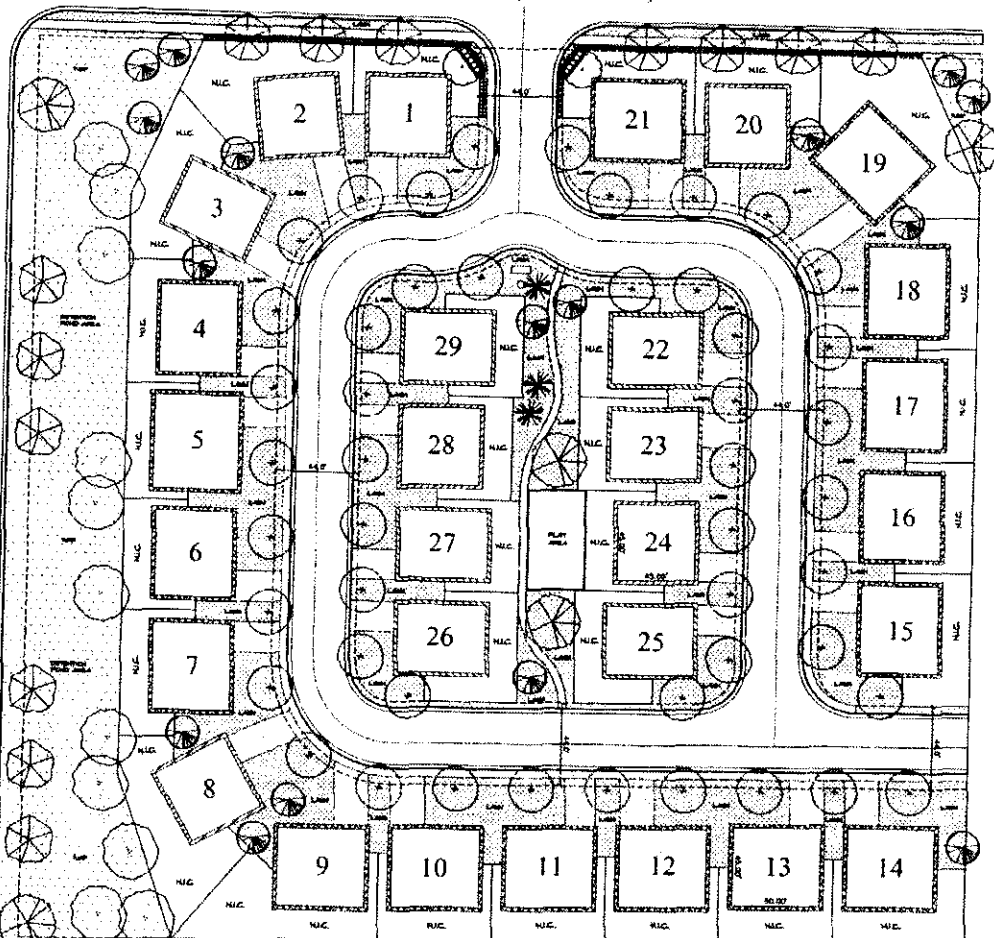
NOAA ATLAS
National Weather Service

EXHIBIT "E"
Conceptual Plan

800 West Street

Lund Lane (2250 North)

Lund Lane (2250 North)



Plant List (TREES)

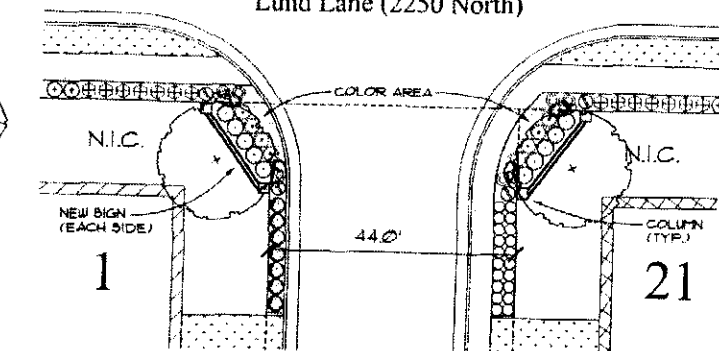
Symbol	Botanical Name	Common Name	Size
	Acer platanoides 'Columnar'	Columnar Norway Maple	2" Caliper 8'-10' Height
	Acer plat. 'Olivaceo Serrul'	Olivaceous Serrul Maple	2" Caliper 8'-10' Height
	Picea orientalis 'Green Knight'	Green Knight Spruce	4'-5" Height 10' x 10' Full
	Populus alamosa 'Robusta'	Robusta Poplar	1 1/2" Caliper 8'-10' Height
	Prunus virginiana 'Candied Red'	Candied Red Cherry	1" Caliper 8'-10' Height
	Prunus cerasifera 'Chanticleer'	Chanticleer Flowering Pear	2" Caliper 8'-10' Height
	Tilia tomentosa 'Shirley Silver'	Shirley Silver Linden	2" Caliper 8'-10' Height

Plant List (SHRUBS)

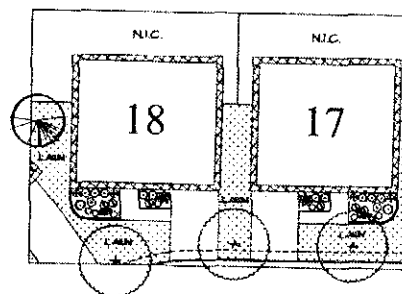
Symbol	Botanical Name	Common Name	Size
	Buxus japonica 'Little Jans'	Little Jans Boxwood	1 Gallon
	Comus alba 'Balthazar'	Ivory Halo Dogwood	1 Gallon
	Eucalyptus alatus 'Compacta'	Compact Eucalyptus	1 Gallon
	Physocarpus opul. 'Summer Wine'	Summer Wine Nivea	1 Gallon
	Rhus aromatica 'Glossy Leaf'	Glossy Leaf Fragrant Sumac	1 Gallon
	Rosa sp. 'Knock Out Red'	Knock Out Shrub Rose	1 Gallon
	Spiraea bushy 'Goldmound'	Goldmound Spiraea	1 Gallon
	Spiraea japonica 'Neon Flash'	Neon Flash Spiraea	1 Gallon

