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**MINUTES TO  
BE APPROVED**

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

**Wednesday, May 28, 2014**

**6:00 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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

**STAFF:** Richard L. Davis, City Manager; Jeffrey Robinson, City Attorney; Bryce Haderlie, Deputy City Manager; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Wendell Rigby, Public Works Director; Kyle Shepherd, Deputy Police Chief; Greg Mikolash, City Planner; Ray McCandless, Senior Planner; Larry Gardner, Senior Planner; Nannette Larsen, Associate Planner.

**I. CALL TO ORDER**

Mayor Rolfe called the meeting to order at 5:31p.m.

**II. CLOSED SESSION**

**DISCUSS THE SALE, LEASE, OR PURCHASE OF REAL PROPERTY,  
AND PERSONNEL ISSUE**

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

**STAFF:** Richard L. Davis, City Manager, and Jeffrey Robinson, City Attorney

**MOTION:** Councilmember Southworth moved to go into a Closed Session to discuss the sale, lease, or purchase of real property, and personnel issues. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>

**Councilmember Stoker**                      **Yes**  
**Mayor Rolfe**                                      **Yes**

**The motion passed 7-0.**

The Council convened into a Closed Session to discuss the sale, lease, or purchase of real property, and personnel issues at 5:31 p.m. and recessed at 6:05 p.m.

The meeting reconvened at 6:13p.m.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Sophie Rice.

**IV. PRESENTATION**

**UPDATE FROM GRANITE SCHOOL DISTRICT BOARD REPRESENTATIVES BEN HORSLEY, AND MARTIN BATES**

Martin Bates, Superintendent of Granite School District, stated they only have two elementary schools located within the City Boundaries, and a few students from West Jordan attend a Junior High and High School. He indicated the City Council would always be invited to attend any of the School Board meetings if they choose.

The Council and staff expressed their appreciation to the Board for the support of the City.

**V. COMMUNICATIONS**

**CITY MANAGER COMMENTS/REPORTS**

Richard L Davis-

- Updated the Council on the recently attended International Convention of Shopping Centers (ICSC) the previous week.
- He updated the Council of the upcoming events that would be held in the City (i.e., Parade, Opening of Sierra Newbold Playground, Ron Wood Phase II project, 9000 South tunnel ribbon cutting; Healthy West Jordan Fun Run, and the Salt Lake County Library read-a-thon, Safety Fair, etc.)

**STAFF COMMENTS/REPORTS**

Tom Burdett-

- Provided an additional update on the ICSC event held during the previous week

Ryan Bradshaw -

- Requested that Consent Item 7k be completely pulled from the agenda

- Stated the contract with George K Baum, the Financial Advisor for the City, expires in October. This contract had an option to renew it for two one-year extensions. The Council was in favor of an extension.
- He updated the Council on the status of the ERP process

Marc McElreath -

- Informed the Council on the newest Fire Fighters that were hired.

Wendell Rigby -

- Informed the Council of several in-house promotions in the Public Works Department, which would require opening positions for Water System Operators I and III
- Todd Johnson recently passed his exam, and became an official Civil Engineer.

Kyle Shepherd -

- Updated the Council on some reorganization in the Investigations Division, which would result in an approximate \$8,000 savings.

#### **CITY COUNCIL COMMENTS/REPORTS**

Councilmember McConnehey -

- Explained his recent ride along with the Police Department
- Expressed his appreciation for the Parks employees who were working on Memorial Day, taking care of issues

Councilmember Hansen -

- Requested that Consent Item 7h be pulled for discussion

Councilmember Haaga -

- Expressed his appreciation to the Police Department for their efforts with the press release regarding the \$30,000 worth of stolen property which was located using the 'low-jack' tool

Councilmember Nichols -

- Would like to create an Ad Hoc Committee with three Councilmember's to review the Council Rules of Procedures. Councilmember's Hansen, Nichols, and Southworth agreed to serve on the Committee.

Councilmember Stoker -

- Expressed his appreciation for staff efforts regarding the Memorial Day event
- Reminded those in attendance of the ribbon cuttings this weekend, for the Jordan River Tunnel 9000 South, as well as the ribbon cutting for the Ron Wood Phase II park

#### **VI. CITIZEN COMMENTS**

Alexandra Eframo, West Jordan resident, asked that the City Council consider creating a City ordinance which would allow a fine to be imposed against an individual posting

illegal campaign signs. She also questioned the dollar amount associated with Consent Item 7k which was pulled earlier from the agenda.

Mike Evans, West Jordan resident, spoke against the Stone Creek Assessment Area. He and many of his neighbors were against the proposed improvements of 'natural grasses.' He also disagreed with the boundaries established for the area. He felt the maintenance should be shouldered by the City.

Jaylynn Thomas, West Jordan resident, requested a higher level of accountability for those property owners identified as having Code Enforcement issues; she also requested more detailed information as to what was required of landlords in order to qualify for the Good Landlord program. Finally, Ms. Thomas expressed appreciation for the Police Department's Problem Oriented Policing Unit, specifically Detective Fullwood.

June Christiansen, West Jordan resident, lives in an area where Boyer Development was putting in a new subdivision. There was a basalt shelf about 13 feet below the ground that caused them to put in their own casing a full 350 feet down. Boyer laid the new sewer line only 20 feet down and therefore ran into the rock shelf. They built up the land, putting road base underneath the road which therefore satisfied City Code. This created a problem on the south and west borders of Ms. Christiansen's property. She requested assistance from the City in solving the problem. It was determined that the Engineering department would contact Ms. Christiansen to discuss the issue.

Sheldon Hathaway, West Jordan resident, spoke against the Stone Creek Assessment area. He stated that West Jordan did not need and could not afford more green space.

Troy Gardner, West Jordan resident, spoke against the Stone Creek Assessment area. Gardner expressed concern that the management of an apartment complex within the assessment area did not seem to be aware of the issue. Gardner also indicated that he believed those outside the Stone Creek area use the park and should be included in the fee assessment.

Eric Best, West Jordan resident, spoke against the Stone Creek Assessment area. He felt strongly that the City should not tax a few for the benefit of many! He requested the Council vote against the assessment.

Dr. Rob Hock, West Jordan resident, spoke against the Stone Creek Assessment. He expressed dismay with the decision of Councilmembers Hansen, Stoker, and Southworth to support the assessment and listed a variety of reasons why they should reconsider.

Stephanie Green, West Jordan resident, spoke against the Stone Creek Assessment. She felt that Stone Creek residents were being discriminated against, and that the assessment fee was an afterthought from a business deal gone awry.

Michele VanHeusen, West Jordan resident, indicated that her property was adjacent to the assessment area. She spoke against the Stone Creek Assessment as the area was used by a large number of people who were not in the assessment area. She also indicated frustration that some City leaders claimed at a recent meeting that there was a funding shortage, while others suggested that there was a surplus. She wondered why more parks were being built despite the fact that there apparently were not funds enough to maintain them.

Sophie Rice, West Jordan resident, stated that worst- case scenario was that nothing changed and the area continued as it was. She spoke against that as well as the proposal to create a special assessment area. Instead, she asked that the public *as a whole* bear the cost of the park.

Danny VanHeusen, West Jordan resident, expressed appreciation to Councilmembers' Haaga and McConnehey for responding to a note he sent the previous day. He spoke against the Stone Creek assessment, believed it is both unfair and unjust.

Ray Stewart, West Jordan resident, spoke against the Stone Creek assessment. He said the park is only a "field" and that he had gone "door to door" (as he stated Councilmember Stoker suggested he do) and it was clear to him that the large majority of the people were against the assessment.

Mayor Rolfe took an informal poll of those present in the meeting to determine how many were opposed to the assessment, and how many were in favor of it. He invited those individuals with new information to speak.

Nichole Barnett, West Jordan resident, stated that although she would welcome changes and improved upkeep in the area, she was against the Stone Creek assessment as it would only apply to a select group of residents, and would not be shared by all City residents.

Lynn Rasband, West Jordan resident, indicated she was speaking on behalf of all West Jordan residents who she felt were being taken advantage of and used. She also said she felt that the City Council had allowed developers to ruin everything they had worked for all their lives. Ms. Rasband called for equalization in various phases of a development because in this case, phase one received all the larger lots and amenities; and then successive phases included smaller lots.

Ron Cole, owner of Boulder Canyon Apartments, stated there were 400 voters in his complex yet they only received one vote as far as weighing in the on the assessment area was concerned. He believed the park was public and that the expense of maintaining it should be shared by *all* members of the public. Further, he suggested that the Council use the existing tax base, and live within their collective means.

Barrett Peterson, Peterson Development, stated that as a developer he brought beautiful parks to the City and that the City needed to figure out how to pay for them. While he

believed the special assessment was the best option, he asked that the Council finally make a decision regarding the assessment one way or another.

Greg Fabiano, West Jordan resident, spoke against the Stone Creek Assessment Area, primarily because he believes it is grossly unfair to single out only a small group of residents. He indicated he was not opposed to an assessment as long as it was shared by all West Jordan residents and not just a select group.

Scott Rice, West Jordan resident, stated that when he purchased his property he knew it was in a special assessment area. He was originally in favor of the assessment fee as he was under the impression that it was the only way to improve the green space in question. Now he believed that things between the developer and the City did not happen as they should have and that the Stone Creek residents were now being left holding the bag. The citizens wanted this land to be a useable park and they have no problem helping with upkeep. However, they were asking for the Council's help in identifying a fair solution.

West Jordan resident asserted that this "park" was actually a noxious weed patch full of rodents. She indicated that something needed to be done about the space, but she was not willing to pay a tax for this "piece of garbage." If we want a park, West Jordan should put in a park, but spread the assessment out amongst all West Jordan citizens.

Jenny Carter, West Jordan resident, explained that even though she did not submit an official protest against the assessment fee, that did not mean she did not strongly object to it. Many people had very busy lives and because of this had been unable to speak out against the fee. She also pointed out that since her neighbors could be fined for not keeping their property in good condition, the City of West Jordan should be held to the same standard regarding property maintenance. We all share the responsibility for public lands—we should all share the cost as well.

