

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, September 10, 2014

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

STAFF: Bryce Haderlie, Interim City Manager; Darien Alcorn, Deputy City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Wendell Rigby, Public Works Director; Doug Diamond, Police Chief; Jared Price, Fire Captain, Robert Thorup, Deputy City Attorney, Larry Gardner, Senior Planner, and Bill Baranowski, Traffic Engineer.

I. CALL TO ORDER

Mayor Pro-Tem Stoker called the meeting to order at 5:03 p.m.

II. CLOSED SESSION

DISCUSS PERSONNEL ISSUE

COUNCIL: Mayor Pro-Tem Justin D. Stoker and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, and Ben Southworth. Mayor Kim V. Rolfe arrived at 5:11 p.m.

STAFF: Bryce Haderlie, Interim City Manager, and Judge Ronald Kunz.

MOTION: **Councilmember Hansen moved to go into a Closed Session to discuss personnel issues. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Mayor Pro Tem Stoker	Yes
Mayor Rolfe	Absent

The motion passed 6-0.

The Council convened into a Closed Session to discuss personnel issues at 5:03 p.m.

Mayor Rolfe arrived at 5:11 p.m.

The Council recessed the Closed Session at 5:50 p.m. and reconvened the meeting at 6:04 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by JT Kupiec, Troop 1056.

IV. PRESENTATION

PRESENTATION BY DR. JOHANSEN REGARDING THE SUCCESS THE FIRE DEPARTMENT HAS WITH NEW DEFIBRILLATOR MONITORS AND HOW IT HELPS PATIENT OUTCOME

Marc McElreath explained that in July 2014, four new X-series defibrillators were placed into service.

He turned the time over to Jared Price, Fire Captain and Dr. Bart Johansen, West Jordan Fire Department's Medical Control Doctor for their presentations.

Jared Price highlighted for the Council the capabilities of the new defibrillator monitors:

- New technology
- Lightweight
- Built-in CO monitor
- Larger screen showing all aspects of a person's heart
- Real time feedback
- Ability to communicate through Wi-Fi

Dr. Johansen commented on how the new defibrillator monitor could make a difference in people's lives. He reviewed various statistics:

- Heart Disease No. 1 killer in the US (both men and women)
- At least 300,000 heart cardiac arrests in the US each year
- Over 700,000 per year
- 600,000 people die of heart disease each year
- Cardiac patients can be identified and taken to STEMI-Hospital if necessary
- Average balloon time was a half-hour under national requirements

V. COMMUNICATIONS
INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Insurance Broker contract would be forthcoming at the next Council meeting
- Wage Evaluation consideration would be provided at the next Council meeting
- Change of Government Initiative petition had been received
- Chief Doug Diamond would be acting as acting City Manager during the week of September 15, 2014
- Transfer of fund without payback (Solid Waste and Storm Drain Accounts)
Amount identified as: \$4 million
- Weekly Happenings / Tasks lists being modified
- Demolition Derby success – estimated 2,200 people were in attendance
- September 11, 2014 at 8:00 a.m. – Patriot Day Flag Ceremony in City Council Chambers
- Illegal parking at parks due to ballgames

STAFF COMMENTS/REPORTS

David Oka -

- Reported that Fairchild was unaware of the facility disposition in the future
- Inventory of Light Industrial space was dwindling

Tom Burdett –

- Updated the Council on Economic Development Corporation of Utah projects
- Penco vacated a portion of their site in West Jordan for manufacturing lockers/bleachers
- Updated the Council on the Jordan School District space
- Staff was working on recruitment for Economic Development
- Jordan School District Chairman communicated their preferences for relocation sites

Ryan Bradshaw –

- Three weeks from going live with the ERP system
- Staff met with the City's Financial Advisors, George K. Baum regarding bonding options for LED lighting (options would be brought back for Council's consideration)

Wendell Rigby –

- Four positions open
 - Civil Engineer II
 - Three - Wastewater Construction Technicians
- Option of partially or totally closing 5600 West (6200 S – 7000 S) starting January 1, 2015
 - Full closure project would be completed by May 15, 2015
 - Partial closure project would be September 14, 2015

Staff recommended a full closure. The Council agreed

- 9000 South (4800 W – 5300 W) construction - design and bid documents would be completed by spring, and project should begin shortly thereafter (some repairs would be performed next week with some traffic restrictions).

Marc McElreath –

- Acknowledged all the hard work provided by Dr. Bart Johansen for the City
- Training for STEMI could not happen without the partnership with Jordan Valley Medical Center
- Fire Station 54 was on track and on budget

Doug Diamond –

- Two new Police Officers scheduled to start September 22, 2014
- New K-9 officer
- Reminder Patriot Day – September 11, 2014

CITY COUNCIL COMMENTS/REPORTS

Councilmember Stoker –

- Theater Arts performance of ‘Steel Magnolias’ at Pioneer Hall, starting September 11, 2014

Councilmember Southworth –

- Commented on the diversity of people in attendance at the City Council meeting and Patriotism among people.

Councilmember Nichols –

- Unofficially asked the question while at a meeting at the Salt Lake City Airport: ‘What if a city such as West Jordan was interested in building and leasing our own hangers at West Jordan’s airport; would Salt Lake City entertain that idea?’ The response he received was ‘I can’t think of a better time.’

Councilmember Hansen –

- Updated the Council on her attendance at the Jordan School District meeting on behalf of Mayor Rolfe. She reported that the Jordan School District was losing \$10,000 per year due to the earlier split between Jordan School District and the Canyons School District. She suggested everyone attend the Jordan School Board meetings.

Mayor Rolfe –

- Commented on altering the structure of the Attorney’s Office. No new positions were created.

Bryce Haderlie was provided the go ahead by the Council, for the City Attorney Department changes.

VI. CITIZEN COMMENTS

Matt Lyon, Copper Hills High School Student Body President, invited the Council to the Copper Hills Homecoming activities during the week of September 15-17, 2014.

Kim Hansen, Copper Hills High School Student Body Vice President, invited the Mayor or a Council Member to present their Cross Country Team with the game ball on Friday, September 19, 2014, in front of City Hall.

The Student Body provided 'Pride' pins to the Mayor and Council.

Betty Naylor, West Jordan resident, expressed her appreciation to Mayor Kim V. Rolfe, Bryce Haderlie, Interim City Manager, West Jordan Fire Department, and the Public Works Department for their quick response to the fire at her farm. She reported that not all the buildings were lost, thanks to the professionalism and coordination of City Departments.

Jeff Cassidy, West Jordan resident, reported that his home flooded a few weeks ago. He appreciated the sand bags and support from the City.

Alexandra Eframo, West Jordan resident, asked the Council to pause to reflect upon our common goals. She gave a short prayer.

She reported that she had attended the Jordan School District Study Session earlier in the week, and informed citizens that the meetings were open to the public.