Plant List (GRASSES/PERENNIALS)

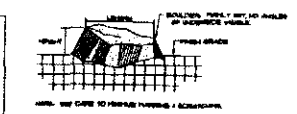
Symbol	Botanical Name	Common Name	Size
	Calamagrostis s. 'Foerster'	Foerster Feather Grass	1 Gallon
	Lavandula spec. 'Honeydew'	Honeydew Lavender	1 Gallon
	Pennisetum alopecuroides	Deergrass	1 Gallon



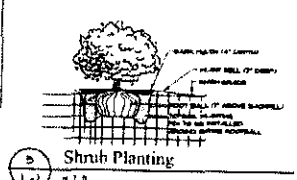
1 Main Entry/Signage Plan
SCALE: 1" = 10'-0"



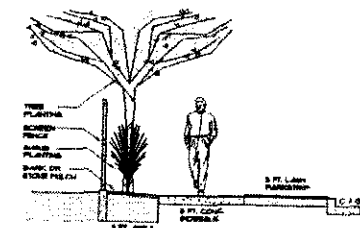
2 Typical Building(s) Planting
SCALE: 1" = 10'-0"



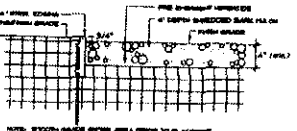
4 Landscape Boulder
SCALE: 1" = 10'-0"



5 Shrub Planting
SCALE: 1" = 10'-0"



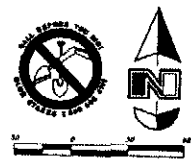
3 Fence / Parkstrip Cross Section
SCALE: 1" = 10'-0"



6 Steel Edging / Bark Mulch
SCALE: 1" = 10'-0"

Plant List (COLOR AREAS)

Symbol	Botanical Name	Common Name	Size
NA	Delosperma cooperi	Hardy Ice Plant	Flower-Pack
NA	Lavandula s. 'Honeydew'	Honeydew Lavender	1 Gallon
NA	Phlox subulata	Creeping Phlox	1 Gallon



Woods Park Subdivision

800 West Lund Lane (2250 North) Concept Plan
Centerville, Utah

Site Layout/
Landscape
Concept Plan

L-1

Design Company, Inc.
600 East Yale Avenue
Salt Lake City, Utah 84103
Phone: 801-467-3114
Fax: 801-467-3115



EXHIBIT "F"
Detention Basin Plans



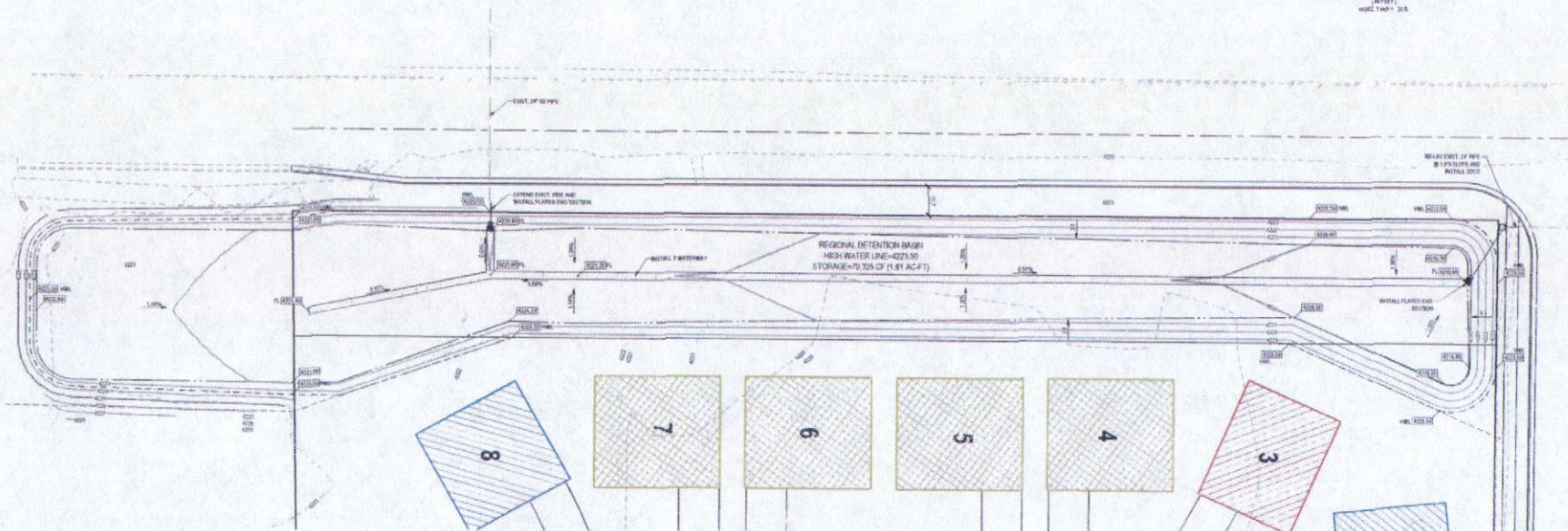
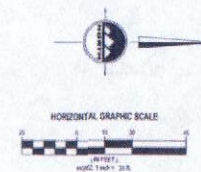
SALT LAKE CITY
45 W. 9200 S. Suite 500
Sandy, UT 84070
Phone 801.255.0529
Fax 801.255.4449