Chad Barnett, West Jordan resident, asked that Council vote "no" on assessing a fee specific to the Stone Creek residents, but to move forward on improving the area and spreading the cost amongst all West Jordan residents.

Eric Best, West Jordan resident, had filled out a Public Comment Form indicating a desire to speak in opposition to the proposed Stone Creek Assessment. However, he did not address the council during the public comment period.

There was no one else who wished to speak.

## **VII. CONSENT ITEMS**

- 7.a Approve the minutes of May 7, 2014, and May 15, 2014 as presented**
- 7.b Approve Resolution 14-92, authorizing the Mayor to execute Amendment No. 2 to the Agreement with Landmark Design for**

**additional services for the revised playground design for Ron Wood Park Phase II in an amount not-to-exceed \$3,000.00**

- 7.c Approve Resolution 14-93, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with JRCA Architects for additional design services associated with a change in location for the Parks Maintenance Yard Facility at Ron Wood Park in an amount not to exceed \$12,100.00**
- 7.d Approve Resolution 14-94, authorizing the Mayor to execute a contract with Concrete Concrete, Inc. for the 2014 West Jordan Manhole Raising Project in an amount not to exceed \$182,035.00**
- 7.e Approve Resolution 14-95, authorizing the Mayor to execute the Federal Aid Agreement Supplement for Local Agency Project between the UDOT and West Jordan City for the 9000 South, 4800 West to 5300 West Roadway Reconstruction Project, in an amount not to exceed \$3,405,556**
- 7.f Approve Resolution 14-96, authorizing the Mayor to execute a contract with American Pavement Preservation, LLC for slurry seal services at various locations in West Jordan City, in an amount not-to-exceed \$360,337.62**
- 7.g Approve Resolution 14-97, authorizing the Mayor to execute a contract with Geneya Rock Products to chip seal and mill various roads in West Jordan City, in an amount not-to-exceed \$210,864.00**
- 7.h Approve Resolution 14-98, authorizing the Mayor to execute a Development Agreement with Peterson Development for the Englefield Heights Subdivision**
- 7.i Approve Resolution 14-99, authorizing the issuance and sale of not more than \$17,500,000 aggregate principal amount of sewer revenue refunding bonds, series 2014 (the "series 2014 bonds") to be issued by the south valley water reclamation facility ("issuer"); taking of all other actions necessary to the consummation of the transactions contemplated by the resolution; and related matters**
- 7.j Approve Resolution 14-100, authorizing the City Manager to sign the Revolving Line of Credit for the City of West Jordan with Wells Fargo Bank, to be used for emergency preparedness only**

- 7.k Approve Resolution 14-101 , authorizing the Mayor to execute a lease with TCF Equipment Finance for seven mowers in an amount not to exceed \$2,882.28 per month for 36 months
- 7.l Approve route changes for the 2014 West Jordan Independence Day Parade

The Council pulled Consent Items 7f, and h for further discussion, and 7k completely from the agenda.

**MOTION:** Councilmember Stoker moved to pull Consent Items 7f and h for further discussion, and 7k completely, and approve all remaining Consent Items. The motion was seconded by Councilmember Southworth.

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.

**BUSINESS ITEM 9B.**

**DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF ORDINANCE 14-15, DESIGNATING AND ESTABLISHING THE STONECREEK ASSESSMENT AREA**

Jeff Robinson stated that this item was on the agenda previously, was continued to this evening and that he had nothing further to add. He reminded the council that if they wish to re-open the public hearing they would have to make a motion to do so but that otherwise the Council was free to conduct their discussion and make a decision.

Councilmember Hansen indicated that assessing a special fee for Stone Creek residents, and then also assessing a City-wide tax or fee for parks, trails and open space was double taxation which she felt would be wrong. She stated the issue should not be voted on tonight unless they vote to deny.

Councilmember Haaga felt this item should not have been brought back, and was a closed issue. He then expressed the belief that the City already had the funds (from property taxes) to maintain the City's parks. He stated that he was totally opposed to the Stone Creek assessment fee.

Councilmember Nichols apologized for missing the previous meeting. He also stated for the record that he lived just barely outside the assessment area. He stated that because of the location of his home he has seen the problems in this area first hand. He would like to move away from the proposed assessment fee, and instead find a City-wide solution *this year*.

Councilmember Stoker stated that he had done a considerable amount of research since the May 7 meeting, that very few other areas had a wash or a trail where a community was asked to maintain it. He indicated that he now agreed that the City should maintain the wash area, and that it would be premature to pass the assessment fee. He felt the Council should find a solution that was city-wide.

Councilmember McConnehey stated he was pleased with the process, and that the residents had expressed their feelings on this topic very clearly. He expressed hope that open communication would continue on all issues, not just Stone Creek. He felt that the assessment fee was not an appropriate solution any longer.

Councilmember Southworth stated that some of the public comments made were fair and he appreciated those. He also felt that it would be appropriate to delay this matter until after a decision was made regarding a City-wide tax for parks. The public and Council have the same concerns about the current state of City parks, and that getting them where they need to be will cost money. He hoped that the public would continue to be a driving force for finding a solution.

Mayor Rolfe indicated that he had received countless phone calls from citizens, all of whom spoke against imposing the assessment fee to Stone Creek residents. No callers spoke in favor of the fee. He stated that he felt that the citizens had spoken, and the City should identify lots in the area that could be sold, sell them and use the proceeds to develop the remaining property. He stated that the Council should then figure out how to maintain it.

**MOTION:** Councilmember Stoker moved that the City Council deny Ordinance 14-15, designating and establishing The Stone Creek Assessment Area and Levying the 2014 Assessment Levy, all as set out in the form of Ordinance and the published Notice. 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. PUBLIC HEARING**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
RESOLUTION 14-102, A WAIVER OF FEES FOR THE CHILDREN'S  
JUSTICE CENTER CAR SHOW SPONSORSHIP**

Bryce Haderlie said the third annual Day of Hope Car Show was requesting the City to waive the amount equal to park fees, encroachment permits and any additional City services required.

The Council was provided with the West Jordan Municipal Code regarding this issue.

**3-4-1: WAIVER OF FEES AND FINES, GENERALLY:**

For purposes of this chapter, "waiving" an amount also means writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the city may not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
  1. Value For Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
  2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
  3. Doubtful/Uncollectible Amounts: Once the city has made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or has otherwise determined in good faith that the amount is practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The City Manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

C. Support Of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city, and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.

D. Settling Litigation And Pre-litigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limited the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limited the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and required a public hearing prior to approval.

The Children's Justice Center is a nonprofit corporation and requesting nonmonetary contributions for the Day of Hope Car show valued at \$3,835 as follows:

**Day of Hope Car Show requested services:**

<u>Requested Item</u>	<u>Cost/Value</u>
• Police - K9 Demonstration, Vehicles (6 @ \$50 per hour)	\$1500
• Police Chief and Fire Chief as Judges	N/A
• Mayor or designee to select a car award winner	N/A
• Fire Apparatus display (\$171 per hour)	\$855
• Post event information on City Website	N/A
• Post event information on lobby kiosk	N/A
• Display poster in city locations	N/A
• Share event information electronically / social media (\$10/boost)	\$20
• Park fees	
○ Deposit	\$500
○ Set up / Cleaning	\$150
○ Pavilion rental:	\$300
○ Staff support (8a – 6p=10hrs) 10hrs x \$25	\$250

- Encroachment permit \$260
  - Permission to park cars on the park grass N/A
- TOTAL: \$3,835**

Mayor Rolfe opened the public hearing.

Jaylynn Thomas, West Jordan resident, spoke in favor of approving the resolution. For those unfamiliar with the Children's Justice Center she explained that it provided a safe place for children who were victims of abuse.

Mayor Rolfe stated that in recent days he had had the opportunity to meet with victim advocates and representatives from the Children's Justice Center, and felt the City should do everything possible to help this group.

There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

**MOTION: Councilmember Stoker moved to approve Resolution 14-102, the waiver and requests equivalent to fees and services for the 2014 Children's Justice Center Day of Hope Car Show on August 2, 2014. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 14-19, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE TITLE 13, CHAPTERS 5 AND 6, REGARDING TSOD AND CITY  
CENTER DESIGN; CITY-WIDE, PSOMAS, APPLICANT**

Tom Burdett and Nannette Larsen said the applicant, Psomas, was proposing to amend the City's zoning ordinance to allow for more flexible design and site standards for structures along arterial right-of-ways in the City Center zoning district. More specifically, representing the intents of CVS Pharmacies, Psomas had requested minor text amendments to accommodate more traditional auto-oriented types of designs and configurations in areas adjacent to arterial and collector streets. The proposed text amendments would amend both the Transit Station Overlay District (TSOD) and the City Center (CC) Zoning District portions of the Code in Chapter 13.

### City Center Zoning District (CC)

The City Council approved the City Center zone in 2006 with three separate zoning sub-districts within that designation. Those sub-districts were: City Center Core (CC-C), City Center Frame (CC-F), and City Center Residential (CC-R). During the original approval in 2006, the City Council also approved the intent of the zoning district, that being, "to develop a traditional downtown area, by redevelopment and restoring pedestrian scale buildings in the traditional downtown core (city center) of the city." Additionally, during this time the design standards of the district were also approved.

### Transit Station Overlay District (TSOD)

The City Council adopted the Transit Station Overlay District (TSOD) as part of the Zoning Ordinance in September, 2005. In July 2007, the City Council also amended the Transit Station area boundaries of the Future Land Use Map to match the specific TSOD Zoning Map boundaries.

### **GENERAL INFORMATION & ANALYSIS**

The proposed amendments would affect the maximum building setback in the CC-F sub-district, required building orientation within the CC-F sub-district, fenestration requirements of the City Center and Transit Station area, location of parking stalls, maximum number of parking stalls allowed for retail uses, and the requirements for a market analysis of the proposed development.

Additionally, the City had included an amendment pertaining to Design Review, reviewed as part of an applicant's petition.

