

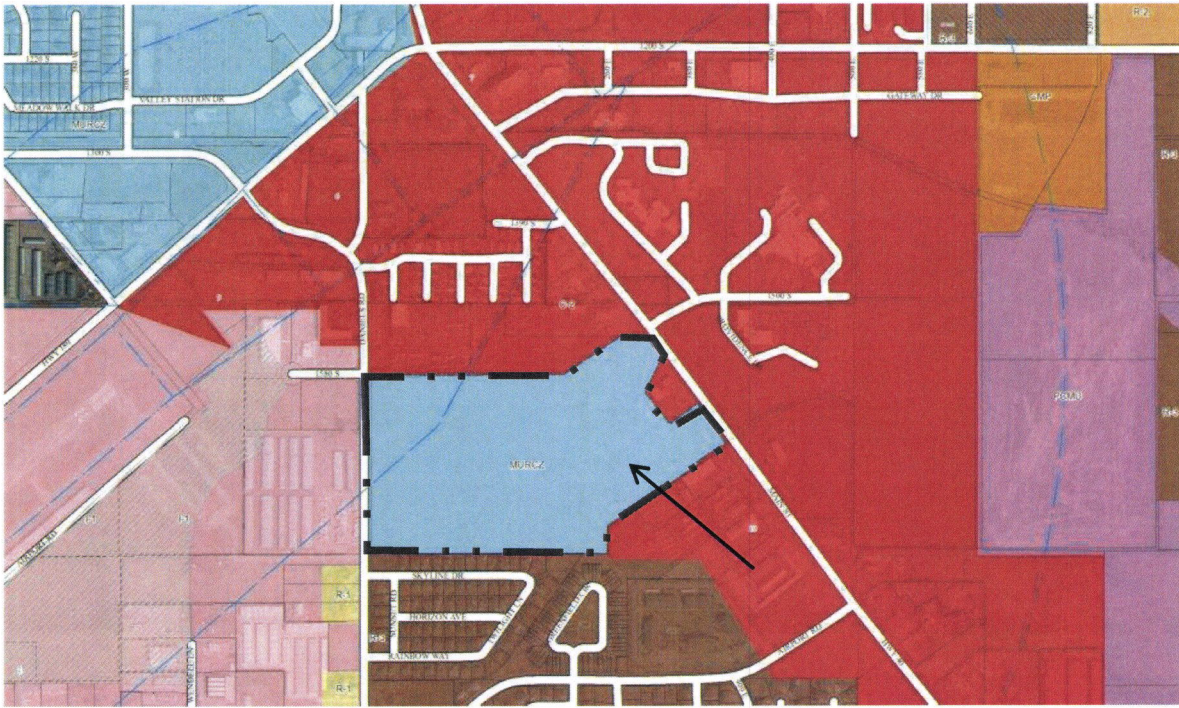
ORDINANCE NO. 2018-49

AN ORDINANCE AMENDING THE GENERAL PLAN FROM HIGHWAY COMMERCIAL TO MIXED-USE AND AMENDING THE ZONING MAP FROM C-2 COMMERCIAL TO MIXED-USE RESIDENTIAL COMMERCIAL (MURCZ) FOR THE TURNER MILL DEVELOPMENT, LOCATED AT APPROXIMATELY 1550 SOUTH HIGHWAY 40, CONTAINING APPROXIMATELY 35.61 ACRES.