LAYTON
Phone 801.547.1100

TOOELE
Phone 435.843.3300

CEDAR CITY
Phone 435.865.1453

RICHFIELD
Phone 435.590.0187
WWW.ENSIGNUTAH.COM



Pond Report

HydroFire Hydrographs Extension for AutoCAD Civil 3D 2013 by Autodesk, Inc. v10.0 (September, 2012) / 2013

Pond No. 2 - Woods Park Regional Detention

Pond Data
Database: User-defined custom data. Coordinates used for reference: Beginning Elevation = 4219.40 ft

Stage / Storage Table

Stage (ft)	Elevation (ft)	Detention area (ac-ft)	Net Storage (ac-ft)	Total Storage (ac-ft)
4.00	4219.40	0.00	0.00	0.00
5.00	4219.40	0.00	0.00	0.00
6.00	4219.40	0.00	0.00	0.00
7.00	4219.40	0.00	0.00	0.00
8.00	4219.40	0.00	0.00	0.00
9.00	4219.40	0.00	0.00	0.00
10.00	4219.40	0.00	0.00	0.00
11.00	4219.40	0.00	0.00	0.00
12.00	4219.40	0.00	0.00	0.00
13.00	4219.40	0.00	0.00	0.00
14.00	4219.40	0.00	0.00	0.00
15.00	4219.40	0.00	0.00	0.00
16.00	4219.40	0.00	0.00	0.00
17.00	4219.40	0.00	0.00	0.00
18.00	4219.40	0.00	0.00	0.00
19.00	4219.40	0.00	0.00	0.00
20.00	4219.40	0.00	0.00	0.00
21.00	4219.40	0.00	0.00	0.00
22.00	4219.40	0.00	0.00	0.00
23.00	4219.40	0.00	0.00	0.00
24.00	4219.40	0.00	0.00	0.00
25.00	4219.40	0.00	0.00	0.00
26.00	4219.40	0.00	0.00	0.00
27.00	4219.40	0.00	0.00	0.00
28.00	4219.40	0.00	0.00	0.00
29.00	4219.40	0.00	0.00	0.00
30.00	4219.40	0.00	0.00	0.00
31.00	4219.40	0.00	0.00	0.00
32.00	4219.40	0.00	0.00	0.00
33.00	4219.40	0.00	0.00	0.00
34.00	4219.40	0.00	0.00	0.00
35.00	4219.40	0.00	0.00	0.00
36.00	4219.40	0.00	0.00	0.00
37.00	4219.40	0.00	0.00	0.00
38.00	4219.40	0.00	0.00	0.00
39.00	4219.40	0.00	0.00	0.00
40.00	4219.40	0.00	0.00	0.00
41.00	4219.40	0.00	0.00	0.00
42.00	4219.40	0.00	0.00	0.00
43.00	4219.40	0.00	0.00	0.00
44.00	4219.40	0.00	0.00	0.00
45.00	4219.40	0.00	0.00	0.00
46.00	4219.40	0.00	0.00	0.00
47.00	4219.40	0.00	0.00	0.00
48.00	4219.40	0.00	0.00	0.00
49.00	4219.40	0.00	0.00	0.00
50.00	4219.40	0.00	0.00	0.00
51.00	4219.40	0.00	0.00	0.00
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53.00	4219.40	0.00	0.00	0.00
54.00	4219.40	0.00	0.00	0.00
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56.00	4219.40	0.00	0.00	0.00
57.00	4219.40	0.00	0.00	0.00
58.00	4219.40	0.00	0.00	0.00
59.00	4219.40	0.00	0.00	0.00
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64.00	4219.40	0.00	0.00	0.00
65.00	4219.40	0.00	0.00	0.00
66.00	4219.40	0.00	0.00	0.00
67.00	4219.40	0.00	0.00	0.00
68.00	4219.40	0.00	0.00	0.00
69.00	4219.40	0.00	0.00	0.00
70.00	4219.40	0.00	0.00	0.00
71.00	4219.40	0.00	0.00	0.00
72.00	4219.40	0.00	0.00	0.00
73.00	4219.40	0.00	0.00	0.00
74.00	4219.40	0.00	0.00	0.00
75.00	4219.40	0.00	0.00	0.00
76.00	4219.40	0.00	0.00	0.00
77.00	4219.40	0.00	0.00	0.00
78.00	4219.40	0.00	0.00	0.00
79.00	4219.40	0.00	0.00	0.00
80.00	4219.40	0.00	0.00	0.00
81.00	4219.40	0.00	0.00	0.00
82.00	4219.40	0.00	0.00	0.00
83.00	4219.40	0.00	0.00	0.00
84.00	4219.40	0.00	0.00	0.00
85.00	4219.40	0.00	0.00	0.00
86.00	4219.40	0.00	0.00	0.00
87.00	4219.40	0.00	0.00	0.00
88.00	4219.40	0.00	0.00	0.00
89.00	4219.40	0.00	0.00	0.00
90.00	4219.40	0.00	0.00	0.00
91.00	4219.40	0.00	0.00	0.00
92.00	4219.40	0.00	0.00	0.00
93.00	4219.40	0.00	0.00	0.00
94.00	4219.40	0.00	0.00	0.00
95.00	4219.40	0.00	0.00	0.00
96.00	4219.40	0.00	0.00	0.00
97.00	4219.40	0.00	0.00	0.00
98.00	4219.40	0.00	0.00	0.00
99.00	4219.40	0.00	0.00	0.00
100.00	4219.40	0.00	0.00	0.00