Because the standards of the TSOD area and the CC Zoning District have similar principles, many of the amendments intersect one-another in design and layout criteria. Therefore, in order for the applicant to come to the desired outcome, many of the proposed amendments would cover the same intended purpose. The following included the present sections of the Zoning ordinance the applicant was petitioning to change:

#### 13.5I.8.2.b

*b. CC-F Sub-district: Buildings shall be set back no more than twenty feet (20') from the back of the sidewalk. (Psomas is proposing to remove this requirement from the ordinance to allow for a principle building to be setback greater than 20' when the subject property is adjacent to two arterial streets.) Ostensibly this would allow for vehicular parking in front of a building.*

#### 13.5I.8.3.a

*a. To reinforce pedestrian activity and enhance liveliness of the street, all buildings in the CC-C and CC-F sub-districts shall be oriented toward the adjacent interior streets and in no case oriented to a parking lot. (The prevention of orienting the entrance of a building to a parking lot in the Core and Frame sub-districts may be removed.)*

13.5I.8.A.5.a

*a. Seventy five percent (75%) of the front facade on the ground floor for buildings in the CC-C sub-district, and fifty percent (50%) of the front facade on the ground floor for buildings in the CC-F sub-district shall be transparent. Fenestration shall consist of true window and door openings allowing views into and out of the interior of the building, beginning at a point not more than three feet (3') above the level of the sidewalk, and no less than eight feet (8') above the sidewalk. False windows are not permitted in the city center zone. (The applicant is seeking to change this standard to allow for 60% of the front facade on the ground floor to include some type of fenestration. The requirement for fenestration transparency and height may also be removed. Additional fenestration allowances may also be included as part of the amended ordinance.)*

13.5I.8.A.5.b

*b. For each floor the length of façade –level fenestration shall be broken up by no more than a ten foot (10') length of a building wall. (This request would remove the fenestration requirement above the first floor.)*

13.5I.9.A.1

*1. Parking shall be located either to the side or to the rear of a building. Parking lots and parking garages shall not be located on corner lots at intersections. (The language of this section is being petitioned to be removed.)*

13.5I.9.D.3

*3. Retail, service and commercial uses located within the TSOD shall provide a maximum of three (3) parking spaces per one thousand (1,000) square feet of gross floor area. (This proposed amendment would expand the maximum number of parking stalls within a TSOD of retail uses to 3.75 and 4.5 parking spaces per 1,000 square feet within the Core and Frame Sub-districts respectively.)*

13.5I.13.A.3

*3. Market Analysis: An independent real estate market analysis of the proposed development shall be prepared, which takes into consideration the potential demand for the proposed residential and nonresidential uses within the proposed development area. (This section –under the proposed amendment—would remain, but would be limited to a site larger than two acres.)*

13.5I.13.C

*C. Architectural Review: All proposed development within the city center zone shall be reviewed by the design review committee. This committee shall have the right to evaluate the physical layout, architectural characteristics and amenities and may require changes or modifications in design to create compatibility and conformity in the variety of uses and structures within the development to ensure, protect and promote the health, safety and general welfare of the citizens of the city. A design review committee shall be comprised of one member from planning staff, one member from the planning commission, at least two (2) members from the downtown revitalization committee and one citizen from*

*the city who is familiar with the fields of architecture and general land use planning. (2001 Code § 89-3-1014; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013) (The amendment to this section is a City initiated petition. The amendment would remove the membership criteria of the Design Review Committee.) Per Section 2-10-2C – The Design Review Committee shall review and make recommendations on development proposals and development plans in both the City Center zones and the Transit Station Overlay Districts.*

13.6G.9

*In order to encourage the use of public transit systems within transit oriented developments the minimum number of parking spaces in the TSOD is intentionally reduced. The use of shared parking areas and multilevel parking structures is also strongly encouraged within station community districts. Surface parking shall be minimized and located behind and/or to the side of main building structures except when such surface parking as described in the development plan is permitted within a given streetscape (on street parking). The parking requirements and restrictions set forth in this article shall supersede the requirements and regulations set forth in chapter 12 of this title. (This section would be amended to allow for parking to be located along the frontage of the site if it is adjacent to an intersection of two arterial streets.)*

13.6G.9.A.2

*2. A maximum of three (3) parking spaces per one thousand (1,000) square feet of office and retail space is permitted. (This amendment is similar to 13.5I.9.D.3. – expanding the maximum number of parking stalls within a TSOD of retail uses to 3.75 and 4.5 parking spaces per 1,000 square feet within the Core and the Frame Sub-districts respectively.)*

13.6G.9.A.6

*6. A parking lot or garage may not be adjacent to or opposite a street intersection. No portion of a parking lot may front an arterial street without specific city council approval. (This amendment is similar to 13.5I.9.A.1 – to remove the parking lot or garage placement requirements.)*

13.6G.9.C.1

*1. All parking lots shall be located behind or on the side of buildings. Parking and maneuvering areas shall not be located between the primary entrance to a building and the abutting street, unless its purpose is to provide a direct life safety function. If parking is located on the side, screening and buffering shall be provided in accordance with this title. (This amendment is similar to 13.5I.9.A.1 - allowing an exception of properties located along two arterial streets or abutting an arterial street and a Pedestrian or Neighborhood Street.)*

13.6G.11.B.6

*6. The front facade of all principal buildings shall face onto the street and not be oriented toward a parking lot or parking structure. (This amendment is similar to 13.5I.8.3.a - the*

prevention to orient the entrance of a building to a parking lot in the Core and Frame sub-districts may be removed.)

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13.6G.11.B.12.a

*a. All nonresidential, street fronting and sidewalk level development shall provide fenestration at a minimum of seventy five percent (75%) of the length of the frontage of the building on street fronting sides, beginning at a point not more than three feet (3') above the sidewalk, for a height no less than eight feet (8') above the sidewalk. (This amendment is similar to 13.5I.8.A.5.a -pertaining to fenestration requirements in the City Center zones.)*

13.6G.11.B.12.b

*b. Fenestration for nonresidential uses shall allow views into the interior. Display windows shall not have permanently painted, treated, or reflective glass. (This amendment would remove the window and door transparency requirement. The standard for display windows will remain.)*

13.6G.12

*Except for single-family and two-family residences, all buildings shall face a public or private right of way and shall be set back as near the sidewalk edge with as minimal a setback as possible unless differently approved pursuant to a development plan. The setback of a building may be increased to a maximum of twenty feet (20') from a public or private right of way, if a courtyard, plaza, promenade, social event area or outdoor dining area is incorporated into the development's design. Parking lots, garages and drive lanes shall not be allowed between the right of way line of a public or private road (exclusive of alleys) and any building. This shall not include parking structures that are architecturally compatible with a master planned development.) (This amendment is similar to 13.5I.8.2.b - regarding setbacks greater than 20' from a right-of-way in the City Center zones.)*

13.6G.17.B.2

*2. An independent real estate market analysis of the proposed development, which takes into consideration the potential demand for the proposed nonresidential uses within the TSOD. (This amendment is similar to 13.5I.13.A.3 - limiting the analysis to sites larger than two acres.)*

**FINDINGS OF FACT**

Section 13-7-D-7B, requires that prior to making a positive recommendation to the City Council for a Zoning Code text amendment, the Planning Commission shall make the following findings:

**Criteria 1:** *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

**Discussion:** Relevant goals and policies in the General Plan applicable to the proposed amendment are as follows:

**Goals and Policies for the City Center and Neighborhood TSOD Center Land Use**

**Goal 1. EVALUATE AND UPDATE SECTIONS OF THE ZONING ORDINANCE AND MAP RELATING TO CITY CENTER AND NEIGHBORHOOD TSOD CENTER DEVELOPMENT.**

**Policy 2:** Add language to the Zoning Ordinance that will establish more marketable and viable uses within the City Center or Neighborhood Center.

Staff agrees with the applicant in the wording of their own findings where they state: The CC-F zone, which underlies the TSOD at the intersection of Redwood Rd. and 7800 South, promotes auto-oriented retail, services, office, and restaurant uses. The intent is to also create an area where “uses are larger in scale, but remain mostly auto-oriented”. Larger retail, service, and auto-oriented businesses will require ample parking at arterial intersections to support the clientele they draw based on their location. Allowing for parking in front of buildings at arterial-to-arterial intersections will make these locations more accommodating (convenient) for businesses that the City desires to have.

**Goal 2. PROVIDE WELL DESIGNED, AESTHETICALLY PLEASING, AND EFFICIENT CITY CENTER AND NEIGHBORHOOD CENTER AREAS.**

**Policy 1:** Development and implement standards and policies to promote and develop attractive City center and Neighborhood Center areas.

**Implementation Measure:**

1. City Center and Neighborhood Center development shall conform to the urban form and design standards included in this plan and within the West Jordan Planning Division’s Design Guidelines Manual.

Nothing requested as part of this amendment should negate or go against this goal, policy, and implementation measure.

**Transit Oriented Development Goals and Policies**

**Goal 1.**

**Policy 3:** Incorporate urban design features in Transit Oriented Developments that create a strong sense of place.

**Implementation Measures:**

1. All Transit Oriented Development must conform to the urban form and design standards included in this plan and within West Jordan Planning Division's Design Guideline Manual.

Although the proposed text amendment to the City Center and Transit Station Overlay District alters site design standards of lots within these two districts, it remains consistent with the standards of the General Plan and the Planning Division's Design Guidelines Manual.

The Design Guidelines Manual includes sections of each design aspect, and its benefits when integrated into a project. While the proposed ordinance amendments will not affect the Design Guidelines, it will alter the Zoning Ordinance's capacity to ensure those guidelines are being adhered to. The relevant guidelines are as follows:

**Massing and Scale (pg. 6)**

The language applicable in the massing and scale section of the Design Guidelines states, *"The massing and scaling of all buildings should be appropriate to the area and its surroundings. Buildings should have appropriate setbacks and accentuate overhangs...Massing should be utilized to create a pedestrian environment in and around buildings"*.

The proposed amendment will affect sections 13.5I.8.2.b and 13.6G.12 of the Zoning Ordinance. The current ordinance requires that within the City Center Zoning District and the Transit Station Overlay District - a building may not be setback greater than 20' from the back of the sidewalk. The applicant is seeking to allow a setback greater than 20' when the site is located at the intersection of two arterial streets.