Steve Jones, West Jordan resident, grateful for those on the Council who were willing to work with residents regarding flooding on 7000 South 3200 West. He felt there were two things this country was based on: 1) Life and Liberty, and 2) Owning property and a home, and nothing should supersede that. The flooding of homes with no corrective action was unacceptable. He asked the Council to address this issue.

Amy Winder Newton and Richard Snelgrove, Salt Lake County Council Representatives, commented on the proposed Zoo, Arts, and Parks (ZAP) renewal tax, which would be on the ballot this November. Each year over 7 million people participate in a ZAP funded cultural activity. She asked the Council to support the ballot initiative by helping to educate West Jordan residents. Richard Snelgrove reported that this was a good return on investment and would benefit the community. He commented on the County employees that administer the program, and the volunteer board that allocated the funds. A ZAP handout was provided to the Council.

Kelvin Greene, West Jordan resident, said ‘Patriot Day’ was close to his heart. He reminded everyone in attendance another important day to remember was ‘Constitution Day’ September 17, 2014.

Michelle Foote, West Jordan resident, expressed her appreciation to Councilmember McConnehey, and City staff (Police and Public Works) for their quick response to graffiti removal in her neighborhood.

Brenda Thomas, West Jordan resident, expressed her appreciation to Mayor Rolfe, Councilmember McConnehey, Councilmember Haaga, and the Public Works Department for their assistance and time when she needed it, during the recent flooding. She said meetings were set up and sand bags were provided, which provided her with some peace. She felt residents should have homes that were safe.

Natalie Groves, West Jordan resident, addressed the Station at Gardner Mill; she voiced her frustration of having to revisit this issue again. She believed that when the meeting ended on April 2, 2014 and the item was denied, she was informed that this would not be able to be revisited for 12-months. Now it was placed on an agenda within a 5-month timeframe, and the project had not changed significantly.

JayLynn Thomas, West Jordan resident, commented on the amount of graffiti in her neighborhood. She expressed her appreciation to Councilmember McConnehey. She did not want to see the gang-graffiti problem from Midvale come into West Jordan.

Councilmember Southworth said previously there was a similar graffiti issue in his neighborhood. He suggested immediately calling it in for removal and eventually it would stop.

There was no one else who wished to speak.

VII. CONSENT ITEMS

- 7.a Approve Resolution 14-174, confirming the appointment of members to various City Committees**
- 7.b Approve Resolution 14-175, authorizing the Mayor to execute a three year agreement with Cartegraph for Cartegraph Software Costs and Professional Service Fees, in an amount not-to-exceed \$52,700.00 (\$34,700 year one, and \$9,000 for each of the following two years)**
- 7.c Approve the service in lieu of fees for FORZA soccer for the use of the West Jordan Youth Sports Complex**
- 7.d Approve Resolution 14-176, authorizing the Mayor to execute a Consulting Agreement between West Jordan City and Better City, a**

Utah LLC for economic development, in an amount not-to-exceed \$160,000.00

MOTION: Councilmember Southworth moved to approve Consent Items 7.a through 7.d. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

VIII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-177, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH CONSTRUCTION MATERIAL RECYCLING, INC. FOR AN AMOUNT NOT-TO-EXCEED \$60,000.00

Wendell Rigby said the City solicited bids in March 2014, for milling operations associated with the in-house paving work completed in the summer and fall of 2014. The milling machine was used to remove a portion of the existing asphalt, prior to the placement of the new layer of asphalt by City staff. After the asphalt was milled and prior to the placement of the next layer of asphalt, the streets were swept. The bids received included a milling machine with an operator and a sweeper with an operator.

For the purpose of the bids, the City estimated seven (7) mobilization events and approximately 130 hours of work. Unit price bids were received from five contractors; Construction Materials, Inc. was the low bidder and awarded a contract for \$68,550.00, based upon their unit bids, at City Council on April 23, 2014.

Their bid was based upon the seven (7) mobilizations at a unit price bid amount of \$600.00 per mobilization and 130 hours of rotomilling, with a unit price bid amount of \$495.00 per hour. Bid documents indicated, "The numbers listed above are estimates for bidding purposes only – actual quantities will vary depending upon the need." We were not proposing to change the type of work or scope of work being performed, simply extending the amount of work to be accomplished with the existing unit prices.

Staff reported that we have almost reached the 130 hours of time allowed under the original contract for rotomilling, and staff needed additional hours and mobilizations to

continue its 'in-house' overlay efforts. Without the approval for additional hours, the rotomilling would cease in the next week or so, and no further overlays would be accomplished this season. The contractor was willing to continue with his unit prices for additional mobilizations and hourly rotomilling, and staff was recommending, we do so.

This Change Order request for additional funding was to finish the streets identified for paving earlier this year and additional streets – if weather allowed. The City planned to continue with overlay work as long as weather permitted this season and approval of this expenditure would allow for additional milling. Staff did not anticipate using all of the additional \$60,000 but wanted to provide sufficient funding to accomplish as much rotomilling as possible, resulting in additional overlays on City streets. The additional streets would be selected using the Pavement Management Program.

As for the fiscal impact, the funds for this project were available in the Road Capital account.

Staff recommended approval of Change Order No. 1 with Construction Materials Recycling, Inc. for an amount not-to-exceed \$60,000.

Councilmember Stoker asked whether there were funds budgeted.

Wendell Rigby said there were funds in the Slurry Seal Budgets. However, since this was not being done, the additional funds would be used for this.

MOTION: Councilmember Southworth moved to adopt Resolution 14-177, authorizing the Mayor to execute Change Order No. 1 with Construction Materials Recycling, Inc. for an amount not-to-exceed \$60,000. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

CONTINUED FROM AUGUST 27, 2014 - DISCUSSION AND POSSIBLE ACTION ON RECONSIDERATION OF RATIFICATION OF THE PRELIMINARY DEVELOPMENT PLAN FOR THE STATION AT GARDNER MILL; COLOSIMO BROTHERS, APPLICANT

Tom Burdett reported that this request was to allow for reconsideration of a new plan that was considerably different from the plan denied by the City Council last winter. He said the plan changed in terms of meeting the Transit Station Overlay District: Better pedestrian circulation; different setbacks, and different open space from the former plan. He felt the reconsideration motion was necessary to meet legal test.

Councilmember Southworth voiced support to reconsider this issue.

MOTION: Councilmember Southworth moved that pursuant to the City Council Rules and the information provided, there had been significant new information about The Station at Gardner Mill that has come forward, based on that information he moved that the City Council reconsider the earlier decision on this project and proceed to consider it as a public hearing item later in the meeting. The motion was seconded by Councilmember Nichols.

Councilmember Haaga said he opposed the motion. This was from a lawsuit that was filed and some accusations were made pertaining to him working with the developers, and he wanted to go on public record (Council was aware of) that there were never any promises on how he was to vote or anybody else on the Council. That was very important for him to go public on, and also as far as his vote, he felt like as a Councilmember At Large, he represented 110,000 people and an arbitrary capricious vote was his right when the residents were telling him to vote 'no.' That was not arbitrary when you have all your residents that vote for you and their comments. Therefore, he wanted that to be public record, which was why he was opposing this motion.