**REGIONAL DETENTION
BASIN DESIGN**

DESIGNED BY: S. D. HICKLEY
CHECKED BY: S. D. HICKLEY
DATE: 10/10/2013
PROJECT: WOODS PARK
S. D. HICKLEY

SD-01

ORDINANCE NO. 2013-05**AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 5.31 ACRES OF CERTAIN REAL PROPERTY AS DESCRIBED HEREIN FROM AGRICULTURAL LOW (A-L) TO RESIDENTIAL LOW/PLANNED DEVELOPMENT (R-L/PD) AND ACCEPTING CONCEPTUAL SUBDIVISION PLAN FOR THE WOODS PARK 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 as set forth in Section 12-480-5, Neighborhood 4, Northwest Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Agricultural Low (A-L) to Residential Low/Planned Development (R-L/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 plan for review and acceptance by the City concurrent with the rezoning decision; and

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

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

Section 1. Zone Map Amendment. Subject to conditions of approval set forth in Section 3, the real property located at approximately 2250 North 800 West in Northwest Centerville consisting of approximately 5.31 acres as more particularly described in the legal descriptions set forth in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein by this reference, is hereby rezoned and changed from Agricultural Low (A-L) to Residential Low/Planned Development (R-L/PD) and the Centerville City Zoning Map is correspondingly amended as described herein.

Section 2. Conceptual Plan Acceptance. Subject to conditions of approval set forth in Section 3, the Conceptual Plan for the Woods Park Planned Development, as more particularly described in **Exhibit C**, attached hereto and incorporated herein by this reference, is hereby accepted by the City Council.

Section 3. Conditions of Approval. Rezone approval and acceptance of the Conceptual Plan for the Woods Park Planned Development is subject to the following conditions of approval:

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.
2. Upon R-L/PD approval by the City, all future development must substantially comply with the Concept Plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission and City Council, except as amended by the City.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
 - a. May receive up to a 20% density bonus consisting of no more than 29 single-family homes.
 - b. May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.
 - c. May eliminate the public sidewalk along one side of the street.
 - d. May reduce front yards to 20 feet.
 - e. May reduce side yards to 5' or 10' between units.
 - f. May reduce rear yards to 15'.
4. This PDO Concept Plan acceptance is amended to include the following:
 - a. Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.
 - b. Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.
 - c. Reduce congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.
 - d. Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage.
 - e. The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
 - f. All primary buildings and attached accessory building elements are to comply with the approved setbacks.
 - g. The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.
 - h. Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
 - i. Provide increased architectural interest and detail on the perimeter fencing facing the roads.
 - j. Trees for privacy added in the landscaping plan along the backs of Lots 9-14.
 - k. A plat note added and a seller disclosure provided that this development is next to existing agricultural zoning.
5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
6. This PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.
7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City Ordinances.
8. Prior to the effective date of the RL/PD zoning, the Development Agreement regarding required drainage facilities and infrastructure shall be fully executed by the parties and recorded against the Property.

Section 4. Findings. The rezone of the subject property to R-L/PD and corresponding amendment to the Centerville City Zoning Map and acceptance of the Conceptual Plan is based on the following findings:

- 1. The City Council finds that the propose PDO Concept Plan, with the listed conditions, results in a residential project design and layout that could not be accomplished through conventional zoning.
- 2. The City Council finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080 and the review procedures set forth in Section 12-21-080(e).
- 3. The City Council finds that the PDO Concept Plan, with the listed conditions, provides sufficient evidence in regard to the project’s design and amenities to receive a bonus density of up to 20% [12-480(c)(2)].
- 4. The City Council finds that the PDO Concept Plan is in harmony with the General Plan’s residential base density [Section 12-480-5].
- 5. The City Council finds that the PDO Concept Plan is in harmony with the General Plan’s desire to have future development to occur within small PUD’s [Section 12-480-5].

Section 5. 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 6. Effective Date. Subject to conditions of approval set forth in Section 3, 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 2nd DAY OF APRIL, 2013.

ATTEST:

CENTERVILLE CITY

By: _____

Marsha L. Morrow, City Recorder

Mayor Ronald G. Russell

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Allen	_____	_____
Councilmember Averett	_____	_____
Councilmember Higginson	_____	_____
Councilmember Lindstrom	_____	_____
Councilmember Wright	_____	_____

EXHIBIT “A”
Wood Trust Property

EXHIBIT A

Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40.0 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road and South 89°36'30" East 200.0 feet along the South line of said lane from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 200.0 feet along the South line of said lane; thence South 0°11'10" West 417.98 feet to a point 33.0 feet South of the North line of the Southwest quarter of said section; thence South 89°13'20" West 200.04 feet parallel to the North line of said 1/4 section; thence North 0°11'10" East 422.06 feet to the point of beginning.

ALSO: Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 200 feet along the South line of said lane; thence South 0°11'10" West 400.908 feet to a fence; thence North 89°30'12" West 199.975 feet along said fence to a frontage road; thence North 0°11'10" East 400.54 feet more or less along the East line of said frontage road to the point of beginning.

ALSO: Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40.0 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road and South 89°36'30" East 400.0 feet along the South line of said lane from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 100.0 feet along the South line of said lane; thence South 0°11'15" West 415.94 feet to a point 33.0 feet South of the North line of the Southwest quarter of said section; thence South 89°13'20" West 100.02 feet parallel to the North line of said quarter section; thence North 0°11'10" East 417.98 feet to the point of beginning.

PARCEL A:

Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40 feet distance Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian; thence South 89°36'30" East 200 feet along said line of said lane; thence South 0°11'10" West 422.06 feet; thence South 89°13'20" West 200 feet, more or less, parallel to the North line of said quarter section to a point South 0°18' West of the point of beginning; thence North 0°18' East 415.94 feet, more or less, to the point of beginning.

LESS AND EXCEPTING from the above described Parcel A the following:

Beginning on the South line of Lund Lane at a point North 89°13'20" East 384.08 feet along the quarter section line to the East line of a frontage road (40 feet distant Easterly from the center line thereof) and North 0°11'10" East 393.14 feet along said road from the West quarter corner of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian and running thence South 89°36'30" East 200 feet along the South line of said lane; thence South 0°11'10" West 400.908 feet to a fence; thence North 89°30'12" West 199.975 feet along said fence to a frontage road; thence North 0°11'10" East 400.54 feet more or less along the East line of said frontage road to the point of beginning.