There is only one location in the City in which two arterial right-of-ways intersect which are also within the TSOD and City Center Districts, that is at the intersection of 7800 South and Redwood Road. This intersection is one of the most vehicular trafficked in the City. Arterial streets within the City have a width of approximately 126'. Because of the excessive widths of the arterial streets, specifically at an intersection, an increased setback will still fulfill the intent of the Massing and Scale section of the Design Guidelines Manual. An increase in such a setback will allow for the accommodation of vehicular parking between existing right-of-ways and new buildings abutting an arterial.

**Building Placement (pg. 9)**

*"How a building is placed on a site has a powerful impact on how a development is perceived by its neighbors and on how well it "works" or functions for its residents."*

Similar to the Massing and Scale section of the Development Guidelines Manual, building placement is also discussed as pivotal to a pedestrian scale development. As previously discussed the amendment would only include areas which abut an arterial intersection.

The only arterial intersection to be affected will be along 7800 South and Redwood Road. These two wide arterial right-of-ways separate the Core sub-district from the Frame sub-district. Due to the double arterial intersection, it has been found that an additional setback from the intersection may be more advantageous than in other areas of the City Center District and Transit Station Overlay District due to the unique position of the highly trafficked area. It is therefore found that the additional setback allowance meets the intent and is consistent with the Design Guidelines enacted by the City.

**Fenestration (pg. 33)**

*"A buildings fenestration should allow an individual to see in and out of a store front."*

Changing and removing some parts of the fenestration requirement in the CC and TSOD sections will still allow for visual access into a building at the pedestrian level, while creating requirements potential developments to feasibly meet. Decreasing the fenestration requirement on the front façade on the ground floor from 75% in both the CC-C and CC-F sub-district to 60% in the CC-C sub-district, 50% in the CC-F sub-district, and 30% of any building which has a residential use will still meet the intent of the Design Guidelines Manual.

It is not anticipated these changes will adversely affect the pedestrian environment of the TSOD and CC districts, thereby, meeting the intent of the General Plan and Design Guidelines Manual.

**Commercial Land Use Goals and Policies**

**Goal 2. PROVIDE ADEQUATE AND ACCESSIBLE COMMERCIAL AND BUSINESS SERVICES TO ALL RESIDENTS.**

**Policy 1.** Continue to implement the policy of limiting commercial centers to "nodes" located at the intersections of major arterial streets or, in the case of neighborhood commercial centers, at designated locations within large planned residential communities.

Staff agrees with the applicant in the wording of their own findings where they state: Accessibility to businesses at an arterial to arterial intersection will be greater in vehicular traffic than pedestrian. Allowing for patrons of these businesses, which are typically auto-oriented, to have parking

between the building and street to allow for greater access. Through proper design review and control, the City may still ensure that commercial centers are designed at a walkable, pedestrian scale.

**Goal 3. PROVIDE WELL-DESIGNED, AESTHETICALLY PLEASING, AND EFFICIENT COMMERCIAL AREAS WITHIN THE CITY OF WEST JORDAN.**

**Policy 1.** Improve the visual appearance of all commercial areas.

**Implementation Measures**

1. Maintain strong architectural controls and site planning standards for all commercial areas. These controls should allow for diversity in form while allowing commercial nodes to create a sense of place. Buildings should be designed to minimize a box-like appearance and be in conformance with the urban form and design guidelines within the City of West Jordan's *Design Guidelines Manual*.
7. Maintain and improve the appearance of commercial development through additional standards for landscaping along street frontages, within and around large parking lots, and in other buffer areas.

Staff agreed with the applicant in the wording of their own findings where they state: All architectural, site design, and landscaping requirements of the TSOD zone will continue to be implemented even where parking exists between a building and roadway. Open space amenities, increased landscaping, and the required architectural elements of the zone will maintain a consistent appearance through the zone and create a sense of place for patrons.

**Policy 2.** Coordinate commercial development with transportation planning.

**Implementation Measures**

1. Coordinate with City Engineering and UDOT to ensure that street levels of service will not be compromised as a result of proposed commercial development.
4. Regularly examine and update parking regulations to meet present and future needs.

Staff agrees with the applicant in the wording of their own findings where they state: Both 7800 South and Redwood Road are classified as primary arterial roads. These roadways are planned to serve as main thoroughfares through the City both now and in the future. Allowing for parking in front of these buildings should not compromise the intent of the Code as

pedestrian traffic is minimal compared to vehicular traffic at such intersections. Walkability is at a minimum.

**Finding:** The proposed amendments will conform to the General Plan and will be consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

**Discussion:**

Building Setback

The purpose of limiting the setbacks of a new structure is to promote the location of buildings as close as possible to the street, in an attempt to encourage pedestrian friendly development. This in turn encourages areas with more efficiency of land and allows for a scale of walkability within a development. This walkability encourages transit ridership, thereby reducing vehicular traffic congestion of the area, ultimately encouraging economic vitality of a site.

For the majority of the Transit Station areas and City Center District, limiting the setback is beneficial to tenant and customers alike through: 1.) Increasing visibility to right-of-way areas; 2.) enticing potential customers to a site by creating more pedestrian friendly areas (walkability); and, 3.) contributing as a traffic calming measure.

The proposed amendment will allow for a greater building setback for properties which are adjacent to two intersecting arterial road-ways. As stated earlier in this report, the only arterial intersection within a TSOD or a CC District is the intersection located at 7800 South and Redwood Road. This intersection is one of the most heavily vehicular trafficked intersections in the City. A typical arterial right-of-way width is 126'. Outside of an intersection the width of 126' also includes two 10' park strips along either side of the arterial street. At an intersection however, the park strips are eliminated, thereby providing a 126' expanse of hard surfacing.

Due to the existing width of the intersection of the two arterial streets requiring the building to comply with the maximum setbacks of a more pedestrian development will not exhibit any traffic calming measures. Nor will it create a pedestrian scale in a heavily vehicular trafficked area. Allowing for an increase in setbacks along the arterial intersection, a landscaping buffer can be better incorporated to alleviate the existing breadth of hard surfacing. In most all cases the front sides of buildings that

face arterial streets are rarely “pedestrian friendly” in scale and characteristics, and are also not considered “walkable”.

#### Entry Way/ Building Orientation

The intent of the Zoning Ordinance in both the TSOD and CC Districts is to create an area which provides certain architectural detailing along facades visible to pedestrian traffic; this, to ensure a pedestrian oriented development within these districts.

The objective to the proposed language of adjusting the allowed orientation of the front façade and entry-way of a structure is to allow for an entry-way to face away from an arterial street. This, while also allowing architectural details to focus on an interior or pedestrian right-of-way, even if the front façade of the structure faces a small parking lot- the entry-way would be more visible to a pedestrian right-of-way. Allowing building orientation to be oriented toward a neighborhood or pedestrian street, again is central to a walkable community, while not requiring it to face an arterial street limits a car centric structure.

#### Fenestration

The proposed amendment also included an alteration to the fenestration requirements within the CC-C, CC-F, and CC-R sub-districts. It is suggested to eliminate the beginning and ending height of required window area. It may also remove the requirement that the fenestration calculation to only include true window and door openings.

Based on other developments within the City, those which have not used transparent windows along some portions of the structures façade, it is staff's opinion that the intent of pedestrian oriented development is still satisfied without the requirement of transparent window or door openings. Along certain facades of the structure, breaking-up an expanse of wall space with a faux opening also meets the intent of pedestrian scale and massing.

The percentage of fenestration has been proposed to change as well. The current percentage requirement is 75% fenestration in the City Center-Core sub-district and 50% of the front façade of buildings in the Frame sub-district. The proposal will alter the total front façade fenestration to 60% in the Core sub-district and 50% in the Frame sub-district. Additionally, any building with a residential use will have a minimum requirement of 30% of window or door openings.

The proposed percentage changes are consistent with other communities with designated transit oriented areas in the valley.

This section may also be altered to allow for the Zoning Administrator to modify the enforced fenestration requirements based on the character of the building, its impact on the structural stability of the building, or whether the architectural details or design characteristics meet the intent of the zoning ordinance.

This City-initiated proposed amendment allows for more flexibility in the fenestration requirement in the City Center sub-districts. It ensures the intent of the ordinance will be met while allowing the Zoning Administrator discretion of the architectural detail proposed on a new structure.

#### Location of Parking Lots

The proposed amendment would alter the location of parking lots in both the TSOD and CC Districts. Presently the Zoning Ordinance only allows for parking lots to be located along the side or behind the building and in no case is it currently allowed for a parking lot to front a street in anyway.

The applicant is proposing parking lots be allowed in front of a proposed building if the said building is fronting an arterial street and a neighborhood/pedestrian right-of-way. The intent of the TSOD and CC District would be maintained in those instances where the entry-way to a new building is oriented toward a neighborhood or pedestrian street or walkway. As stated in the Building Setback section of this discussion, the only intersection this possible amendment would affect is the intersection at 7800 South and Redwood Road.

#### Retail Parking Stalls

The City Center Zoning District and the Transit Station Overlay District were created to develop a traditional downtown area within the City. To accomplish this downtown feel, pedestrian scale development is encouraged and certain standards are outlined in both the TSOD and CC Districts to accomplish this goal. One important standard is the containing of the amount of parking in those areas, this in an attempt to avoid large and unnecessary expanses of asphalt and to encourage pedestrian over vehicular oriented developments.

It is typical in areas outside of a downtown district and a transit area to require a minimum number of parking stalls a particular use must provide. This to ensure there is a sufficient number of parking stalls for any proposed use. Conversely, it is also typical for areas within a downtown area and in close proximity of a mass transit station to limit the number of parking stalls. By providing a maximum number of parking spaces within a TSOD area, Cities attempt to encourage a more efficient use of land in

areas of close proximity to transit stations while also incentivizing the use of transit systems.

