

ORDINANCE NO. 2017-07

AN ORDINANCE AMENDING THE CONDITIONS OF APPROVAL FOR THE LEGACY TRAIL APARTMENTS PLANNED DEVELOPMENT PDO ZONING APPROVAL AND CONCEPTUAL SITE PLAN AMENDMENT TO PROVIDE FOR ALTERNATIVE FENCING DESIGNS AND LOCATIONS WITHIN THE PROJECT AREA

WHEREAS, the City previously adopted Ordinance No. 2014-06 approving the rezone of property located at approximately 1250 West and Parrish Lane in West Centerville, as more particularly described in **Exhibit A**, and accepting the Conceptual Site Plan for the Legacy Trail Apartments Planned Development PDO; and

WHEREAS, the City previously adopted Ordinance No. 2015-20 amending the conditions of approval for the Legacy Trail Apartments Planned Development PDO zoning approval and Conceptual Site Plan acceptance to provide for alternative architectural concepts and requirements for commercial buildings within the project area; and

WHEREAS, the City has received a petition from the property owners to amend the previous rezone and site plan approval as set forth in Ordinance No. 2014-06 and Ordinance No. 2015-20, to provide for alternative fencing designs and locations within the project area; and

WHEREAS, the proposed amendments to the Legacy Trail Apartments Planned Development PDO zoning and Conceptual Site Plan approval as set forth in Ordinance No. 2014-06, and Ordinance No. 2015-20 have been reviewed by the Planning Commission and recommended for approval by the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the required fencing plan for the Legacy Trail Apartments Planned Development PDO as more particularly provided herein.

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

Section 1. Fencing Plan Amendments. The PDO rezone and Conceptual Site Plan approval for the Legacy Trail Apartments Planned Development PDO as set forth in Ordinance No. 2014-06 and Ordinance No. 2015-20 is hereby amended to provide for alternative fencing designs and locations within the project area, as more particularly set forth in **Exhibit B**, attached and incorporated herein by reference, and subject to the following:

- a. All fencing shall comply with the new design consisting of the following:
 - i. A short 4-5' wrought-iron & intermittent brick/rock pillars fence. The fence shall be constructed and maintained along the landscaped entrance at Parrish Lane and tie into a monument entry sign at the entrance and then proceed west along the inside trail shoulder along Parrish Lane and terminate at the detention/dog park facility.
 - ii. A 6-foot vinyl coated open chain-link fence with 5"x5" tube poles every 40'. This style of fence shall be constructed and maintained at the detention/dog park facility and then continue along the trail system on the west side of the development.

- b. The two originally planned west side access points shall be installed to allow resident access to the trail system.
- c. The applicants shall obtain UDOT's approval for the elimination of the fencing within the Parrish Lane park strip, which shall be formalized upon amending the existing agreement between the City and UDOT, and/or as deemed acceptable by the City.
- d. A lot line adjustment, between the land owner and UDOT, for the trail alignment shall be completed, as deemed acceptable by the City Attorney.
- e. All other related or associated conditions of the Legacy Trail Development PDO Approval shall remain in effect with this amendment.
- f. Developer shall submit new construction drawing details and exhibits for new fencing designs.

Section 2. Findings. The City Council makes the following findings in support of the amendments adopted herein:

- a. The City Council finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b. The City Council finds that the amendments to the fencing designs and locations are consistent and compatible with the originally approved expectations of the Legacy Trail Apartments Planned Development PDO.

Section 3. Remaining Provisions. Except as otherwise specifically amended herein, all other provisions of Ordinance No. 2014-06 and Ordinance No. 2015-20 shall remain in full force and effect.

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

Section 5. Effective Date. Subject to conditions of approval set forth in Section 1, 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 21st DAY OF MARCH, 2017.

ATTEST:

CENTERVILLE CITY


Marsha L. Morrow, City Recorder

By: 
Mayor Paul A. Cutler



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	<u> X </u>	_____
Councilmember Ince	<u> X </u>	_____
Councilmember Ivie	<u> X </u>	_____
Councilmember McEwan	<u> X </u>	_____
Councilmember Mecham	<u> X </u>	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

Marsha L. Morrow
MARSHA L. MORROW, City Recorder

DATE: 3/21/17

RECORDED this 24 day of March, 2017.

PUBLISHED OR POSTED this 24 of March, 2017.