Councilmember McConnehey also spoke against the motion. He appreciated the developer putting in the effort to make some changes to the plan, however; he did not feel that this met the threshold of being considerably different.

Councilmember Nichols spoke in favor of the motion. He was unsure as to how he would vote, but would like to have the discussion. He felt the plans were significantly different other than the number of units:

- Circulation of the driveway
- Pedestrian bridge
- Type of architecture
- More of a mixed-use development
- Southwest corner plan

Councilmember Southworth agreed with Councilmember Nichols. He indicated that he was still unsure of how he would vote. He said previously he opposed the plan, but now he felt this item deserved a discussion.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion passed 4-3.

IX. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-30, REGARDING A FUTURE LAND USE AMENDMENT FOR 8.33 ACRES FROM COMMUNITY COMMERCIAL TO VERY HIGH DENSITY RESIDENTIAL AND REZONE FROM SC-2 (COMMUNITY SHOPPING CENTER ZONE) TO WSPA - HFR (HIGH DENSITY MULTI-FAMILY RESIDENTIAL); FOR PROPERTY LOCATED AT 7800 SOUTH MOUNTAIN VIEW CORRIDOR; GARBETT LAND INVESTMENTS, LC/RICHARD WELCH, APPLICANT

Tom Burdett said the applicant was requesting to amend the General Plan Future Land use map from Community Commercial to Very High Density Residential and to amend the zoning map from SC-2 (Community Shopping Center) to HFR (High Density Multi-Family Residential) on 8.33 acres located at 5701 West 7800 South.

Information provided in the Council agenda packet reported that the property was currently owned by the Utah Department of Transportation (UDOT) and was under contract to be purchased by Peterson Development who was partnering in a development with Garbett Land Investments on the site. If the land use amendments were approved the applicant was proposing to construct several multi-family dwellings on the property. The site was relatively long and narrow, 2,250 feet long by 560 feet wide at the widest point, and was sandwiched between the Mountain View Corridor and the Clay Hollow wash, which, in the applicant’s opinion, made the location less desirable for commercial development.

GENERAL INFORMATION & ANALYSIS

The subject property’s surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
North	Community Commercial (across 7800 South)	A-20	Farm Land
South	High Density Residential and Community Commercial	HFR / SC-2	Vacant
East	Community Commercial	SC-2	Mtn. View Corridor
West	High Density Residential, Community	HFR / SC-2	Clay Hollow Wash,

	Commercial, Parks and Open Land		Vacant property
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The applicant was requesting to amend the General Plan Future Land use map from Community Commercial to Very High Density Residential and to amend the zoning map from SC-2 (Community Shopping Center) to HFR (High Density Multi-Family Residential) on 8.33 acres located at 5701 West 7800 South.

It shall be noted that the concept plan included in the Council's agenda packet was only intended to illustrate how development could be expanded to fit in this area. This plan shall not be used as a framework for the justification of density within the West Side Planning Area Overlay. The density determination would come with new and separate approval of the site plan, subdivision and development plan.

The applicant had provided a concept plan of what could be constructed if the amendments were approved. Staff recommended that if the City Council approved the requested amendments and that the Highlands Master Development Plan be updated to reflect the changes.

FINDINGS OF FACT

Section 13-7C-6: Amendments to the Land Use Map

According to City Code, Section 13-7C-6), any amendments to the general plan, including maps, shall be approved only if the following are met.

Finding A: The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Discussion: The applicant was proposing to amend the Future Land Use Map from Community Commercial to Very High Density Residential.

The 2012 Comprehensive General Plan states in Residential Land Use section:

Goal 4; Policy 3 Multiple-family residential development should be provided in appropriate areas in order to maintain diversity in the city's housing stock and to provide land use transitions between dissimilar uses.

The proposed site was sandwiched between the Mountain View Corridor and Clay Hollow Wash. Clay Hollow wash at this location was very deep and would need to be piped if development was going to occur. Even with the wash piped there was a depressed area of undetermined depth, will need to remain over the pipe for flood control purposes and to maintain the Clay Hollow Wash corridor. The trail system would still need to be constructed in the Clay Hollow wash corridor, when development occurs.

As stated the site is long and narrow and limited as to commercial viability. The most desirable area for commercial development would be nearer 7800 South where the site is at its widest. The remainder of the property would probably go undeveloped as commercial property. The multi-family development would abut (across the wash) both commercial uses and a multi-family project, both conceptual at the time. So compatibility with adjacent land uses should not be an issue. Abutting the Mountain View Corridor expressway could be less than desirable for residential development, but on average the apartment units would be setback a minimum of 60-feet from the traffic lanes and a barrier wall would be installed. The proposed request appeared to conform to the goals and policies of the General Plan.

Finding: The proposed amendment conforms to and was consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Discussion: According to the concept plan the amendments are being proposed to extend the proposed multi-family development concept on the west side of Clay Hollow Wash. As detailed, the long narrow site is less than desirable for commercial development. The map amendment would add to a multi-family type development already under design in the Highlands Master Planned area. There are three (3) other sites within the Highlands that are planned for high density uses. At this time two of the three sites are under design, although not approved. High density and very high density land use areas on the Land Use Map, outside of the Highlands, in the City are all within Transit District Overlays and both remaining sites are currently under design, but have not been approved. There are few sites within the Highlands or within the City that are on the land use map to be considered as High density multi-family and only one site is not under design or in the approval process at this time. The Map change would also potentially help eliminate a dangerous situation by piping and filling a deep wash and would make use of a long narrow property that has little commercial viability.

Finding: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

Discussion: The proposed land use amendment would be compatible with the commercial and multi-family developments that are being conceptually planned in the area. At this point in time this development was also in the conceptual stage, with the land use amendments being the first step in the process.

Finding: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

Finding D: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The applicant would directly benefit from approval of the proposed amendment; however, the amendment does allow for a difficult piece of property that has little commercial viability to be used for high density residential development, which may be the best development for the property.

Finding: The proposed amendment constituted an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.

Finding E: *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The amendment would not adversely impact the neighborhood by allowing multi-family dwellings as a use and to be eventually constructed. The area was planned for commercial and multi-family uses already. Roads, water, storm water, and public safety would not be adversely affected by the amendment and subsequent development. However there was a sanitary sewer capacity issue in the area to the south of the proposed development. City sewer modeling had determined that if all of the sanitary sewer can be drained to the line in 7800 South (which has adequate capacity) that the development could be built as conceptually planned. However, if a portion of the development had to be drained to the sewer line to the south then a reduction in the number of units would be required, possibly in the range of a 35 to 50 unit reduction. The final number can only be determined as the project continues or if the applicant upgrades the line to handle the additional capacity needs.