The existing ordinance outlines a maximum number of stalls at 3 spaces per 1,000 square feet of gross floor area for retail, service, and commercial uses within the TSOD. Within the CC District, 3 parking spaces per 1,000 square feet of gross floor area of office and retail space are allowed. There is not a minimum number requirement for parking spaces in either the TSOD or CC Districts.

The applicant is requesting to change the maximum number of spaces allowed in both the TSOD and CC Districts, specifically proposing a maximum of 4.5 spaces for retail, service, and similar commercial uses. Though the request is to amend the maximum number of parking spaces for *all* areas in the CC Districts, Staff believes it is only necessary to amend the maximum from 3 spaces per 1,000 square feet of gross floor area for retail, service, and other similar commercial uses for the CC-F subzone. With the intent to encourage walkable areas in the more pedestrian friendly CC-C subzone, Staff is comfortable with amending the maximum number of parking stalls to 3.75 spaces per 1,000 square feet of gross floor area for retail, service, and commercial uses.

#### Two Acre Requirement for a Market Analysis

Additional language has been proposed by Psomas to limit which sites require a market analysis within the Transit Station Overlay District and the City Center Districts. Presently any development within these districts requires a Market Analysis be performed, to consider the potential demand for the proposed use. The proposal will be limited to those properties which are over two acres in size.

This additional language will still fulfill the intent of the market analysis requirement while promoting new development and redevelopment of the area by small or local market businesses where a market analysis is generally not needed or warranted.

#### Architectural Review Members

The City is initiating the proposed amendment to section 13.5I.13.A.3 to remove the membership requirements of a defunct committee – the Architectural Review Committee. While still allowing the same amount of review on a project the City currently has all commercial project be reviewed by a formal Design Review Committee. All site plans of a commercial nature are subject to DRC review and recommendation to the Planning Commission as part of the review process. This amendment simply addresses a needed change in policy.

**Finding:** Subject to Staff's recommendations regarding the required number of parking spaces and adequate landscape buffering, the proposed amendments are appropriate given the context of the request and there is sufficient justification for a modification to this title.

**Criteria 3:** *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

**Discussion:** The proposed amendments were written to comply with other existing sections of the City Code. During the course of this review there were no other sections affected by the proposed amendment other than the chapters dealing with the City Center District and the Transit Station Overlay District.

The design policies listed within the General Plan were closely considered when determining the language of the suggested amendments to the Overlay District and the Zoning District. The amendments which deal with the fenestration of the front façade, building entry-way, architectural review, market analysis, and window transparency met the intent of the General Plan and its policies therein listed.

The modifications to the location of parking lots and maximum building setbacks have been altered to allow an exception at intersections of two arterial streets. Other areas within the City Center and Transit area remain under the same standards prior to this proposed petition. In the interest of avoiding confusion, Staff believes it best to remove any illustrations in the Code relative to the placement of parking placement adjacent to buildings.

**Finding:** The proposed amendment will not create a conflict with any other section or part of this title or the general plan.

**Criteria 4:** *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The proposed amendment will alter sections of the Zoning Ordinance which affect every Transit Station area and every development site within the City Center. The Transit Station areas consist of 6 different locations within the City, all found along the TRAX line. The City Center district is located in a central commercial area with a TRAX station along the south portion of the zoning designation.

#### Building Setback

The proposed change to building setbacks will affect only those properties located at an intersection of two arterial right-of-ways. During the review of this amendment it was found only three properties will be affected by this amendment. While this amendment is therefore not specific to a particular site, it is specific to an area within the City's City Center District. The intersection of Redwood Road and 7800 South is the only area this amendment would affect. Nevertheless, the suggested amendment does not relieve a hardship for any particular property.

This amendment will correct an issue which came about due to the City Center's unique high traffic flow and its location at a four-way arterial intersection within a pedestrian scale development ordinance.

#### Entry Way/ Building Orientation

Again, the proposed amendment is intended to allow for flexibility in building orientation when a building and entryway is located adjacent to an arterial street. This proposal will not be specific to one singular property.

#### Fenestration

Amending the percent of fenestration requirement and the allowance of zoning administrator modification of that fenestration will affect every new development within the TSOD and CC Districts. This proposal will not be specific to one singular property.

#### Location of Parking Lots

This proposed amendment will only affect those areas within the TSOD and CC districts adjacent to an intersection of two arterial streets. Regardless, there is not a specific property which will be affected. This amendment will also correct an issue within the CC District relative to buildings located at intersections of high traffic flow versus those located adjacent to future pedestrian and neighborhood streets in a master planned type of setting.

#### Retail Parking Stalls

This suggested amendment is applicable to all properties within the TSOD and CC districts. It does not relieve a particular hardship and does not confer special privileges to a single property owner.

#### Two Acre Requirement for a Market Analysis

This proposed amendment will affect all properties with the TSOD and CC districts. The proposal is not specific to any one property.

#### Architectural Review Members

This proposed amendment corrects a conflict in the review process of the City of West Jordan. It is not exacting to any particular property.

**Finding:** The proposed amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

The proposed Text Amendment was necessary to establish new standards for properties along arterial right-of-ways within the City Center Zoning District and Transit Station Overlay District.

Staff recommended that the City Council accept the findings contained in the staff report and approve the proposed Text Amendments as recommended by the Planning Commission.

Mayor Rolfe opened the public hearing. There was no one who desired to speak. Mayor Rolfe closed the public hearing.

Councilmember McConnehey stated that it would have been helpful if the PowerPoint presentation shown in the meeting would have been included in the agenda packet. He asked that similar (more concise) information be provided in the future.

**MOTION:** Councilmember McConnehey moved to adopt Ordinance 14-19, amending the 2009 West Jordan Municipal Code Title 13, Chapters 5 and 6, regarding Transit Station Overlay Districts and the City Center Zoning Districts as recommended by the Planning Commission. 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.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 14-20, REGARDING RATIFICATION OF THE PLANNING  
COMMISSION APPROVAL OF THE PRELIMINARY DEVELOPMENT  
PLAN ESTABLISHING A RESIDENTIAL DENSITY OF 3.21 UNITS PER  
ACRE FOR A TOTAL OF 63 LOTS; FOR LONEVIEW SOUTH  
SUBDIVISION LOCATED AT APPROXIMATELY 8200 SOUTH 6400**

### **WEST; PETERSON DEVELOPMENT/JUSTIN PETERSON, APPLICANT**

Larry Gardner explained that in 2006 the subject property was rezoned from Agricultural (A-20) to Low Density, Single-family Residential (LSFR) as part of the establishment of the West Side Planning Area (WSPA).

In 2009, the Planning Commission and City Council reviewed a concept plan associated with a land use map amendment and rezone application by Peterson Development. This concept plan included additional land adjacent to the specific properties involved with the amendments. One of those adjacent areas was the subject site and therefore included in the concept plan.

In 2011, the Planning Commission reviewed a revised master plan that added another 134 acres of area to the original concept plan (2009); bringing the total area of the master plan from 236 acres to approximately 370 acres. Apart from the addition of new land, the new master plan on the original 236 acres was essentially unchanged (including the subject site). This expanded master plan, the *Highlands Master Plan*, received general positive feedback from the Planning Commission. The Highlands Master Plan was never forwarded to the City Council for their review and comment as it was presented to the Planning Commission as a discussion item.

On June 5, 2012 the Planning Commission reviewed a more detailed Highlands Master Development Plan. In addition to the general conceptual land use layouts, which the Planning Commission reviewed in 2011, this more detailed master plan included supportive information related to potential density buy-ups within each "village" or sub-area plan. Loneview is within the Highlands West portion of the "Highlands" phasing plan. As before, the master development plan received general positive feedback from the Planning Commission. Loneview South is the second part of the Loneview development.

On January 8, 2013 the Planning Commission approved the Loneview North Preliminary Development Plan and Preliminary Subdivision Plat.

On February 13, 2013 the City Council ratified the Planning Commission's approval of the Loneview North Preliminary Development Plan; allowing 108 single-family residential lots on 32.15 acres.

### **GENERAL INFORMATION & ANALYSIS**

Peterson Development is requesting approval of Loneview South at the Highlands Preliminary Development Plan and the Loneview South Preliminary Subdivision Plat. Loneview South is located within the Highlands Master Development. The Highlands is divided into the villages of Highlands East, West and North. Loneview South is in the Highlands West Village and is located at approximately 8200 South 6400 West with a road that accesses 6700 West via Church View Drive. The Loneview development is the farthest west development within the Highlands Master Development Plan.

The Loneview South subdivision consists of 63 single family lots on 19.63 net acres for a proposed residential density of 3.21 dwelling units per acre. The subject site is designated as Low Density Residential on the Future Land Use Map; and is zoned Low Density, Single-family Residential (LSFR).

The LSFR zone allows residential density of 2.01 to 4.50 dwelling units per acre. The 3.21 dwelling units per acre proposed by the applicant requires, and was achieved by, a density buy-up. Density buy-ups allow the applicant to have additional dwelling densities if they install certain pre-determined amenities and enhancements that are assigned a weighted value by the WSPA ordinance. Based on the amenities and enhancements proposed by the applicant in the Loneview South Preliminary Development Plan, the applicant is hoping to achieve a 63% density buy-up which would increase the number of dwelling units from 39 to 63. The density buy-ups and amenities and enhancements are described in the attached preliminary development plan.

**FINDINGS OF FACT PRELIMINARY DEVELOPMENT PLAN**

There are no specific findings of fact for preliminary development plans; however, the 2009 City Code does provide a table which describes the required elements and bonus density elements for development plans located in the West Side Specific Planning Area (WSPA) (Municipal Code Section 13-5J-5C).

The Loneview South Preliminary Development Plan density buy-up will be reviewed under the requirements of the WSPA. In order to assist in this review staff has provided *Table 1.0* in this report.

*Table 1.0* was derived from the table found in Section 13-5J-5C of the Municipal Code. Within the table is a tabulation of staff's review along with discussion of each amenity/improvement as they relate to the Loneview development plan. The criteria listed in the table are further elaborated upon in Section 13-5J-6 of the Municipal Code.