EXHIBIT A

Legacy Trail Property Description

Description of Legacy Trail Property

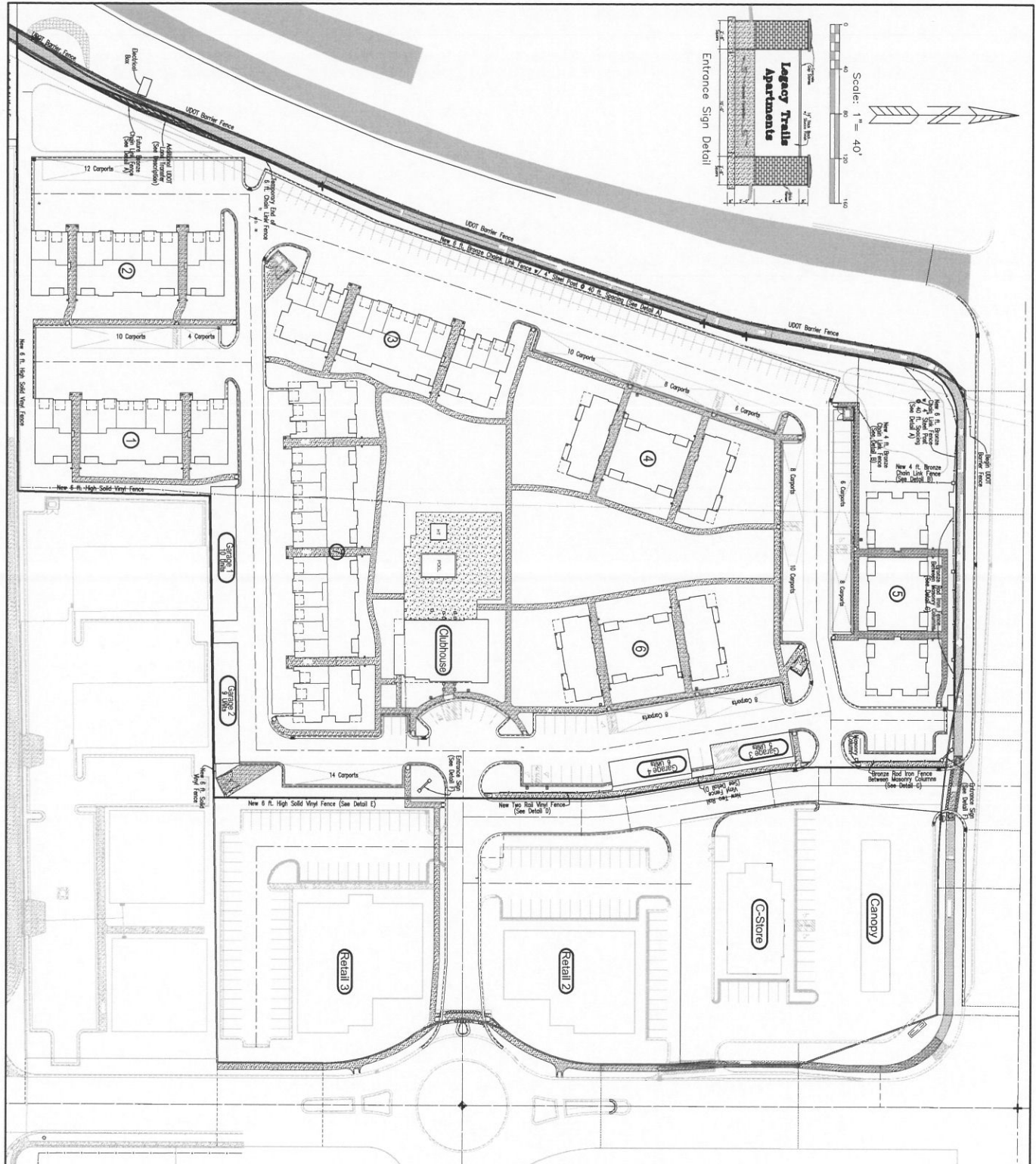
Overall Description

Beginning at the North Corner of Parcel 4 of the Legacy Crossing Road Dedication as recorded in Entry No. 2562864, Book 5140, Page 619 which point is N0°05'33"W 2,096.72 ft. along the section line and West 1,430.14 ft. from the Southeast Corner of Section 12, T.2N., R.1W., S.L.B.& M. and running thence N0°03'06"E 176.71 ft. along the West Boundary of 1250 West Street to the most southerly point of the property described in final judgement of compensation and condemnation recorded 12/02/2011 as Entry No. 2630277 in Book 5410, Page 170; thence along said property in the following four courses: (i) N20°00'00"W 132.78 ft., (ii) N89°24'50"W 113.72 ft., (iii) Westerly 197.54 ft. along the arc of a 902.33 ft. radius curve to the right (LC bears N83°33'48"W 197.15 ft.), (iv) N89°36'02"W 138.63 ft. to a point which is S0°01'07"W 232.13 ft. along the Quarter Section Line and East 196.78 ft. and S89°54'34"E 523.75 ft. from the Center of said Section 12; thence N89°54'34"W 110.20 ft. along the Southerly R/W Line of Parrish Lane to the Easterly R/W Line of a Highway know as project No. 0067; thence along said Easterly R/W Line in the following eight (8) courses and distances: (i) Southwesterly 44.11 ft. along the arc of a 84.65 ft. radius curve to the left, chord bears S24°57'58"W 43.61 ft., (ii) S10°02'15"W 156.95 ft., (iii) Southerly 39.52 ft. along the arc of a 591.21 ft. radius curve to the right, chord bears S16°40'25"W 39.51 ft., (iv) S18°34'47"W 251.29 ft., (v) Southerly 112.55 ft. along the arc of a 1,005.91 ft. radius curve to the right, chord bears S21°48'19"W 112.50 ft., (vi) S25°00'19"W 207.09 ft., (vii) Southwesterly 80.82 ft. along the arc of a 315.15 ft. radius curve to the right, chord bears S32°54'50"W 80.59 ft., (viii) Southwesterly 20.21 ft. along the arc of a non-tangent 2,220.14 ft. radius curve to the right, chord bears S26°37'45"W 20.21 ft.; thence N89°43'48"E 413.28 ft. to the Southwest Corner of the Tumbleweed Condominiums, said point being N0°01'07"W 1,560.27 ft. along the Quarter Section Line and N89°07'03"E 702.26 ft. from the South Quarter Corner of said Section 12; thence along the boundary of said Tumbleweed Condominiums in the