Finding: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: *The proposed amendment is consistent with other adopted plans, codes and ordinances.*

Discussion: The City Council adopted Ordinance 14-17, on May 14, 2014, which placed a moratorium on accepting applications for multi-family development for six months from the date of adoption. The applicant's intent based on their concept plan was to construct multi-family dwellings on the subject site. The ordinance only prohibited accepting and processing of applications for multi-family developments and does not stop the applicant for applying for land use map or zoning map amendments. Amending the land use map (which could be viewed as future long range planning effort) creating an area for more multi-family dwellings at this time was not contrary with Ordinance 14-17.

The property had a land use designation of Community Commercial on the General Plan future Land Use Map. However, the continuity with a larger piece to the east of this site had been cut-off by the construction of the Mountain View Corridor, leaving a small long, narrow remnant property with little commercial viability.

Finding: The proposed amendment is consistent with other adopted plans, codes and ordinances.

Section 13-7D-7(A): Amendments to the Zoning Map

According to City Code, Section 13-7D-7(A), the following shall be met in approving any amendments to the Zoning Map.

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: See Future Land Use Map amendment Criterion A in the Council's agenda packet.

Finding: The proposed rezone was consistent with the purposes, goals, objectives and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: See Future Land Use Map amendment Criterion C and E in the Council's agenda packet.

Finding: The proposed rezone will result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The proposed would not be detrimental to the health safety or welfare of the residents of West Jordan. Any development that occurs due to the zone change will be required to meet all adopted City standards for fire protection, design, utilities, roadways and building construction.

Finding: The proposed rezone furthers the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: See Future Land Use Map amendment Criterion E in the Council's agenda packet.

Finding: The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: The property is part of the Highlands master plan of the West Side Planning Area. If the property is rezoned the Highlands Master Plan Land Use map would need to amended to reflect the change.

Finding: The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

The proposed Future Land Use Map amendment and rezone of approximately 8.33 acres of property equates to a negligible change to the land use and zoning maps; however, these changes would practically enhance the usability of a piece of property impacted by the construction of the Mountain View Corridor.

Staff recommended that based on the analysis and findings contained in the staff report, that the City Council amend the General Plan Future Land Use Map for 8.33 acres located at 5701 West 7800 South from Community Commercial to Very High Density Residential and Rezone from SC-2 (Community Shopping Center) to HFR (High Density Multi-family Residential) Zone.

On August 5, 2014, the Planning Commission voted in a 4 to 1 decision to forward a *negative* recommendation to the City Council for the request to amend the General Plan Future Land Use Map for 8.33 acres located at 5701 West 7800 South from Community Commercial to Very High Density Residential and forwarded a *negative* recommendation for the request to rezone the property from SC-2 (Community Shopping Center) to HFR (High Density Multi-family Residential) Zone.

Tom Burdett reported that the Applicant, Barrett Peterson would be speaking first.

Barrett Peterson, Peterson Development, commented on the rezone located at 7800 South Mountain View Corridor. He gave a brief history on the area. Peterson's intent was to rezone the property and incorporate it into the nearby development. He commented on the big problems this would resolve:

- Fill in the wash and the have the trail go through the new community
- Trail maintenance would be maintained by the assessment area which already existed or possibly by the Garbett's home community

A short video was presented which showed how the liability regarding the wash, could be solved for the City.

Councilmember McConnehey asked for clarification regarding filling in the wash.

Barrett Peterson commented on filling in the wash, but said there were provisions to handle 100-year events. He reminded the Council that this was still in the rezone stage.

Wendell Rigby said typically a pipe would be required, and then there would be a detention basin.

Councilmember Stoker spoke to the concerns regarding the flood control. He believed Peterson Development had been working with Federal Emergency Management Agency (FEMA).

Mayor Rolfe clarified that an Assessment Area had already been created (for the Highlands).

Barrett Peterson indicated that was correct.

Councilmember Southworth asked clarifying questions regarding:

- Number of units
- Open space
- What happens to this property without this project

Barrett responded to Councilmember Southworth questions.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, voiced her concerns regarding:

- Possible amount of rain
- Filling in a wash
- Additional Townhomes next to a highway
- Very High-density (opposed by the Council)

She opposed this rezone.

Ben Watson, West Jordan resident, commended the Developer on this project for the choices he had made regarding density, open space, etc.

Kelvin Greene, West Jordan resident, felt this was a good designation for this property. However, he was concerned with this type of development setting precedence along the Mountain View Corridor.

Debbie Davenport, West Jordan resident, living near Gardner Mill, said she was never informed about the proposed rezone. She commented on the buffer zone going from high-density to low-density, which she liked.

JayLynn Thomas, West Jordan resident, commented on the following:

- Glad to see the developer working with FEMA
- Liked the height of the buildings

Steve Jones, West Jordan resident, commented on his concerns: 1) Flooding, and 2) Road infrastructure.

Kerry Groves, West Jordan resident, voiced his concerns regarding the elevation surrounding the area. He also indicated that he was not opposed to high-density; however, he felt high-density should be limited.

There was no one else who desired to speak.

Mayor Rolfe closed the public hearing.

Councilmember Southworth asked for clarification regarding:

- Drainage entire area
- Interfacing with the Trails Master Plan

Councilmember Nichols felt very high-density belonged next to major highways and Transit Oriented Development, and after that it could filter into other areas of the City. He was in favor of the proposal.

Councilmember Haaga commented on the location. He agreed with Councilmember Nichols and was also in favor of the proposal. He felt having the proposed trail made sense.

Mayor Rolfe reminded everyone that the wash area would be piped not filled with dirt.

Councilmember McConnehey said maintaining the current zoning of SC-2 it would be hard to develop, given the location of Mountain View Corridor and the wash. He spoke in favor of the proposed rezone.

MOTION: Councilmember Nichols moved to adopt and authorize the Mayor to sign Ordinance 14-30, to amend the General Plan Future Land Use Map for 8.33 acres located at 5701 West 7800 South from Community Commercial to Very High Density Residential and Rezone from SC-2 (Community Shopping Center) to the HFR (High Density Multi-family Residential) Zone. The motion was seconded by Councilmember Haaga.

Councilmember Southworth spoke against the motion. He wanted the concept to have half the homes, and turn the other half into park space and flood zone.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	No
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-1.

CONTINUE UNTIL SEPTEMBER 24, 2014 – MOTION REQUIRED - RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL AN ORDINANCE DECLARING AS SURPLUS AND DISPOSING OF CITY OWNED PROPERTY LOCATED AT 7971 SOUTH 1825 WEST, WEST JORDAN, FOR THE PURPOSE OF TRADING THE CITY’S PROPERTY FOR SALT LAKE COUNTY’S PROPERTY LOCATED AT 1970 WEST 7800 SOUTH, WEST JORDAN, CITY OF WEST JORDAN, APPLICANT

MOTION: Councilmember Stoker moved to continue this item to the September 24, 2014, City Council meeting. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

MOTION: Councilmember Haaga moved to take a three-minute break. The motion was seconded by Councilmember Southworth and passed 7-0 in favor.

The meeting recessed at 8:15 p.m. and reconvened at 8:20 p.m.