*Table 1.0*

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<b>Trails and open space:</b>					
<i>Improvement: Dedication of open space, trail corridors or "in lieu of fees" in accordance with the comprehensive general plan and the parks, recreation and trails master plan</i>		Required	Yes		N/A

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<p><b>Discussion:</b> The open space area in Loneview South is a continuation of the open area of Loneview North. The two open space areas will be connected by a trail and bridge and will appear as one large open area when constructed. (See attached Highlands Master Plan Conceptual Site Plan) The un-named wash runs along the north boundary of the subdivision. Per code, the applicant has shown the dedication of property along the wash and will install an active open space area and a passive open space area. The applicant will also install a trail through the open space area and a bridge across the wash which leads to the trail system installed in the Loneview North Subdivision.</p>					
<p><b>Improvement:</b> Installation of enhanced open space/recreational amenities in excess of that required per city standards</p>	Up to 22%	Optional	Yes	See Section 13-5J-6	3%
<p><b>Discussion:</b> The plan shows the installation of .32 acres of common active open space (1%) and the installation of a covered pavilion with two picnic tables a garbage receptacle and 1 acre of passive open area. (2%)</p>					
<p><b>Improvement:</b> Improvement of trail corridors and installation of trail amenities in excess of that required per city standards</p>	Up to 15%	Optional	Yes	See Section 13-5J-6	10%
<p><b>Discussion:</b> The development plan shows a total of 10 trees and 65 shrubs and 55 ground cover planted within the trail corridor. The landscape planting is clustered around the pavilion/common open area. This meets the 1 tree per 25 linear feet of trail requirement, and the one shrub, bush, perennial for every two linear feet of trail, considering there is approximately 240 feet of trail located within the boundary of the development. This vegetation will be clustered in certain areas along the trail and improved open space as permitted in the code. (4%) The plan also shows the installation of one trash receptacle (1%) and one park bench per 1000 feet of trail (1%) which are positive enhancements for those using the trail. The plan also shows the installation of a split rail fence located at the side of the dedication area which is an enhancement to the dedicated trail area. (4%) The applicant will also be installing a bridge across the un-named wash to provide access to the trail system in Loneview North.</p>					
<p><b>Improvement:</b> Dedication of additional property for trails beyond that required per city standards along creeks/washes</p>	Up to 15%	Optional	Yes	See Section 13-5J-6	7%

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<p><b>Discussion:</b> The code requires a minimum 50 feet open space dedication on both sides of drainage corridors. Because the trail is on the north side of the wash, in Loneview North, an average was determined to be appropriate along the south side of the wash. The open area beyond the wash averages 40'. This would give twenty feet of additional open area for 480 feet, mostly along the common open area. Based on this average the development plan falls within the requirement for the density buy-up and shows a maximum 25 feet and minimum 12 feet extra of dedication of open space required for the density buy-up. The applicant is also willing to dedicate and additional 20' x 100' feet for a utility stub connection / trail access between lots 158 and 159. (7%)</p>					
<p><b>Street design:</b></p>					
<p><i>Improvement: Pedestrian scale and consistent, architectural street lighting</i></p>		<p>Required</p>	<p>Yes</p>		<p>N/A</p>
<p><b>Discussion:</b> All street lights will conform to West Jordan City standards for residential street lights. The development plan states that the street lights will be no taller than 12 feet tall with aluminum shaft with fluted finish direct burial pole with 3 inch tenon top. This meets code. The lights will be spaced every 150 feet and will be placed in the park strip. The lighting will be uniform throughout both Loneview North and Loneview South Developments.</p>					
<p><i>Improvement: Traffic calming design</i></p>		<p>Required</p>	<p>Yes</p>		<p>N/A</p>
<p><b>Discussion:</b> Traffic calming was addressed as part of the Highlands Master plan and the development meets the necessary requirement for traffic calming.</p>					
<p><i>Improvement: Street system designs</i></p>		<p>Required</p>	<p>Yes</p>		<p>N/A</p>
<p><b>Discussion:</b> The project does not have any internal cul-de-sacs or dead end streets and provides 3 points of access. The development has a stub street to the west to ensure connectivity with future development.</p>					
<p><i>Improvement: Entryway monument or gateway feature to the subdivision - development</i></p>	<p>Up to 10%</p>	<p>Optional</p>	<p>Yes</p>	<p>See Section 13-5J-6</p>	<p>4%</p>
<p><b>Discussion:</b> The development plan shows four entryway monument signs –one at the intersection of 8200 South and 6400 West, one at the entrance on 6400 West, one at the entrance on 8200 South and one at the entrance on 6700 West. The monuments are well designed and will provide a nice entry feature into the subdivision. (4%)</p>					

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<b>Smart growth urban design:</b>					
<i>Improvement: Master planned subdivision design</i>		Required	Yes		N/A
<b>Discussion:</b> The project meets this requirement with stub streets and future pedestrian connections. The development has adequate pedestrian access to the public right-of-way and to the trail system.					
<i>Improvement: Pedestrian friendly and walkable neighborhood design</i>		Required	Yes		N/A
<b>Discussion:</b> Five foot sidewalks are placed along all interior and exterior streets, and there will be a trail in the common green area that will connect in with the existing trail corridor in Loneview North.					
<i>Improvement: Alternative load garage configuration</i>	Up to 18%	Optional	Yes	See Section 13-5J-6	14 %
<b>Discussion:</b> The intent of this buy-up improvement is to reduce the garage dominated streetscape that is common in many subdivisions. The preliminary development plan states that no more than 25% of the lots will have standard, front loading or front yard/side loading garages. The remaining 75% of lots within the subdivision will have a semi-recessed front load garage. Semi-recessed in terms of meeting the requirements of the WSPA means the garage must be recessed a minimum of 6' from either a covered porch or living space.					
While providing recessed garages in this fashion meets the strict definition of an alternative load garage per the WSPA, it does not fully achieve the intent of this buy-up, which is to significantly lessen the visual dominance of garages. An alley-loaded or rear yard attached/detached garage product throughout a subdivision is an example of a design that could achieve a full 18% buy-up. (14%)					
<b>Building design:</b>					
<i>Improvement: Attractive theme based and consistent architecture on all structures</i>		Required	Yes		N/A
<b>Discussion:</b> Peterson Development will not be constructing the homes within Loneview South and their intent to sell lots to home builders. The preliminary development plan has provided typical building elevations as well as a list of specific architectural requirements the various home builders will be required to meet. The typical building elevations and list of architectural requirements are the same as used in Loneview North. The intent is to					

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No	SCORE
<p>create a development (Loneview North and South) that appear seamless and feel like a cohesive neighborhood. In addition, all building permits will be required to receive approval from a third party architectural review committee (initially overseen by Peterson Development) prior to building permits being submitted to the City. Staff believes that there is enough detail in the development plan and the WSPA to ensure that this requirement is met.</p> <p>However, in order to make sure these architectural requirements are effectively communicated to the future home builders, staff would support a condition of approval that requires the applicant to forward a list of these specific design requirements to the home builders.</p>				
<i>Improvement: Installation of covered porches throughout 50% of subdivision</i>	Up to 14%	Optional	Yes	Each point is worth 1.4 pts. 13 %
<p><b>Discussion:</b> Without having specific building floor plans to review and approve, the applicant has simply stated that at minimum 50% of the homes within this subdivision will have a front porch at least 50 square feet in area. Meeting the requirements of this optional buy-up should be easy to obtain, but it requires clear communication throughout the duration of the subdivision build out. In order to ensure that this improvement will be met, staff would support a condition of approval that requires the developer to provide information within the development plan designating exactly which lots in the subdivision must have covered porches that meet the minimum size requirements. (13%)</p>				
<i>Improvement: Enhanced door and window treatment</i>	Up to 12%	Optional	Yes	Each point is worth 1.2 % 6%
<p><b>Discussion:</b> Without specific building elevations to critique, the applicant has provided "typical" building elevations they expect to see built in this development. In addition, the development plan lists specific items like door and windows, window and door treatments, window and door trim, side lights and/or transom windows near the front door that all homes will have to incorporate into their designs. This too will require effective communication between the developer and the various builders. (6%)</p>				
<i>Improvement: Equal dispersion and use of high quality building materials</i>	Up to 12%	Optional	Yes	Each point is worth 1.2 % 6%
<p><b>Discussion:</b> The applicant has stated in the development plan that all homes will incorporate stucco, stone, brick, composite board siding and shingles and other high grade</p>				

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
materials. (6%)					
Total				63 %	

The following calculation is used to find out the maximum allowed density of a project:

$$[(\text{Base Density}) \times (\text{Bonus Density Percent})] + (\text{Base Density}) = \text{Max Allowed Density}$$

**Density Buy-up / Development Plan Summary:**

Based on a base density of 2.01 du/ac for the LFR zoning district and a bonus density score of 63% the project would have a maximum allowed density of 3.28 units per acre. The total number of units proposed for the 19.63 net acre development is 63; for a total of 3.21 dwelling units per acre.

Based on the information submitted and the conditions of approval recommended by staff, the Loneview South Sub-area Preliminary Development Plan appears to have sufficient amenities to achieve the requested 63 single-family residential lots.

Staff recommended that based on the requirements listed in the Zoning Ordinance, staff recommends that the City Council ratify the Planning Commission's approval of the Loneview South Preliminary Development Plan located at approximately 8200 South 6400 West with a residential density of 3.21 units per acre for a total of 63 single-family residential lots on 19.63 acres, subject to the conditions listed on page 2 of this report.

The Council and staff discussed clarifying questions.

Barrett Peterson, Peterson Development, stated that his company had tried to be a good partner to the City and to bring in quality commercial and residential developments. He responded to various questions by the Council.

Mayor Rolfe opened the public hearing.

June Christiansen, West Jordan resident, expressed her concern that the homes in this proposed development (those on 1200 sq. foot lots) would be taller than the current homes in her area which meant they would be in the shadow of those homes (with an obstructed view). Her other concern was that West Jordan was becoming one of the highest density

cities in the State (re: units per acre) and she was concerned about the problems it would bring to the City.