Parcel Identification Number 07-070-0118 (for reference purposes only)

EXHIBIT "B"

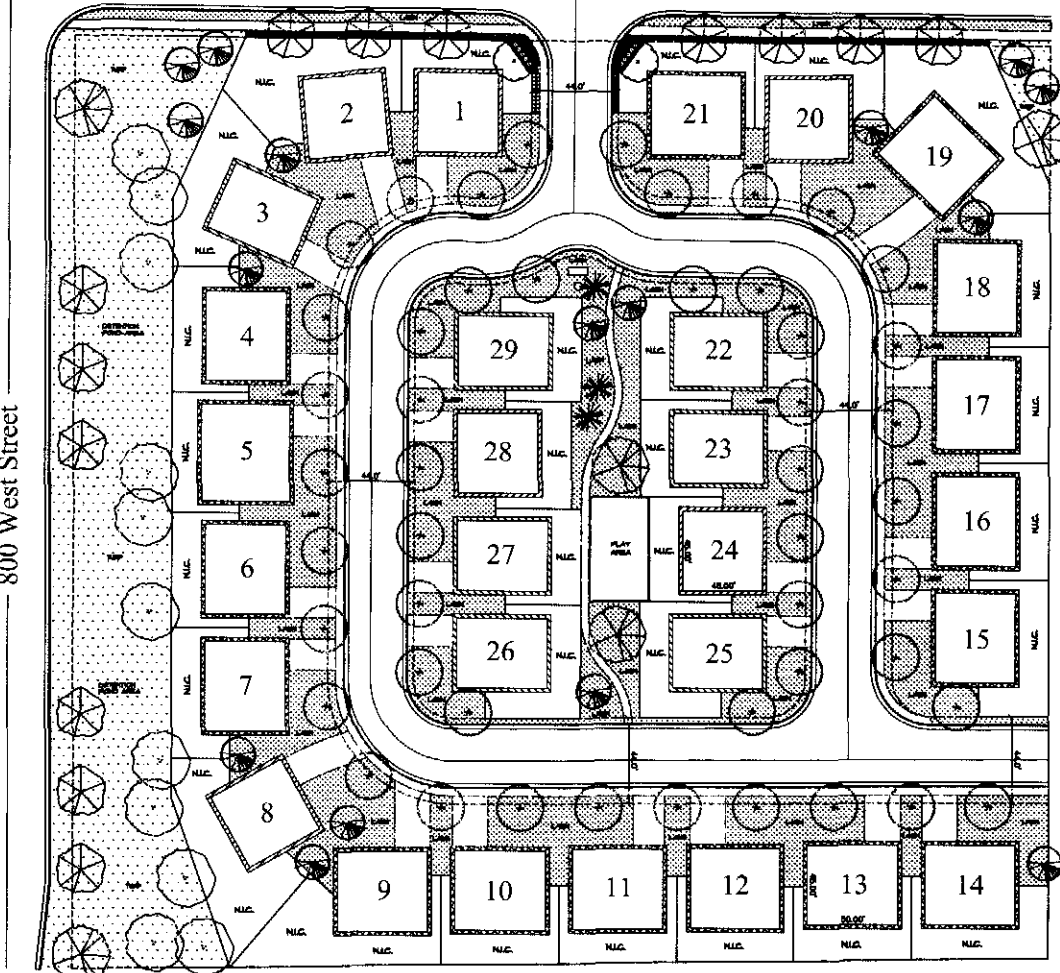
Wright Property

BEGINNING AT A POINT ON THE EAST LINE OF A FRONTAGE ROAD ON THE EAST SIDE OF THE INTERSTATE 15 FREEWAY, SAID POINT BEING NORTH 89°13'20" EAST 384.08 FEET ALONG THE QUARTER SECTION LINE TO THE EAST LINE OF A FRONTAGE ROAD AND SOUTH 0°11'10" WEST 33.00 FEET ALONG THE EAST LINE OF A FRONTAGE ROAD FROM THE WEST QUARTER CORNER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN AND RUNNING THENCE NORTH 89°13'20" EAST 500.05 FEET; THENCE SOUTH 0°11'15" WEST 50.00 FEET; THENCE SOUTH 89°13'20" WEST 500.05 FEET TO THE EAST LINE OF A FRONTAGE ROAD; THENCE NORTH 0°11'10" EAST 50.00 FEET ALONG THE EAST LINE OF A FRONTAGE ROAD TO THE POINT OF BEGINNING. CONTAINS 0.574 ACRES.

EXHIBIT “C”
Conceptual Plan

800 West Street

Lund Lane (2250 North)



Plant List (TREES)