CONTINUED FROM AUGUST 27, 2014 - RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-11, RATIFICATION OF THE PRELIMINARY DEVELOPMENT PLAN FOR THE STATION AT GARDNER MILL AND ESTABLISH MULTI-FAMILY RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE; FOR PROPERTY LOCATED AT APPROXIMATELY 7659 SOUTH 1300 WEST; P-C (TSOD) ZONE; COLOSIMO BROTHERS, APPLICANT

Tom Burdett said this item was regarding the preliminary development plan for The Station at Gardner Mill (*Gardner Station*) and to establish Multi-family residential density for the property located at approximately 7659 South 1300 West. The applicants were the Colosimo Brothers.

Information provided in the Council agenda packet reported that the subject site for the proposed development was approximately 11-acres in size, consisting of undeveloped land located to the west of the existing *Gardner Village* commercial development and north of

the City cemetery. Approximately 8-acres of the subject property was rezoned in 2001 to allow up to 12 dwelling units per acre; however, this and one other attempt to develop the property never came to fruition. The following was a cumulative timeline since the 2007 adoption of the Transit Station Overlay District for the subject area:

- On July 17, 2007, the City Council placed the Transit Station Overlay District (TSOD) on the subject site and adjoining properties in an effort to ensure that transit supportive uses be built at this and the five other light rail station locations in West Jordan.
- In 2011, the Future Land Use Map was amended for the existing *Gardner Village* commercial development. The City's Future Land Use Map was amended to the Town Center/Neighborhood Center TSOD, where also the property was rezoned to the P-C (Planned Community) zoning district. In April of 2012, the applicant applied for and was granted a Future Land Use Map amendment for the subject 11-acres and approximately 3.4-acres of land at the immediate northeast corner of 1300 West and 7800 South. Specifically this amendment changed the land use from Very-High Density Residential, Low-Density Residential, and Neighborhood Commercial to Town Center/Neighborhood Center. Later in February of 2013, the entire property was rezoned from SC-1 (TSOD), R-3-12(ZC) (TSOD) and RR-.5D (TSOD) Zones to P-C (Planned Community) (TSOD).
- In February of 2013, the subject and several surrounding properties were rezoned from SC-1 (TSOD), R-3-12(ZC) (TSOD) and RR-.5D (TSOD) Zones to P-C (Planned Community) (TSOD), based on a concept plan showing a high density multi-family development showing a total of 256 units on 11-acres of property for a density of 23.27 dwelling units per acre.
- On November 26 2013, the Design Review Committee (DRC) reviewed the project, suggesting minor changes to colors, amenity locations, and concerns regarding gateway features.
- On January 21, 2014, the Planning Commission considered approval of the Preliminary Site Plan and Preliminary Subdivision. The Preliminary Subdivision was approved in a 7-0 vote. The Preliminary Site Plan was approved in a 6-1 vote, where two conditions of approval were added. The first was a condition that a trail extension from the project to the existing HAWK signal adjacent to *Gardner Village* be 8-feet in width. The second condition was to add a hard base (gravel, concrete ... etc.) for a weed barrier behind the two garages located on the west side of the subject property (adjacent to the existing single-family properties).

At the same public hearing the Planning Commission also considered approval of the Preliminary Development Plan, and in a 7-0 vote, voted to forward a positive recommendation to the City Council to ratify the Plan and its subject density of 20.29 units per acre for a total of 224 multi-family residential dwelling units.

- On February 26, 2014, the City Council received public input and considered ratification of the Planning Commission's approval of the Preliminary Development Plan which would ultimately establish the proposed density at 20.29 dwelling units per acre. After much public comment and Council deliberation on the matter, the City Council moved to continue the item to April 2, 2014 to allow the applicant time to meet with the neighbors and address their concerns. This motion passed in a 4 to 1 vote.
- On April 2, 2014, the City Council received public input and considered ratification of the Planning Commission's approval of the Preliminary Development Plan. After a considerable amount of citizen comment, Council discussion, and multiple motions – the City Council denied (5-2 vote) the ratification of the Preliminary Development Plan.
- On May 8, 2014, the City of West Jordan was served a Summons and Complaint by Colosimo LLC. The Complaint alleged the Council's decision regarding the *Station at Gardner Mill* was arbitrary, capricious or illegal and sought an order from the Court compelling the City to approve the Preliminary Development Plan presented to the City Council on April 2, 2014.
- On May 14, 2014, Councilmember Southworth requested a Reconsideration of the Council's action on April 2, 2014. After a brief discussion by the Council, Councilmember Southworth withdrew his request for reconsideration of the item.
- Following the Council's decision *not* to reconsider ratification of the Development Plan, staff inquired of the City Council whether an attempt should be made to settle litigation commenced by Colosimo LLC, (applicant) on May 8, 2014. A majority of the City Council approved an attempt to settle the case through developing a revised development plan. Staff then approached the applicant and asked for revision of the proposed development under the guidance of a different planning and architect firm – IBI Group to produce a plan/project that satisfied not only the Planned-Community criteria as established in the 2009 City Code, but also attempt to appease the concerns as raised by the neighborhood during the public hearings. With some trepidation, the applicant decided that moving forward with a better plan and proposal, while collaborating with the City and existing property owner (Gardner Village LC), would be in their best interest as well. With the decision to move forward, Colosimo LLC would be permitted to resubmit a "new" Preliminary Site Plan and a "new" Development Plan for Planning Commission and City Council review, where in turn, if the City Council ratified the new plan and density therein, the pending litigation would cease.
- On August 19, 2014, the Planning Commission reconsidered a revised Preliminary Site Plan and Preliminary Subdivision for a slightly expanded area of property –

11.6-acres. In a 5-2 vote, the Planning Commission forwarded a positive recommendation to the City Council to ratify the Preliminary Development Plan and its subject density of 19.25 dwelling units per acre for a total of 224 multi-family residential dwelling units with the condition that the Site and Development Plan be brought back to the Planning Commission for final approval. The minutes of the Planning Commission were provided in the Council’s agenda packet as Exhibit A.

General Information:

The subject property’s surrounding zoning and existing land uses were as follows:

	Existing Land Use	Zoning
North	South Valley Water Reclamation Facility/ Rural Residential	P-F/ RR-.5D
South	Cemetery / TRAX Station (across 7800 South to the east)	PF/C-G
East	Gardner Village (<i>Let’s Play Soccer</i> facility)	P-C (TSOD)
West	Rural Residential (single-family homes)	RR-.5D

Application Request:

The applicant was requesting reconsideration and approval of a Preliminary Site and Development Plan for *Gardner Station* (previously *The Station at Gardner Mill*), a proposed 224-multi-family dwelling unit project located immediately west of *Gardner Village* and the new *Let’s Play Soccer* facility. The proposed design for the site now included approximately 9,000 square feet of flex retail space on the first floor on the southern-most building (Building 1). The development had been redesigned to emphasize the integration of both residential and retail components of *Gardner Village* and vertical mixed-use within the proposed project itself. Pedestrian integration was accomplished through direct connections to *Gardner Village* and across 7800 South to the UTA Trax station and Jordan River trail system. Additionally the new design provided a vehicular circulation network which created a mixed-use and pedestrian friendly street from the south end of the project to the north. The revised design also established strong internal connections to trails, existing streets, and other uses in and around *Gardner Village*.