Nancy Chapman, West Jordan resident, explained her concern that the development of the wash in this project was slated to take place during the last phase of the project and may never end up being developed. She stated that this was similar to how the Stone Creek development was planned and the wash in that development was still undeveloped. She felt the developer tended to be less than honorable and she was concerned that this development would end up with the same problems as Stone Creek.

There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

**MOTION:** Councilmember Southworth moved that the City Council ratify through Ordinance 14-20 the Planning Commission's approval of the Loneview South Preliminary Development Plan located at approximately 8200 South 6400 West with a residential density of 3.21 units per acre for a total of 63 single-family residential lots on 19.63 acres, subject to the conditions listed in the report. The motion was seconded by Councilmember Stoker.

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 Nichols moved to extend the meeting until 10:00 p.m. The motion was seconded by Councilmember Hansen and passed 7-0 in favor.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-21, REGARDING AMENDING THE STONE CREEK DEVELOPMENT PLAN, CONSISTING OF 17.52 ACRES, REDUCING THE AMOUNT OF OPEN SPACE IN CLAY HOLLOW D, E, F AND TRANSFERRING 10 RESIDENTIAL UNITS FROM CLAY HOLLOW D TO TOWN CENTER B, P-C ZONE, LOCATED AT APPROXIMATELY 7800 SOUTH 5490 WEST, PETERSON DEVELOPMENT, APPLICANT**

Ray McCandless explained that in 1999, the City Council adopted Ordinance 99-29, which approved the Stone Creek Planned Community, a 285-acre master planned

development located at approximately 4800 West to 5600 West and 7800 South. The Stone Creek Master Plan was needed to provide proper balance and interplay between the various land uses proposed within the master plan, including; Low, Medium, and Very High Density Residential, Neighborhood Commercial, Professional Office, Public Facilities, and Parks and Open Land.

On November 16, 2001, the City Council adopted an amendment to the Stone Creek Master Plan (Ordinance 01-55) by adding an additional 15 acres of land and designating it to be developed at no more than 3.22 dwelling units per acre.

On December 11, 2007, the City Council reviewed and discussed another set of amendments to the Stone Creek Master Plan that were to reflect modifications to the original text as adopted by Ordinances 99-29 and 01-55. The Stone Creek Master Plan amendment was denied by the City Council.

A revised proposal was brought back to the City Council for consideration on February 12, 2008 resulting in the adoption of Ordinance 08-09, which approved modifications to the Stone Creek Development Plan by amending/superseding Ordinances 99-29 & 01-55 and limiting the overall number of dwelling units within Stone Creek to 859 units.

On September 26, 2012, the City Council considered a Land Use and Development Plan Amendment of Clay Hollow D, E and F, replacing the 2.27 acre park, community garden and eight multi-family buildings (96 residential units) with a 57 lot single-family residential subdivision. This request was denied by the City Council.

On November 19, 2013, the Planning Commission reviewed an amended development plan for Clay Hollow D, E and F replacing 106 multi-family dwelling units with 86 town homes and 10 single family dwelling units. The remaining 10 units would be transferred to Town Center B. This request reduced the park space from 2.27 acres to 0.57 acres and eliminated a community garden in Clay Hollow F. The Planning Commission forwarded a negative recommendation of this design to the City Council (4-1 vote).

The City Council heard this item on December 18, 2013 and as with the Planning Commission, there was significant concern about reducing the amount of park space from 2.27 acres to 0.57 acres, changing this area from meaningful park area to essentially a pedestrian trail. The City Council was concerned that this elimination of park space as proposed would significantly be changing the development of the Master Plan. The Council tabled action to a date uncertain to allow time for Peterson Development to work with neighbors and allow the City Council time to review the history of the development. Following the December 18<sup>th</sup> City Council Meeting, Peterson Development submitted this revised Concept Development Plan to address the City Council's and Planning Commission's concerns.

A copy of the October 16, 2007 and December 11, 2007 City Council minutes had been included to provide some history on what was discussed. Now that most of the park has

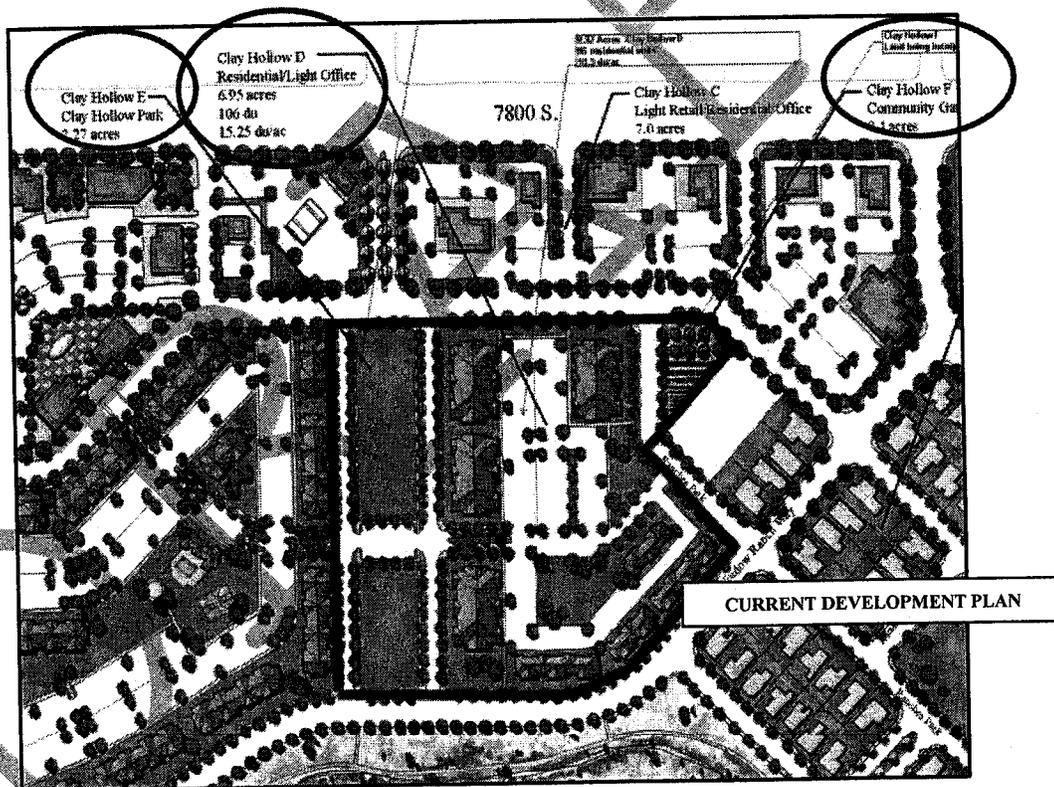
been added back into the development plan along with the community garden, staff is less concerned about the loss of 0.45 acres of open space as proposed.

On April 4, 2014, the City Council referred the revised Concept Development Plan back to the Planning Commission for consideration and on May 6, 2014, in a 7-0 vote, the Planning Commission recommended that the City Council approve the proposed changes to the Concept Development Plan as shown in Exhibit K.

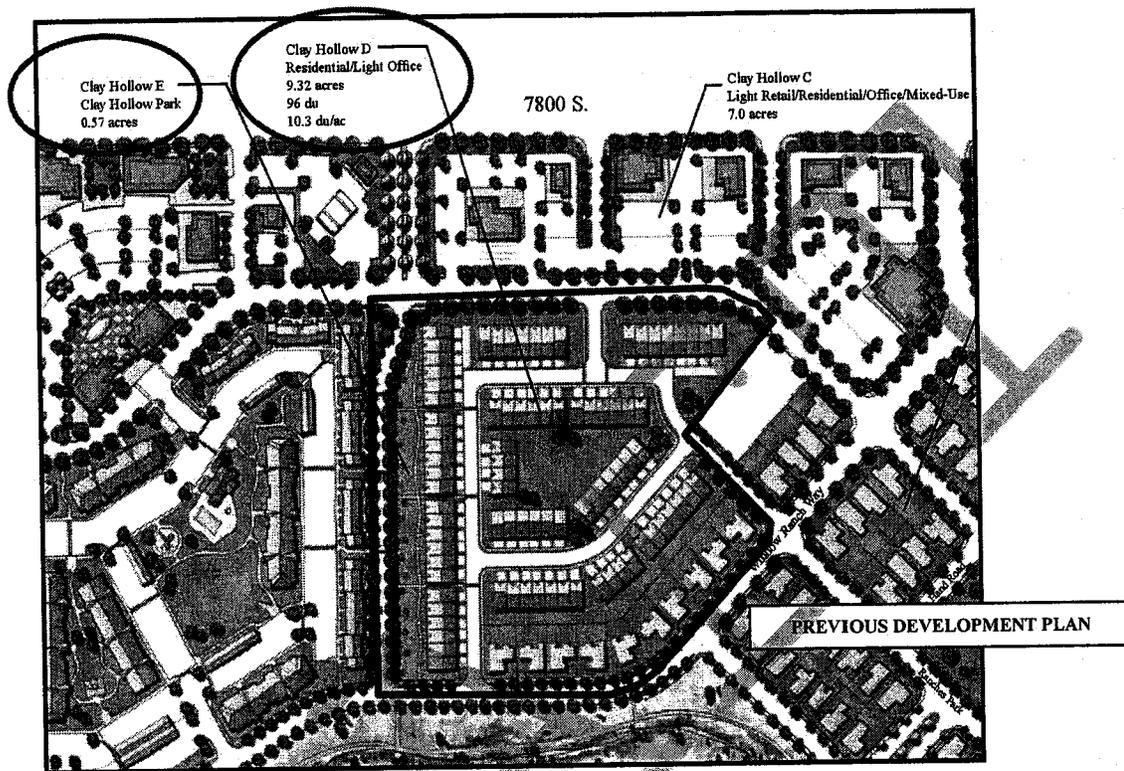
### GENERAL INFORMATION & ANALYSIS

The applicant is requesting to amend the Stone Creek Development Plan, which affects Clay Hollow D, E, F and Town Center B.

