

ORDINANCE NO. 2021-03

**AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT
OVERLAY ZONE FOR THE LEGACY CROSSING AT PARRISH LANE
PLANNED DEVELOPMENT FOR LOT 2 AND LOT 3 REGARDING
VARIOUS PLAN REQUIREMENTS RELATED TO ALLOWED USES,
STORM WATER DETENTION, PARKING, AND BUILDING
ARCHITECTURE**

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

WHEREAS, the Developer has requested an amendment to the C-VH/PDO zoning for the Legacy Crossing at Parrish Lane Planned Development for Lot 2 and Lot 3 regarding various plan requirements, including, but not limited to, allowed uses, storm water detention, parking, and building architectural design; and

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

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

Section 1. Amendment. The C-VH/PDO approval for the Legacy Crossing at Parrish Lane Planned Development is hereby amended to change various requirements for the development of Lot 2 and Lot 3, including, but not limited to, allowed uses, storm water detention, parking, and building architectural design, subject to all conditions of approval of the City Council as more particularly set forth in Section 2.

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

1. The PDO Approval and Conceptual Site Plan shall consist of amending the following elements:
 - a) **Changes to PDO Approval and Development Agreement;** Language change of Section 5(b) to allow for the proposed “additional uses.” Such uses are limited to the following:
 - i. General Office, General Retail, General Restaurant
 - ii. Vehicle Sales, Recreational - with accessory use service and repair. All uses shall be conducted within a completely enclosed building.
 - iii. Vehicle Sales, Limited – with accessory use service and repair. Such use shall be limited to no more than 10 vehicles primarily consisting of indoor vehicle display. All uses shall be conducted within a completely enclosed building. Except, outdoor vehicle display may be allowed in a limited manner, as an additional accessory use, upon issuance of a Conditional Use Permit as part of a final site plan approval.
 - iv. One (1) Drive-through facility, which must be attached to a main building and shall meet all other applicable zoning and city ordinances.

- b) **Changes to Exhibit “C” Master Site Plan**; Changes the site layout to reflect the proposed building parking layout, as submitted to the City, along with the proposed new underground storm water detention. This alternative detention system shall be subject to the following:
 - i. *New system shall be reviewed and deemed acceptable to the City Engineer.*
 - ii. *The subdivision plat shall be amended to remove/replace easements, as deemed necessary by the City.*
 - iii. *The Applicant shall obtain approval from the Owner’s Association to ensure maintenance becomes the responsibly of the property owner.*

- c) **Changes to the Architectural Theme Regarding Materials** – The Office Building exterior design, as submitted to the City, may also consist of the following:
 - i. *Aluminum composite panel – Black*
 - ii. *Aluminum composite panel – Grey*
 - iii. *Aluminum composite panel – Wood Look, Walnut Brown*
 - iv. *Corrugated metal decking – Mechanical Screen, Black*

The proposed office building height shall be subject to the issuance of a conditional use permit as part of a Final Site Plan Approval and as outlined in the Zoning Code.

- d) **Create a New Exhibit for Parking Modification along with Reciprocal Parking & Cross Access Easements**; Changes the site layout to reflect the proposed parking and cross access for Lots 2 & 3 and modify the parking count, as follows:
 - i. *Retail Uses shall be parked at a ratio of 4 stall per 1,000 sq. ft. of gross building space.*
 - ii. *Office Uses shall be limited to 62,636 gross floor area and shall provide a minimum of 273 parking stalls.*
 - iii. *Parking Modification Approval shall be subject to re-establishing a shared Parking and Access Agreement for the entire Legacy Crossing Development.*
2. The Applicant shall prepare and submit all applicable language and exhibits deemed necessary by the City Attorney. Additionally, a revised Development Agreement shall be prepared and submitted to the City Council, as part of their review and decision.
 3. All other applicable PDO and Development Agreement Approval provisions shall remain in effect for Lots 2 and 3 that have not been amended with any City Council Approval.

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

- a. The City Council finds that amendments to a PDO approval are subject to the original procedure used for obtaining an Approval.
- b. The City Council finds that Lot 2 and Lot 3 have not been developed in a timely manner to date and additional amendments may facilitate actual development to complete the planned development area.
- c. The City Council finds that the proposed additional uses, with the conditions

imposed, are limited in scope are not uses that would be added from a differing higher intensity zone.

- d. The City Council finds that an alternative storm water system, if deemed acceptable by the City Engineer, would not cause material injury to other properties within the immediate area.
- e. The City Council finds that proposed building architectural materials are limited in scope and are to be applied only to the Office Building, which is distinctly separated from the rest of the development by the proposed retail buildings.
- f. The City Council finds that parking study indicates that the needed additional 40 parking stalls can be absorbed into the excess shared parking for the overall entire development and reincorporating Lot 2 and Lot 3 into the master parking plan is suitable, as originally planned.
- g. Therefore, the City Council finds that the proposed amendments are consistent with the intent of the PDO, which is to allow “residential, commercial, industrial, and mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations.”

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 2nd DAY OF FEBRUARY, 2021.

ATTEST:

CENTERVILLE CITY



 Janet S. Denison, City Recorder

By: 

 Clark A. Wilkinson, Mayor

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
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 following referenced dates.

JSD
JANET S. DENISON, City Recorder

DATE: Feb. 5, 2021

RECORDED this 2 day of February, 2021.

PUBLISHED OR POSTED this 5 of February, 2021.