The proposed buildings at *Gardner Station* were being arranged in such a manner that established a harmonious relationship with the streets and site topography while also capitalizing on views toward the Wasatch and Oquirrh Mountains. The building massing was articulated and detailed in a “theme-based” manner which took cues from nearby historically important sites such as *Gardner Village*. Architectural details within the proposed project would provide a design link to the existing historic nature and patterns within *Gardner Village*. Where previously the architectural ties were lacking in the previous plans – this new proposal attempted to tie elements of *Gardner Village* into the new project, reinforcing and expanding the “sense-of-place” already established by *Gardner Village*. The buildings were supported by a suite of amenities that included a centralized clubhouse, pool and spa, fitness room, playground, outdoor dining area and trail connections. The buildings and their amenities were supported by ample access to a

variety of parking options that include on-street, structured, and surface parking. This parking was distributed across the site in a manner that reduced the visual impacts while still providing abundant access to parking throughout the site.

Understanding the need to integrate the proposed project with the existing Trax station directly to the South, the applicant had agreed to work with the City and its Redevelopment Agency to construct a “gateway” pedestrian bridge across 7800 South. At this conceptual stage, the bridge was intended to be constructed at the southeast corner of the *Gardner Station* property on the north side of 7800 South. In an effort to keep the walkable grades of the bridge as level (flat) as possible, the bridge would commence in an arcing-southerly direction toward the east side of the Rock Church, along the south side of 7800 South. Keeping the grade of the bridge as flat as possible, the bridge would continue south and tie directly into the existing Gardner Village Trax platform. Though the design of the bridge was yet to be established, Gardner Village LC, Colosimo LLC, and the City had all agreed that construction of the bridge was vital and key to the approval of the proposed *Gardner Station* development. Contingent to the approval of the development, the City intended to collaborate with the developer and Gardner Village to create a CDA (Community Development Project Area) to assist in facilitating the construction of the 7800 South bridge.

As mentioned in previous reports - required as part of entitlement of the project was the subdivision of 14.7-acres of land, approximately 11-acres of which would establish a developable lot for *The Station at Gardner Mill* development. The remaining 3.5-acres of land, located at the immediate northeast corner of 1300 West and 7800 South, would stay as a remainder parcel until such time as a development proposal was submitted for that land.

Purpose and Intent of the Planned Community Zoning -

When the City Council approved the zoning and concept plan in February 2013, the Council found that the concept plan met the purpose and intent of the Planned Community zoning. (2009 City Code Section 13-5C-1) Staff believed that the new revised Development Plan significantly improves upon that earlier concept and even better meets such purpose and intent.

Addressed Concerns -

Many questions and concerns were addressed during the Planning Commission and City Council public hearings for the original proposal for *The Station at Gardner Mill*. The major concerns raised at the time of the Council’s earlier action were as follows, together with how the new development plan addresses the concern:

A dislike of multifamily multistoried structures in the neighborhood -

The City Council rezoned this property in February 2013 to allow for multifamily, multistoried structures. (Ordinance 13-05) The General Plan was amended to allow for high density development on this property. (Ordinance 12-12) These decisions had already been made. As Mayor Rolfe has stated, there would be multifamily on this

property. The main issue was what does it look like and would it be an asset to Gardner Village. This new proposal met those concerns.

	Rezone 1 East of canal 19.72 acres	Rezone 2 West of canal 14 acres	Preliminary Development Plan 11.6 acres
Date	June 22, 2011	February 27, 2013	August 19, 2014
Ordinance	11-15	13-05	
Density	Commercial	23.27 units per acre*	19.25 units per acre
Height	--	3 stories*	75' – 3 to 5 stories
Type	Mixed-use	Multi-family*	Multi-family

*Ordinance 13-05 indicated these items would be determined at the Preliminary Development Plan

There is no mixed use in the project -

The applicant and City staff originally felt that the commercial enterprises in Gardner Village would complement the residential units of the Gardner Station proposal in furtherance of planned community zoning. The new proposal goes farther and provided first floor space for retail establishments within the project itself. This allowance for mixed use also meant that residential units must be relocated somewhere; hence the higher number of floors in the building that was stepping down the grade.

The Development Plan does not address the corner lot -

The new Development Plan was accompanied with four optional development scenarios for the corner lot, each of which would complement both Gardner Village and Gardner Station.

The buildings disrupt views of the Wasatch Mountains -

The new proposal lowered the number of floors, and reduced the height, on the building immediately facing the 1300 West neighbors. Moreover the other two buildings closest to 1300 West were repositioned to address their narrowest ends toward the neighborhoods. Given that there would be multifamily units on this property in any event, this action by the Applicant showed real concern for the neighbors and for mitigating impacts. Also by locating taller structures on the downhill slope, these buildings present themselves further from the existing neighborhood and thus minimize any impact to views.

It was important to realize that prior projects over the years on this land were scared away, in part, by the unstable soil conditions. Only a project of this size can pay for the expensive geo-pier construction methods that would stabilize the buildings and make development feasible.

It was also important to realize that the number of units in a multi-family development project was directly related to the cost of the land and the costs of construction. The applicant could not be told to “lop off a floor of units,” or provide other open space

amenities without putting the entire economics of the project at risk. This the difference between an infill project, like Gardner Station, and a large open space development in the western part of the City, on a green field.

Finally a word about the **legal context** of this new proposal. The applicant had sued the City over its denial of the first development plan. This lawsuit presents risks to both sides. If the developer wins the lawsuit, the applicant can build the earlier and less attractive plan, and the community would be the loser. If the City wins, the developer would have spent huge amounts of money on holding its property and designing a project for nothing. Both sides had something to gain from seeking a better project for the community. Thus a majority of the City Council authorized this effort to seek a better proposed plan as a solution to the inherent risks of a lawsuit. Staff believed that the new proposal was head and shoulders above the earlier proposal. Approving the new plan would get rid of the lawsuit and gain for the City a great new project plan and an attractive and convenient bridge crossing, improving pedestrian safety, mobility and announcing the entry into West Jordan.

Development Plan Findings:

There were no specific findings of fact for Development Plans. A Development Plan was simply intended to be the textual and visual complement to a Site Plan serving as a foundation for all development on a specific site. Furthermore a Development Plan was meant to provide more detail as to those aspects of a proposed development which cannot be readily explained via a site plan or building elevation. With the Planning Commission's approval of the Site Plan the structures and locations had been finally approved.

The Preliminary Development Plan as submitted adequately provided the information needed to comprehend the overall project. The Development Plan as presented to the Planning Commission adequately illustrated and explained the project as a whole to meet the purpose and intent of the Planned Community.