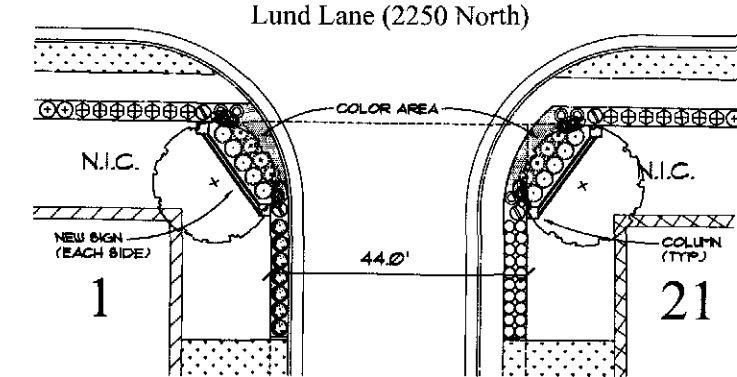
Symbol	Botanical Name	Common Name	Size
	<i>Acer platanoides</i> 'Columnar'	Columnar Norway Maple	2" Caliper 8'-10' Height
	<i>Acer plat.</i> 'Crimson Sentry'	Crimson Sentry Maple	2" Caliper 8'-10' Height
	<i>Prunus orientalis</i> 'Green Knight'	Green Knight Spruce	4'-5' Height 5' & 5' Full
	<i>Populus alba</i> 'Robusta'	Robusta Poplar	1 1/2" Caliper 8'-10' Height
	<i>Prunus virginiana</i> 'Candied Red'	Candied Red Cherry	1" Caliper 6'-8' Height
	<i>Pyrus calleryana</i> 'Chanticleer'	Chanticleer Flowering Pear	2" Caliper 8'-10' Height
	<i>Tilia tomentosa</i> 'Sterling Silver'	Sterling Silver Linden	2" Caliper 8'-10' Height

Plant List (SHRUBS)

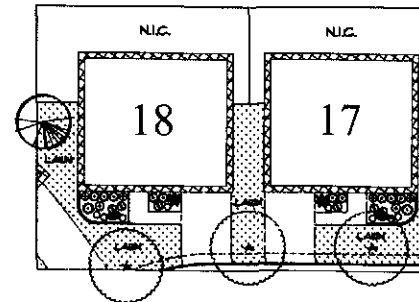
Symbol	Botanical Name	Common Name	Size
	<i>Buxus japonica</i> 'Julia Jane'	Julia Jane Boxwood	1 Gallon
	<i>Cornus alba</i> 'Bailhele'	Ivory Halo Dogwood	1 Gallon
	<i>Euronymus alatus</i> 'Composita'	Deerf Burning Bush	1 Gallon
	<i>Physocarpus opul.</i> 'Summer Wine'	Summer Wine Ninebark	1 Gallon
	<i>Rhus aromatica</i> 'Grosu Low'	Grosu Low Fragrant Sumac	1 Gallon
	<i>Rosa sp.</i> 'Knock Out Red'	Knock Out Shrub Rose	1 Gallon
	<i>Spiraea bushiana</i> 'Goldmound'	Goldmound Spiraea	1 Gallon
	<i>Spiraea japonica</i> 'Neon Flash'	Neon Flash Spiraea	1 Gallon

Plant List (GRASSES/PERENNIALS)

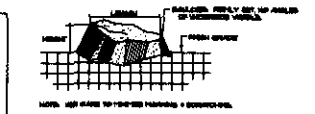
Symbol	Botanical Name	Common Name	Size
	<i>Calamagrostis a. 'Foerster'</i>	Foerster Feather Grass	1 Gallon
	<i>Levandula spec. 'Munstead'</i>	Munstead Lavender	1 Gallon
	<i>Pennisetum alopec. 'Nanah'</i>	Deerf Fountain Grass	1 Gallon



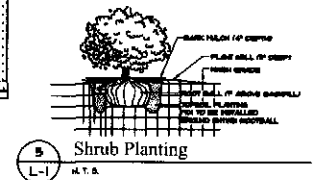
1 Main Entry/Signage Plan
SCALE: 1" = 10'-0"



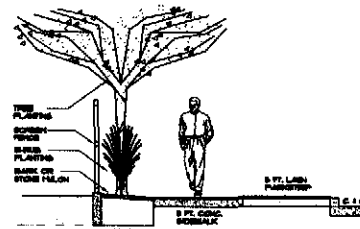
2 Typical Building(s) Planting
SCALE: 1" = 20'-0"



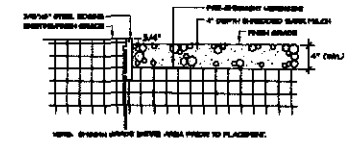
3 Landscape Boulder
SCALE: 1" = 10'-0"



4 Shrub Planting
SCALE: 1" = 10'-0"



5 Fence / Parkstrip Cross Section
SCALE: 1" = 10'-0"



6 Steel Edging / Bark Mulch
SCALE: 1" = 10'-0"

Plant List (COLOR AREAS)

Symbol	Botanical Name	Common Name	Size
	<i>Delosperma cooperi</i>	Hardy Ice Plant	Flat/6-Pack
	<i>Levandula a. 'Munstead'</i>	Munstead Lavender	1 Gallon
	<i>Phlox subulata</i>	Creeeping Phlox	1 Gallon



Woods Park Subdivision

800 West Lund Lane (2250 North)

Concept Plan

Centerville, Utah

Site Layout/
Landscape
Concept Plan

L-1

not Design Company, Inc.
1000 East 1000 North
Salt Lake City, Utah 84143
Phone: 801-471-3141
Fax: 801-471-3142
www.designcompany.com



CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 5a

Date of City Council Meeting: April 2, 2013

Short Title: Bid Awards for Miscellaneous Water Lateral Project

Initiated By: City Engineer/PWs Department

Scheduled Time: 7:55 (5 min.)

RECOMMENDATION

Award bids for the miscellaneous water lateral project to Kapp Construction in the amount of \$46,173.60 for labor and to Mountain States Supply in the amount of \$12,583.42 plus tax (total \$13,470.55) for materials.

BACKGROUND

Bids for the miscellaneous water later project were solicited by ESI Engineer and the Public Works Water Department.

As stated in the email from Matt Robertson, ESI Engineering, the award is contingent on Deuel Creek Irrigation paying a deposit for the estimated cost of the work associated with their valve on 400 West and Parrish Lane and giving the City a letter of understanding that they will pay for any additional cost, if needed, when final actual cost is known. Deuel Creek Irrigation will be responsible for the amount of \$6,087.57 in the labor bid, as itemized on a separate page of the enclosure. They have already purchased the materials needed for this work.

