

**ORDINANCE NO. 2021-16**

**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 SITE LAYOUT**

**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 site layout; 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 site layout, subject to all conditions of approval of the City Council as more particularly set forth in Section 2.

**Section 2. Conditions.** This rezone and PDO amendment 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) **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, which is to also re-establish a shared Parking and Access Agreement for the entire Legacy Crossing PDO Development.
2. The Applicant shall prepare and submit all applicable language and exhibits for the PDO and other governing documents as deemed necessary by the City Attorney prior to the rezone becoming effective.
  3. The Applicant shall be required to obtain the required Development Agreement amendments, Assignment Agreements, and any other governing document amendments as deemed necessary by the City Attorney prior to the rezone becoming effective. The revised Development Agreement, Assignment Agreements, and other governing document amendments shall be prepared and submitted by the Applicant to the City Council for final review and approval prior to the rezone becoming effective.
  4. 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 parking study indicates that the needed additional 67 parking stalls can be absorbed back into the shared parking for the overall entire development and incorporating Lot 2 and Lot 3 into the master plan is desirable, as originally planned and approved.

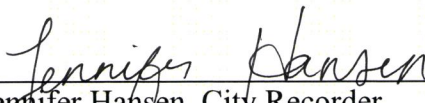
- f. Therefore, the City Council finds that the proposed amendments are consistent with the intent of the PDO, which is to allow “residential, commercial, industrial, and mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible 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.”

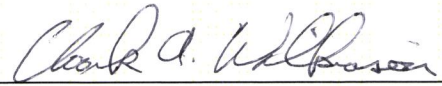
**Section 4.** Subject to the conditions of approval set forth in Section 2, this Ordinance shall take effect immediately upon posting or 30 days after final passage by the City Council, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 20<sup>th</sup> DAY OF JULY, 2021.**

**ATTEST:**

**CENTERVILLE CITY**

  
 \_\_\_\_\_  
 Jennifer Hansen, 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.

Jennifer Hansen  
JENNIFER HANSEN, City Recorder

DATE: 7/21/21

RECORDED this 21 day of July, 2021.

PUBLISHED OR POSTED this 21 of July, 2021.