In conclusion, resubmittal of a new Site and Development Plan was a collaborative effort to (a) address many of the concerns as raised by the City Council and the residents of the abutting neighborhoods, where in the end, an improved and upgraded project could be constructed on the site, and (b) to attempt to settle pending litigation. Staff recommended ratification of the Planning Commission's approval of density and the approval of the Development Plan.

Staff recommended that the City Council ratify the Planning Commission's approval of the *Gardner Station* Preliminary Development Plan with a residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units.

Tom Burdett reported that Joe Colosimo would be addressing this issue prior to staff.

Joe Colosimo, Applicant, expressed his appreciation to:

- City staff for their assistance in working to make this a better project
- Joe Long for his support and patience
- City Council for the second presentation

He reached out to the best Transit Oriented Development Designer in the State, Ray Whitchurch, IBI Group.

Ray Whitchurch, IBI Group Associate, said after reviewing the TSOD area he realized what the area needed for a fresh approach:

- Transit based
- Compact development
- Walkable
- Pedestrian connectivity between units within the development
- Mixed-use contexts sensitive
- Gardner Mill asset
- Optimize the off-site views
- Diversify the building type choices

Key elements:

- Connectivity
- Tie this to the transit platform

New Plan vs. Old Plan

- New street
- Mixed-use at 7800 South
- Centralized the clubhouse
- Move the Community Center into the center
- Utilize the slope better
- Stronger connections to TRAX
- Better connections to Jordan River Trail systems
- Parking moved/changed
- Lowered the density per acre on entire project by adding acreage to the property
- Bridge across 7800 South across from the platform and tying to the project

Councilmember Stoker asked for clarification regarding the bridge. He also questioned whether the Traffic Engineer was involved regarding the impacts to 1300 West and 7800 South.

He was informed that in order for the three remaining lots to be developed east of the canal, the bridge needed to be in place.

Jeremy, Hale Engineering, reported that the traffic analysis was done. He said an alley way access had been added providing better connectivity into and out of the site. He said

1300 West and 7800 South was congested; however, the City had acquired funding to help improve the congested intersection.

Councilmember Nichols informed the Council that he had a meeting in Saint George in the morning, and must be excused early from the meeting. Prior to leaving, he commented on the changes he liked:

- Better design than previous design
- Mixed-use
- High- density was not an issue, this would be high-density
- Pedestrian Bridge
- Sloping architecture
- Intersections would be improved

He commented ‘stepping’ which was still an issue for him. He wanted to see more of a buffer from rural before getting into the higher density. Overall he felt this was a great project, and that the developer had made a great compromise.

Councilmember Nichols left the meeting at 8:44 p.m.

Joe Long, Owner Gardner Village, addressed how this development tied into the Gardner Village Master Plan. He said residential housing was always a component of Gardner Village’s plans. He supported the proposed concept and hoped the Council also supported this concept.

Tom Burdett pointed out that this was a conflict resolution and staff was trying to see if there was a plan that would be acceptable to the City Council. In the mid 2000’s a rezone for a townhouse development by Hamlet Homes was denied by the City Council, and that rezone was called Lennox Hills. One of the comments that was made, was that they did not think it was financially feasible. This site has had a number of developers look at it and try to see if they could make it work for townhome development. He reported that he knew of at least three developers that were developing townhomes in the City that had looked at this site; however, they could not make it work financially, because it just was not feasible. Over the years Joe Long had marketed this site for commercial uses. The more a Master Plan was adopted, the more infrastructure that went in, the more capability Joe Long had to achieve that Commercial Development and certainly the intersection improvements on 1300 West and 7800 South were a key component for future retail. So, there was a strong economic development connection here not only to the existing village, and to the 9,000 square feet on the ground floor, but also on the corner four-acres that still remained in Gardner Villages ownership. He provided a bit of history; the TSOD was established in 2007, the rezone to planned community for 20.13 acres east of the canal was approved in 2011. The concept plan for Gardner Village property was submitted as 33.8 acres with nonresidential, soccer field, volleyball facility, exposition center, hotel and a maintenance building. The General Plan amendment was approved 6-0 in 2012, and the concept plan showed Gardner Village plus the Waterson Land Holdings which was about

1.4 acres. It did show multi-family west of the canal, soccer facility east of the canal, commercial, and restaurants. The rezone for the property west of the canal took place 2013 and was approved 6-0. The concept plan showed 256 multi-family units and a Salt Lake County Health Building. Townhouse development was just not economically feasible; multi-family had been approved by the rezones that had been approved by previous City Councils'.

Tom Burdett felt there was an opportunity to look at this in a fresh light, to see if a plan could be approved that would be compatible with the surrounding area and would fit the regional context. He said this was a difficult site with challenges which was why strong capital investment needed to come forward to development the site. This property does take significant capital investment. Previously discussed was the community development area to utilize tax increment financing to help with some of the off-site public infrastructure such as pedestrian improvements was being contemplated. The Colosimo Group still had a letter of support for the CDA, and staff envisioned that moving forward. Planned zones were different from standard zoning. Planned zones established both dimensional standards with the development plan; in return the developer must follow the plan that was approved. In this case, the City Planning Commission had approved this plan at their August 2014 meeting, and they had also approved the site plan. The Planning Commission recommended approval to the City Council of the ratification of this density at 19-units per acre. Regarding the denied plan, he agreed with Ray Whitchurch's assessment that it had flaws. TOD's were new and staff was learning. He said this plan met the criteria of the Zoning Code; both the Planned Community Zoning Ordinance and the Transit Station Overlay zone. He read a letter that was provided to the Council from the Matt Sibul, Chief Planning Officer, Utah Transit Authority, which supported the proposed preliminary development plan.

Tom Burdett commented on the General Plan, he said in the General Plan there were several policies that directed higher density development to Transit Stations. Well-planned communities should also be part of the multi-family developments.

He reported that a neighborhood workshop was conducted, but with limited attendees. Surveys from attendees were provided to the Council. He said the primary concern was building height with traffic being second. He addressed the 19-units per acre, which was under the maximum of 24-units per acre.

He hoped a motion would help bring this to closure in a way that allowed the City's legal team to settle a proposed settlement to the lawsuit.

Mayor Rolfe opened the public hearing.

MOTION: Councilmember McConnehey moved to suspend the rules to allow the meeting to extend past 9:00 p.m. The motion was seconded by Councilmember Hansen and passed 6-0 in favor.

Alexandra Eframo, West Jordan resident, spoke against the proposed project. She commented on the number of stories, underground garage, soil concentration, density, and guest parking.

Kelvin Greene, West Jordan resident, reported that there was no balance between property rights of the neighbors, and developers. He asked that the Council follow the law. He said during a previous meeting the Council stated that Criteria 2, 5, 6, 7, and 11, had not been met. Neighbors believed that Criteria 4 and 9 were not met. He did not feel that this met the full requirement of the TSOD.