BE IT ORDAINED by the City Council of Heber City, Utah, that for the property associated with the Turner Mill Development, the General Plan Land Use Map is amended from Highway Commercial to Mixed-Use for properties described in Exhibit A as follows:



BE IT ORDAINED by the City Council of Heber City, Utah, that for the property associated with the Turner Mill Development, the Heber City Zoning Map is amended from C-2 Commercial to Mixed-Use Residential Commercial Zone (MURCZ) for properties described in Exhibit A as follows:



This Ordinance No. 2018-49 is approved conditional upon the following:

1. Petitioner dedicate to the City (by way of a subdivision plat applicable to the first phase of the Turner Mill Development) two (2) separate portions of real property within the Turner Mill Development sufficient to accommodate (i) up to a seventy-two foot (72') wide future public road (approximately at 1600 South), and (ii) up to a ten foot (10') wide future multi-use trail (along Highway 40). Petitioner acknowledges based on information provided by the City that the future public road is anticipated to be located within the Northernmost portions of the Turner Mill Development and is anticipated to be a connection of Daniels Road and Highway 40, and that the City prefers to have the future public road be a major collector road. In addition, Petitioner acknowledges based on information provided by the City that the future multi-use trail is anticipated to meander and be located near the Eastern portions of the Turner Mill Development. As of the date this Ordinance No. 2018-49 shall take effect, the final locations, preferred widths, proportionate allocations, contributions, and responsibilities between Petitioner and the City, and certain other matters related to the future public road and multi-use trail have not been determined and must be finalized and mutually approved as part of an ongoing site planning, infrastructure, and proportionality analysis. The City agrees and acknowledges that Petitioner's responsibility to dedicate real property and contribute toward the construction of the future public road and multi-use trail will be analyzed and ultimately determined after applying a "rough proportionality" test (which may include a traffic study), in which Petitioner's dedications and/or contributions must be roughly proportionate in both nature and extent to the direct impact of the proposed Turner Mill Development. The City will be responsible for any additional contributions and any reimbursements owing to Petitioner beyond Petitioner's proportionate amount and the City will be fully responsible for any upsizing, additional improvements, or additional land or rights-of-way applicable to the future public road, the multi-use trail, and any other related

improvements requested by the City. Once the future public road and multi-use trail have been dedicated and constructed, the City will be responsible for the ongoing maintenance, repair, replacement, and all other related matters applicable to the future public road and multi-use trail. Petitioner acknowledges based on information provided by the City that (a) in order for the future public road to meet the City's roadway standards, the future public road must be at least sixty-four feet (64') wide and no greater than seventy-two feet (72') wide, (b) the real property to be dedicated by Petitioner in connection with the future public road must be dedicated by way of a single subdivision plat at the time of the first phase of development of the Turner Mill Development and cannot be dedicated to the City in multiple phases, and (c) Petitioner will not receive further approvals from the City (beyond the rezoning occurring under this Ordinance No. 2018-49) until the future public road and multi-use trail dedication contemplated under this Condition #1 have occurred.

2. Petitioner acknowledge to the City and accept and agree to cooperate and dedicate and accommodate certain improvements, at the times of development, applicable portions of Highway 40 street frontage within the Turner Mill Development that may be required in accordance with Utah Department of Transportation specifications.
3. Petitioner acknowledge and agree to provide and reasonably accommodate the City's desire that access and connections to and from the proposed Turner Mill Development and the future public road be limited to the fewest number of access points as is feasible, following further analysis and an individualized determination by Petitioner and the City's planning department.
4. Petitioner acknowledge and agree to provide and reasonably accommodate the City's desire that dwelling units nearest the Heber Landing Subdivision be single family homes.
5. At the times of development and following an individualized determination by Petitioner, the City's planning department, and the power supplier for the proposed Turner Mill Development that such measures are reasonable and feasible, Petitioner will bury certain future powerlines along Daniels Road, in a manner consistent with Heber City Code Section 17.40.010 C.
6. At the times of development and following a determination by Petitioner and the City's planning department that any individual building within the proposed Turner Mill Development will contain 60,000 square feet or larger, such building and associated development shall comply with Heber City Code Section 18.42.110.
7. At the times of development, Petitioner comply with all applicable requirements and conditions of the Mixed-Use Residential Commercial Zone (MURCZ), as contained in Heber City Code Section 18.42; provided, however, Petitioner agrees that notwithstanding the amount of residential dwelling units that the Mixed-Use Residential Commercial Zone (MURCZ) may otherwise permit, Petitioner will cap the number of residential dwelling units within the Turner Mill Development to no more than four hundred (400) residential dwelling units.
8. Petitioner acknowledge and agree to reasonably accommodate the City's desire that development within the proposed Turner Mill Development along and near Highway 40 be

commercial, retail, or mixed-use in nature and conducted in a manner consistent with the objectives specified in Heber City Code Section 18.42.010.