following two courses: (i) N1°13'17"E 171.07 ft. and (ii) N89°07'03"E 507.87 ft.; thence N0°03'06"E 94.20 ft. along said West boundary of 1250 West Street to the South Corner of said Parcel 4 of Legacy Crossing Road Dedication; thence along the west boundary of said Parcel 4 in the following three courses to the point of beginning: (i) Northwesterly 85.31 ft. along the arc of a 140.00 ft. radius curve to the left (LC bears N17°30'26"W 84.47 ft.), (ii) Northerly 94.39 ft. along the arc of a 77.00 ft. radius curve to the right (LC bears N0°03'06"E 88.59 ft.), (iii) Northeasterly 85.31 ft. along the arc of a 140.00 ft. radius curve to the left (LC bears N17°36'38"E 84.47 ft.)

Containing 12.0222 Acres

EXHIBIT B

**Fencing Design and Locations for
Legacy Trail Apartments Planned Development**



Legend

- Boundary Line
- Fence Line
- Center Line
- New Buildings and Structures
- New Concrete Walks
- Typical Pedestrian Ramp (ANSI 2009 Section 406, See Detail Below, unless otherwise specified)
- New Asphalt Surface
- Snow Storage Area
- 30" Square Conc. Catch Basin
- Curb Inlet Box
- Open Pan Curb
- Handicap Parking Sign
- 60" Minimum Height
- Handicap Ramp Specifications

406.1 General
Curb ramps on accessible routes shall comply with Sections 406.1, 405.2, 405.3, and 405.10.

406.2 Concrete Slabs
Concrete slabs on grade, including gutters and roof surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20. The adjacent be at the same level. If curb ramps to walks, gutters and streets shall be at the same level.

406.3 Sides of Curb Ramps
Where provided, curb ramp faces shall comply with Section 406.3.

406.4 Width
Curb ramps shall be 36 inches (915 mm) minimum in width, exclusive of the curb.

406.5 Floor Surface
Floor surfaces of curb ramps shall comply with Section 302.

406.6 Location
Curb ramps and the rigid sides of curb ramps shall be located so parking spaces, other curb ramps or marked crossings shall be wholly contained within the markings, including any rigid sides.

Revisions

Date	Description	By
12-30-13		
05-05-15	Approval for Construction	J.S.B.
06-28-15	MSR Revisions for Bldg. Permit Comments	J.S.B.
07-08-17	Highlight Approved Fence Plan	J.S.B.

Surveyor: D.K. Balling
Date Surveyed: 12-30-13
Drafting: J.S. Balling
Checked By: J.S. Balling
Submittal Date: 03-22-17
File Number:

Legacy Trail Apartments
Proposed Fence Plan

For Fred Hale
c/o Colonial Lumber
Email: fredh@colonialbuilding.com

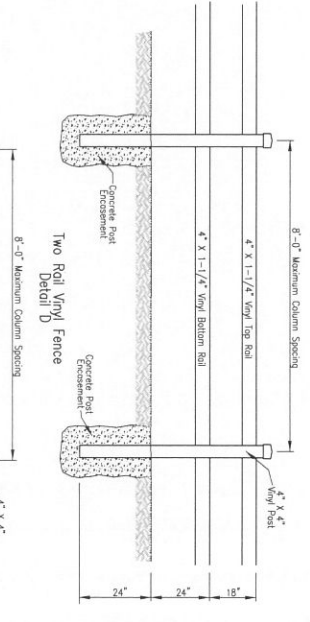
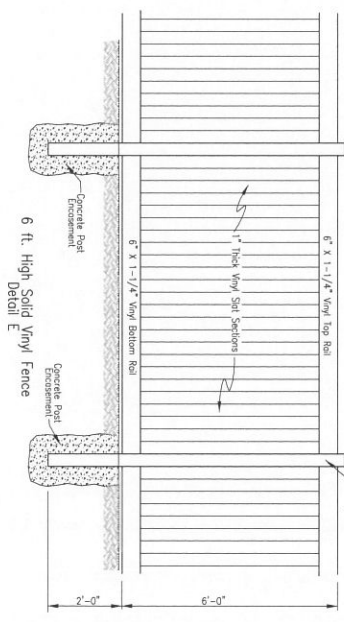
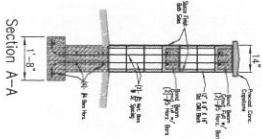
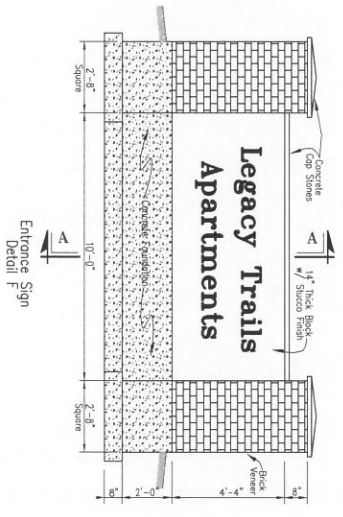
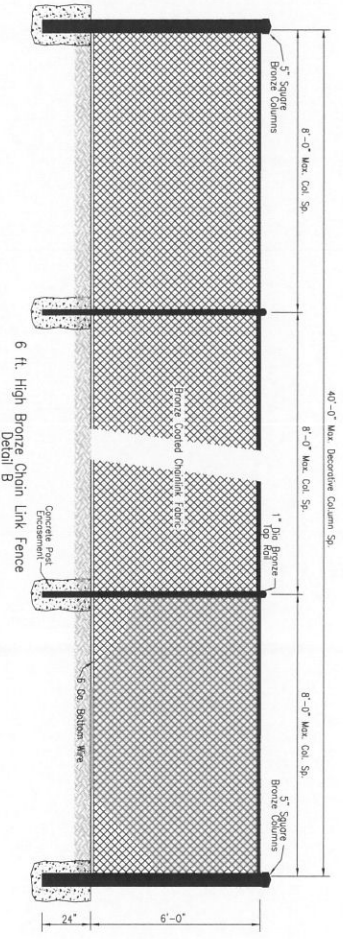
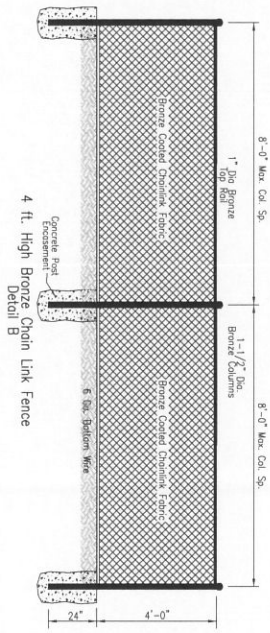
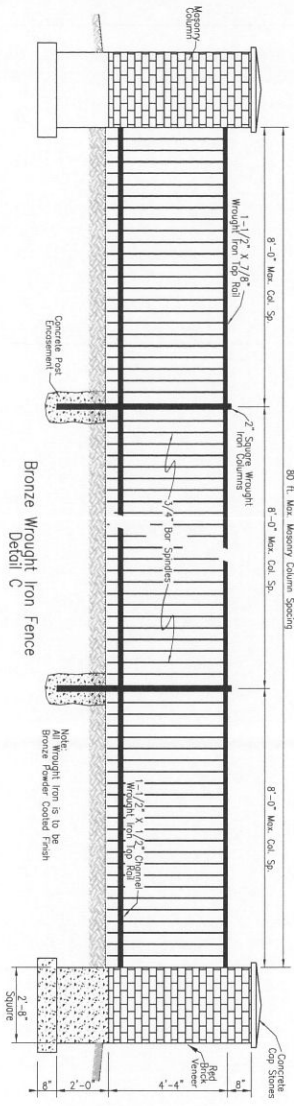
530 No. 400 West
Centerville, Utah
Phone: (801) 295-9471

Balling Engineering
Civil Engineering * Surveying * Planning

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C101
Sheet 3 of 18



C101-B
Sheet 3 of 18

Revisions	
Date	Description
12-30-13	Surveyed
05-05-15	Approval for Construction
05-28-15	Add Revisions for Bldg. Permit Comments
02-08-17	Highlight Approved Fence Plan

Legacy Trail Apartments
Proposed Fence Details

For Fred Hale
C/o Colonial Lumber
Email: fred@colonialbuilding.com

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Centerville, Utah
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