Ronald Parson, West Jordan resident, reported that in 2005, a section of this property was not built on due to the springs, and irrigation. He said he gets flooding in his pasture, what would happen with buildings up against the fencing. He asked the Council to reject this proposal.

Debbie Davenport, West Jordan resident, voiced her concerns regarding:

- Height
- No buffering
- Five-story buildings quoted were businesses, not apartments
- Safe school passage
- Traffic

She agreed this was better, but the developer was not making any sacrifices. She proposed the corner lot on 7800 South and 1300 West, be required to be mixed-use.

Steve Jones, West Jordan residents, voiced his concerns regarding traffic flow. He felt the tie-in from 7800 South and 1300 West should be planned now.

Michelle Foote, West Jordan resident, said as a teacher she teaches not to allow bullying. She reminded the Council that they were responsible for the decisions, choices, and consequence made. She said a decision was made five-months ago, and this developer would have to wait 12-months until this could be heard again. She provided three reasons this was back:

- 1) Council did not understand City policy
- 2) Someone lied
- 3) Developer was bullying the City

She asked “Why are we here?” She felt this development did not have enough mixed-use.

Kerry Groves, West Jordan resident, said it was apparent that residents were opposed to this development as proposed. He voiced his concerns:

- Traffic
- Access points
- Lack of 1300 West being scheduled north and south of 7800 South
- Lack of sidewalks
- Nearby rural zoning

- Three acres of land nearby not included in this development
- Previously plan rejected (Why are we here?)

Kim Watson, West Jordan resident, all of the questions and issues from five-months ago still had not been answered regarding:

- Traffic
- Soil

She understood that as part of the lawsuit this was allowed to come back before the Council for possible passage.

She wanted to see:

- Three-acres of nearby land included in this development
- Traffic study reviewed and passed on
- Environmental Impact Study
- Soil Study
- Increased mixed-use

Ben Watson, West Jordan resident, commented on a letter attached to this agenda item which stated 'that the Colosimo's would be allowed to bring back a plan, which would then be ratified by the Council and the lawsuit, would go away.' He asked the Council not to set the precedence that this Council could be bullied.

He reviewed what he would like to see with this development:

- A plan that met the Planned Community Zoning Ordinance in its entirety
- Developers lowest threshold for financial viability regarding density
- Right-in Right-out on 1300 West

He commented on comments made by Councilmember Hansen in a previous meeting regarding that mixed-use does not always work well in Utah.

Councilmember Haaga called a point of order.

Councilmember Hansen still questioned whether mixed-use would work in Utah, but commented on some areas in Utah where it was working. She still had her doubts.

Darrell Newman, West Jordan resident, agreed that the developer had made some improvements. But he voiced his concerns regarding:

- Traffic
- Sidewalks
- Second exit
- Property on the corner land locked
- Buildings scaled down and residential spread out through the land locked corner

He opposed this project.

Jarom Foote, West Jordan resident, commented on the vision by the IBI Group. He felt the façade matched, but he voiced his concerns:

- Building size
- Density
- Only one building mixed-use
- Optimizing off-site views
- Traffic exits onto 1300 West
- Lack of buffer zones

JayLynn Thomas, West Jordan resident, voiced her concerns regarding traffic. She commented on a Facebook post regarding: Municipalities violating property owners or developers constitutional rights. What was the purpose of the public hearing? Did the City Attorney's Office represent only the City, or were residents and citizens included? The Council's job was to represent Citizens of the City.

Letizia Wetzel, West Jordan resident, spoke to the Council regarding City Code, Section 13-5C-1.c. She commented on all of the criteria that she felt did not meet City Code. She felt the current proposal was halfway there. She commented on the items she wanted addressed:

- Mixed-use
- Safety
- Buffer zone
- Compatibility

There was no one else who desired to speak.

Mayor Rolfe closed the public hearing.

Councilmember Southworth questioned whether a decision could be made that would be of value to the community. He suggested the Council continue this item. He felt there were residents in the community that would say 'no' to this project no matter what if it had density.

He provided his reasons for continuing this item:

- Good arguments
- Things still needed research

He suggested the Council continue this item.

Councilmember Haaga said the City Attorney's Office would like to have a decision made. He felt this development had a lot of good qualities. He was offended with the thinking that he and other Councilmembers had met with the developers, and somehow

said something arbitrarily, creating the lawsuit. He felt a decision should be made at this meeting. He called for a vote.

Councilmember McConnehey said he was ready to move forward. He voiced his concerns:

- Traffic
- Transition from Rural Residential to Very High-Density
- Soil
- Corner property
- Criteria 2
- Criteria 6

He agreed there were reasons to continue this item.

Councilmember Hansen felt additional improvements could be made. She agreed with Councilmember Southworth that no one would want apartments in this area, but it was zoned high-density/mixed use.

Councilmember Stoker commented on several points, which could not be considered by Council:

- Incorporating the corner piece of property – you could not force a person to develop a piece of property that they do not own
- Unable to make improvements to a City street which they were not adjacent to

He commented on the size of the Planned Community zone, which included Gardner Village. He commented on the role of the City Council as a body, which consisted of balancing property rights and preserve public health, welfare, and safety. Regarding Land Use Law there must be a valid reason, legal reason, to deny a project.

MOTION: Councilmember Southworth moved to continue this item to the October 22, City Council meeting. The motion was seconded by Councilmember Stoker.

Councilmember Southworth believed that by then there should be a full Council.

Councilmember Haaga called a point of order. He spoke against the motion. He opposed having two five-story buildings.

Councilmember Stoker spoke in favor of the motion. He wanted additional time to address the soil issues, and modified traffic study.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	Absent
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion failed 3-3.

MOTION: Councilmember McConnehey moved to deny Ordinance 14-11, based on failure to meet the required finding: Criteria Six, and Criteria Seven. The motion was seconded by Councilmember Haaga.

Councilmember McConnehey reviewed the reasons Criteria six and seven were not being met.

Criteria Six:

- Did not see the mixture of public and private facilities

Criteria Seven:

- Primarily apartments with a token amount of commercial or retail

Councilmember Hansen felt that this issue would continue to have a 3-3 vote until a full Council was present.

Councilmember Haaga called the previous question.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	Yes
Councilmember Nichols	Absent
Councilmember Southworth	No
Councilmember Stoker	No
Mayor Rolfe	Yes

The motion failed 3-3.

MOTION: Councilmember Southworth moved to table this item until October 22, 2014, to provide the Council ample time to review the proposal further, and allow a full Council in attendance. The motion was seconded by Councilmember Hansen.

Councilmember McConnehey spoke against the motion. He felt nothing new had been presented other than the development plan.

Councilmember Southworth said the Council was bound by decisions made by previous Councils' and there was a legal obligation to follow the law.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	Absent
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion failed 3-3.

X. REMARKS

There were no additional remarks.

XI. ADJOURN

MOTION: Councilmember Stoker moved to adjourn. The motion was seconded by Councilmember Southworth as passed 6-0 in favor.

The meeting adjourned at 10:15 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 22nd day of October 2014