- 9. At the times of development and following a determination by Petitioner and the City's planning department that the Turner Mill Development has exceeded the 60,000 square feet threshold, Petitioner agrees to provide outdoor spaces, amenities, and sidewalk connections (for example, a connection to the Heber Landing Subdivision), in a manner consistent with Heber City Code Section 18.42.060 and as approved by the City's planning department.

This Ordinance No. 2018-49 shall take effect and be in force from and after its adoption.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 6th day of August 2019.

	AYE	NAY	ABSENT	ABSTAIN
Jeffery M. Bradshaw	<u>X</u>	_____	_____	_____
Jeffrey Smith	<u>X</u>	_____	_____	_____
Ronald R. Crittenden	<u>X</u>	_____	_____	_____
Heidi Franco	<u>X</u>	_____	_____	_____
Wayne Hardman	<u>X</u>	_____	_____	_____

APPROVED:

Kelleen L. Potter
 Mayor Kelleen L. Potter



ATTEST:

Irina Woodcock Date: 8/6/19
 RECORDER

EXHIBIT A: LEGAL DESCRIPTION OF TURNER MILL DEVELOPMENT

The real property referenced in this Ordinance No. 2018-49 as the "Turner Mill Development" is located in Heber City, Utah and is more particularly described as follows:

Beginning at the West quarter corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian and running thence North 00°03'25" West along the section line 952.09 feet; thence South 89°26'55" East 1047.06 feet; thence North 57°01'05" East 369.75 feet; thence South 89°26'55" East 143.18 feet to a point on the Southerly right-of-way line of Highway 40; thence South 37°59'20" East along said highway right-of-way 139.01 feet; thence South 25°35'15" West 208.26 feet; thence South 38°35'31" East 213.84 feet; thence North 53°06'40" East 29.74 feet; thence South 67°46'00" East 49.38 feet; thence North 52°00'40" East 130.00 feet to a point on the Southerly right-of-way line of Highway 40; thence South 37°59'20" East along said right-of-way line 253.52 feet to the Northwesterly boundary line of the Lake Creek Ranch Development Corporation property; thence along said Northwesterly boundary the following three (3) courses and distances: (1) South 57°51'29" West 291.08 feet; (2) thence South 55°27'32" West 467.07 feet; (3) thence South 00°06'31" West 133.70 feet to the Northerly boundary line of the Greenfield Townhomes Subdivision; thence South 89°51'14" West 1324.94 feet along said Northerly boundary line and the Northerly boundary line of Heber Landing Subdivision to the point of beginning.

LESS AND EXCEPTING the following:

A parcel of land being part of an entire tract located in the Southwest quarter of the Northwest quarter of Section 8, Township 4 South, Range 5 East, Salt Lake Meridian, the boundary lines of said parcel are described as follows: Beginning at the West quarter corner of said Section 8, said quarter corner being located at Engineers Station 32+22.07, 0.57 feet left of the control line for the Utah Department of Transportation Project F-LC51(10); thence North 00°03'21" West 952.09 feet along the West line of said Section 8 to the Northwest corner of said entire tract; thence South 89°26'51" East 38.81 feet along the North line of said entire tract; thence South 00°04'27" East 275.33 feet; thence South 00°01'41" East 676.29 feet to the South line of said entire tract, said South line also being the East-West center quarter section °51'19" West 38.57 feet along said South line to the point of beginning.

For Information Purposes: The Turner Mill Development has been assigned the Tax Parcel I.D. No. of 00-0009-2101, the street address of 1550 South Highway 40, Heber City, Utah 84032, and contains approximately 35.61 acres of real property.