Marsha Morrow

From: matt robertson [matt.robertson@esieng.com]
Sent: Friday, March 29, 2013 11:51 AM
To: Steve Thacker
Cc: Marsha Morrow; kevin campbell; Robert Byrnes; Mike Carlson
Subject: Lateral Replacement Project - NOA
Attachments: #12-152 Lateral Project 2013 Bid Tab.pdf; 00 51 00 Notice of Award - Kapp.pdf; Deuel Creek Estimated Cost - 400 W. Parrish1.pdf

Steve,

The following bids were received on 03/21/13 for the 2013 Lateral Replacement Project:

1. Kapp Construction: \$46,173.60
2. F&D Engineering: \$55,960.00
- Engineer's Estimate: \$44,915.00

It is recommended that the contract be awarded to Kapp Construction for \$46,173.60. Attached are the bid tabulation and the Notice of Award. As you have discussed with Kevin, the award is contingent upon Deuel Creek Irrigation paying for the work associated with their valve on 400 West & Parrish and giving the City a letter of understanding that they will pay for the actual costs in the end. I have spoken to Robert Byrnes and he is fine with this. Attached as well is the estimated cost for their work that I gave to Robert which they will need to pay. Let me know if you have any questions.

Thanks,

Matt Robertson, E.I.T.
ESI Engineering, Inc.
3500 South Main St.
Salt Lake City, UT 84115
801.263.1752 (office)
801.644.6680 (mobile)
www.esieng.com



BID TABULATION FOR CENTERVILLE CITY

Note: All materials are to be supplied by the Contractor.

2013 Lateral Replacement Project - #12-152				Engineer's Estimate		Kapp Construction		F&D Engineering	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
New Fire Hydrant and Water Lateral at 200 West Parrish Lane									
1	Install 8"x8" tapping tee with thrust block	1	EA	\$1,500.00	\$1,500.00	\$2,040.00	\$2,040.00	\$700.00	\$700.00
2	Install 8" gate valve and valve box	1	EA	\$250.00	\$250.00	\$554.00	\$554.00	\$200.00	\$200.00
3	Install 8" 90° bend with thrust block	1	EA	\$250.00	\$250.00	\$252.00	\$252.00	\$200.00	\$200.00
4	Install 8" C900 PVC waterline including locator wire	90	LF	\$20.00	\$1,800.00	\$22.00	\$1,980.00	\$40.00	\$3,600.00
5	Install 8"x6" reducer	1	EA	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00
6	Install 6" gate valve	1	EA	\$250.00	\$250.00	\$196.00	\$196.00	\$150.00	\$150.00
7	Install fire hydrant assembly with thrust block	1	EA	\$800.00	\$800.00	\$450.00	\$450.00	\$750.00	\$750.00
8	Install 8"x2" saddle and corp. stop	1	EA	\$500.00	\$500.00	\$280.00	\$280.00	\$400.00	\$400.00
9	Install 2" meter box and yoke assembly	1	EA	\$500.00	\$500.00	\$500.00	\$500.00	\$4,000.00	\$4,000.00
10	Install 2" poly lateral including locator wire	95	LF	\$20.00	\$1,900.00	\$21.00	\$1,995.00	\$30.00	\$2,850.00
11	Connect new 2" poly lateral to existing lateral with coupling	1	EA	\$200.00	\$200.00	\$166.00	\$166.00	\$100.00	\$100.00
12	Remove existing 2" meter box and yoke assembly, cap abandoned 2" line (salvage parts to City)	1	EA	\$150.00	\$150.00	\$393.00	\$393.00	\$500.00	\$500.00
13	Pothole and disconnect existing 2" saddle on 10" AC line	1	EA	\$1,000.00	\$1,000.00	\$1,571.00	\$1,571.00	\$350.00	\$350.00

Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
14	Excavate and haul away native material	50	CY	\$20.00	\$1,000.00	\$12.00	\$600.00	\$30.00	\$1,500.00
15	Excavate, stockpile and backfill with native material	70	CY	\$15.00	\$1,050.00	\$8.50	\$595.00	\$20.00	\$1,400.00
16	Import sand bedding including compaction	60	TN	\$20.00	\$1,200.00	\$10.55	\$633.00	\$35.00	\$2,100.00
17	Import untreated base course including compaction	60	TN	\$25.00	\$1,500.00	\$8.30	\$498.00	\$35.00	\$2,100.00
18	Remove and replace curb and gutter	10	LF	\$35.00	\$350.00	\$59.00	\$590.00	\$75.00	\$750.00
19	Remove and replace sidewalk	50	SF	\$8.00	\$400.00	\$13.00	\$650.00	\$30.00	\$1,500.00
20	Remove and replace concrete drive approach	120	SF	\$10.00	\$1,200.00	\$15.00	\$1,800.00	\$20.00	\$2,400.00
21	Sawcut, remove and replace asphalt (8" thick, HMA PG 64-28, DM 3/4")	50	SF	\$20.00	\$1,000.00	\$35.00	\$1,750.00	\$50.00	\$2,500.00
22	Restore landscaping including new sod	1000	SF	\$2.00	\$2,000.00	\$1.90	\$1,900.00	\$2.00	\$2,000.00
23	Traffic Control	1	Lump Sum	\$2,000.00	\$2,000.00	\$2,075.00	\$2,075.00	\$300.00	\$300.00
	Subtotal (Items 1-23)				\$20,900.00		\$21,688.00		\$30,450.00
Replace Valves at 400 West Parrish Lane									
24	Remove and replace 10" valve and valve box on existing 10" AC line (salvage valve to City)	1	EA	\$1,000.00	\$1,000.00	\$2,300.00	\$2,300.00	\$1,200.00	\$1,200.00
25	Remove and replace 6" valve and valve box on existing 6" AC line (salvage valve to City)	1	EA	\$1,000.00	\$1,000.00	\$2,300.00	\$2,300.00	\$1,200.00	\$1,200.00
26	Remove and replace 8" valve and valve box on existing 8" shot-coat irrigation line (salvage valve to irrigation co.)	1	EA	\$1,000.00	\$1,000.00	\$2,300.00	\$2,300.00	\$1,700.00	\$1,700.00
27	Connect to existing 10" AC waterline with 10" sleeve	2	EA	\$500.00	\$1,000.00	\$390.00	\$780.00	\$400.00	\$800.00
28	Connect to existing 6" AC waterline with 6" sleeve	2	EA	\$500.00	\$1,000.00	\$390.00	\$780.00	\$300.00	\$600.00
29	Connect to existing 8" shot-coat irrigation line with 8" sleeve	2	EA	\$500.00	\$1,000.00	\$390.00	\$780.00	\$500.00	\$1,000.00

Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
30	Excavate and haul away native material	12	CY	\$20.00	\$240.00	\$8.80	\$105.60	\$30.00	\$360.00
31	Import sand bedding including compaction	10	TN	\$20.00	\$200.00	\$10.55	\$105.50	\$50.00	\$500.00
32	Import untreated base course including compaction	15	TN	\$25.00	\$375.00	\$8.30	\$124.50	\$20.00	\$300.00
33	Sawcut, remove and replace asphalt (8" thick, HMA PG 64-28, DM 3/4")	60	SF	\$20.00	\$1,200.00	\$35.50	\$2,130.00	\$41.67	\$2,500.00
34	Traffic Control	1	Lump Sum	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$4,000.00	\$4,000.00
	Subtotal (Items 24-34)				\$10,015.00		\$14,205.60		\$14,160.00
Greenfields HOA Meter Box Replacement									
35	Remove and replace existing double meter box and yoke assembly including connections to existing lines at front and back of meter box	10	EA	\$750.00	\$7,500.00	\$400.00	\$4,000.00	\$800.00	\$8,000.00
36	Excavate, stockpile and backfill with native material around new meter boxes	1	Lump Sum	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$800.00	\$800.00
37	Restore landscaping including new sod (approx. 200 SF)	1	Lump Sum	\$500.00	\$500.00	\$1,300.00	\$1,300.00	\$800.00	\$800.00
	Subtotal (Items 35-37)				\$8,500.00		\$6,300.00		\$9,600.00
Miscellaneous									
38	UDOT Permit for work on Parrish Lane	1	Lump Sum	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
39	Mobilization	1	Lump Sum	\$5,000.00	\$5,000.00	\$3,100.00	\$3,100.00	\$750.00	\$750.00
	Subtotal (Items 38-39)				\$5,500.00		\$4,100.00		\$1,750.00
	Base Bid Total (Items 1-39)				\$44,915.00		\$46,173.60		\$55,960.00

**ESI Engineering, Inc.**

3500 South Main, Suite 206

Salt Lake City, Utah

Phone (801) 263-1752

Fax (801) 263-1780

Project: 2013 Water Lateral
Replacement ProjectOwner: **Centerville City**

Estimated: MLR Date: 3/28/13

Checked: KLC Date:

Sheet No.
1 of 1Project No.
12-152**Consulting Engineers & Land Surveyors**

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
Replace Valves at 400 West Parrish Lane					
1	Remove and replace 6" valve and valve box on existing 6" shot-coat irrigation line (salvage valve to irrigation co.)	1	EA	\$2,300.00	\$2,300.00
2	Connect to existing 6" shot-coat irrigation line with 6" sleeve	2	EA	\$390.00	\$780.00
3	Excavate and haul away native material	7	CY	\$8.80	\$61.60
4	Import sand bedding including compaction	5	TN	\$10.55	\$52.75
5	Import untreated base course including compaction	10	TN	\$8.30	\$83.00
6	Sawcut, remove and replace asphalt (8" thick, HMA PG 64-28, DM 3/4")	30	SF	\$35.50	\$1,065.00
7	Traffic Control	0.33	Lump Sum	\$2,500.00	\$833.33
	Subtotal				\$5,175.68
Miscellaneous					
8	UDOT Permit for work on Parrish Lane	0.25	Lump Sum	\$1,000.00	\$250.00
9	Mobilization	0.12	Lump Sum	\$3,100.00	\$372.00
	Subtotal				\$622.00
	Total (Items 1-9)				\$5,797.68
	Administrative Costs	5%			\$289.88
	Grand Total				\$6,087.57

Water Line for Miscellaneous Projects 2013 Project # 12-152

Bid Results

March 19, 2013

- | | | |
|----|----------------------------|------------------|
| 1. | Mountain States Supply | \$12,583.42 |
| 2. | Western Water Works Supply | \$13,082.56 |
| 3. | HD Supply | \$14,714.03 |
| 4. | Ferguson | \$15,053.82 |
| 5. | WR White | Pulled Their Bid |

We have reviewed the bid for materials from Mountain States Supply for \$13,470.55, which includes tax. We find they meet all of the specifications and recommend awarding this bid to Mountain States Supply.

Respectfully submitted,

Michael Carlson
Water Department Supervisor

MC/sd

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE REDEVELOPMENT AGENCY OF CENTERVILLE CITY WILL HOLD A PUBLIC MEETING AT 8:00 P.M. ON TUESDAY, APRIL 2, 2013 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 Centerville Redevelopment Agency Board 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. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

Tentative
Time:

8:00 **A. ROLL CALL**

B. MINUTES REVIEW AND ACCEPTANCE – March 19, 2013 meeting

C. NEW BUSINESS

1. Discuss arrangements for parking during construction on Lots 201 and 202 of the Centerville Corporate Park Subdivision Amended

D. ADJOURNMENT

Steve H. Thacker
Executive Director