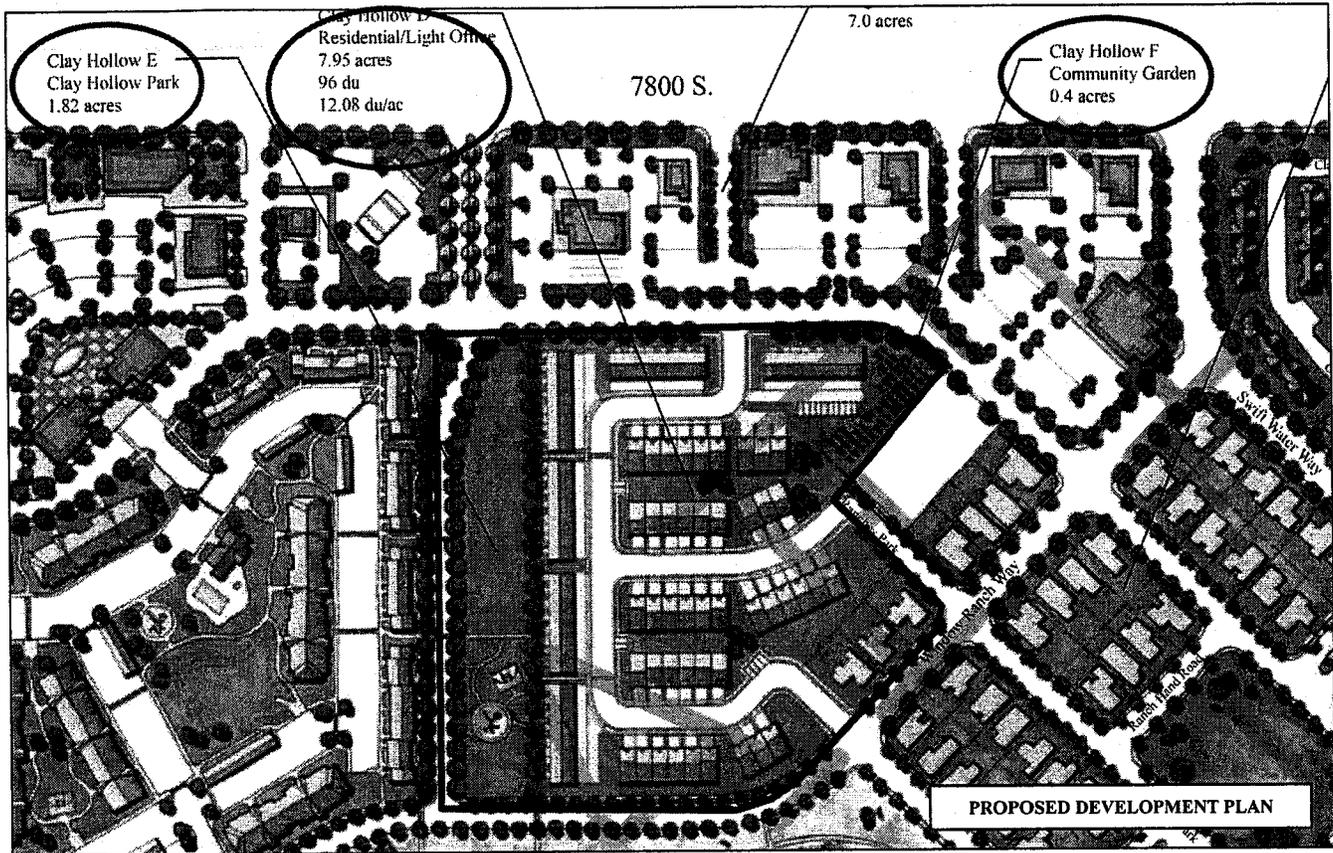
Existing Development Plan - The existing Development Plan shows 8 multi-family buildings (106 multi-family residential units at 15.25 du/ac), with a 2.27 acre park and a 0.4 acre community garden on the east side of the property.



Previously Submitted Plan (Planning Commission Recommended Denial and Tabled by the City Council) - 106 multi-family dwelling units with 86 town homes and 10 single family dwelling units. The remaining 10 units were proposed to be transferred to Town Center B. This request reduced the park space from 2.27 acres to 0.57 acres and eliminated the community garden in Clay Hollow F.

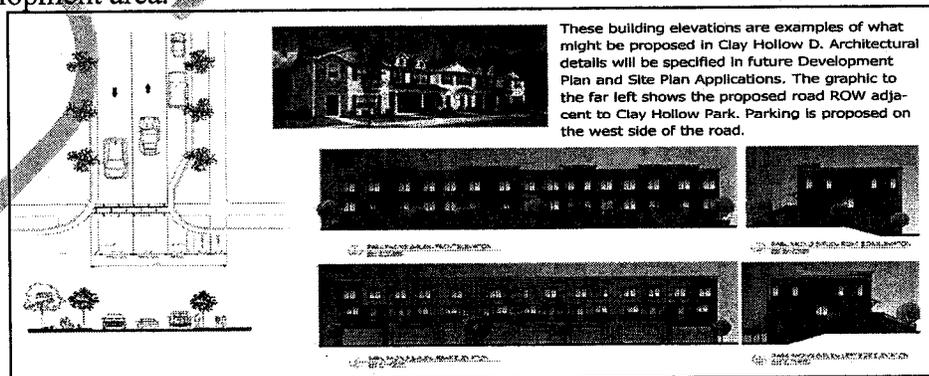


Proposed Development Plan - The applicant's current proposal is to replace the 106 dwelling unit, 6.95 acre Residential/Light Office area (Clay Hollow D), the 2.27 acre Clay Hollow Park (Clay Hollow E) and the 0.4 acre Community Garden (Clay Hollow F) shown on the approved development plan, with a 96 dwelling unit, 7.95 acre Townhome/Single Family Dwelling development (new Clay Hollow D) and a 1.82 acre open space area (new Clay Hollow E) and a 0.4 acre community garden (new Clay Hollow F). Ten of the original 106 dwelling units will be moved to Town Center B. This plan shows three single family dwellings to act as a buffer to the Ranches development to the southeast. The plan drawing indicates 12.08 dwelling units per acre.



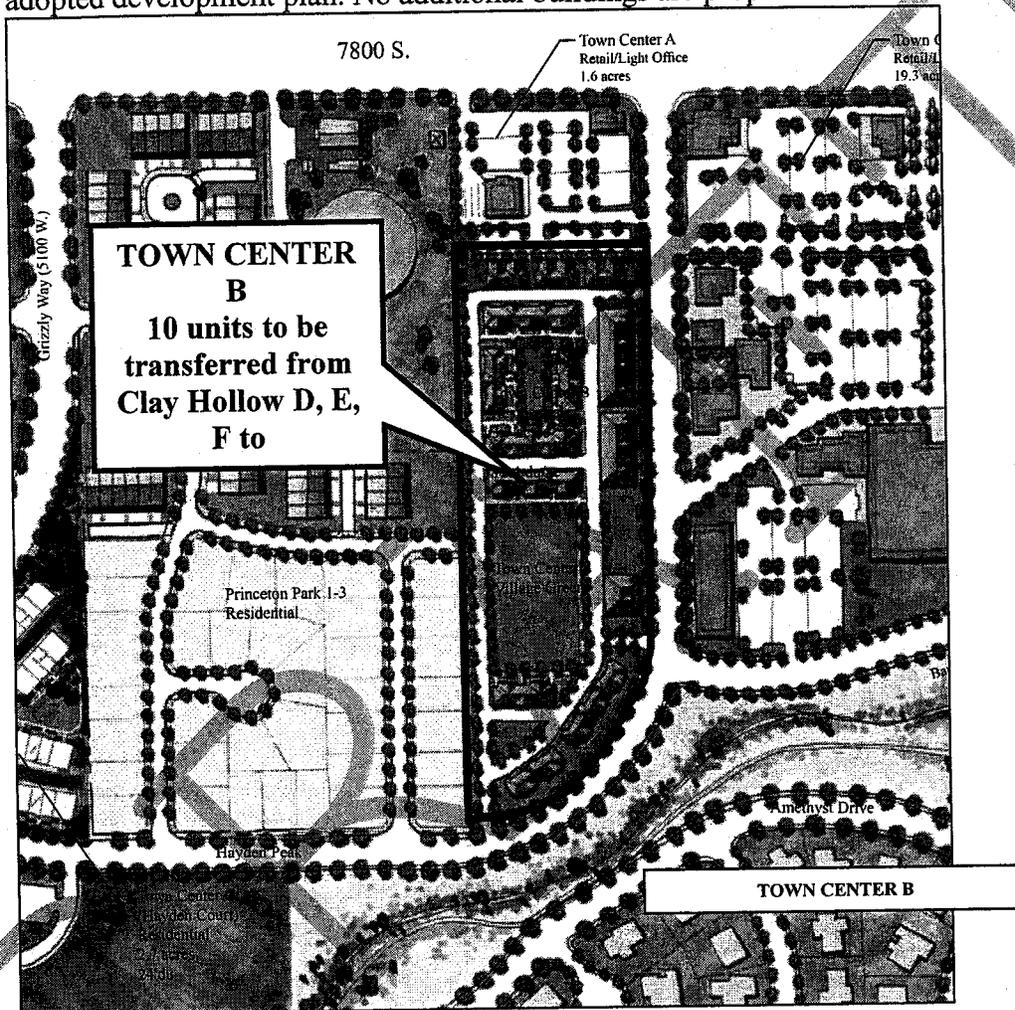
The applicant has submitted a concept elevation drawing showing what the smaller townhome units could look like. These will likely change through the design review process to assure that the architectural design fits into the neighborhood. The street configuration may also change.

Below is a concept design for the smaller townhome units along the west and north sides of the development area.



Town Center B

Ten dwelling units will be moved from Clay Hollow D to Town Center B which will increase the total number of units in Town Center B from 36 to 46 units (12.4 du/acre). These additional units will be incorporated into the buildings as shown on the previously adopted development plan. No additional buildings are proposed.



These amendments to the development plan will not result in any change in the overall number of dwelling units in the Stone Creek Development. Larger copies of these plans are attached as Exhibits C, D and E.

Ordinance #08-09 contains the current approved development plan for the Stone Creek planned community. It provides the following information regarding Clay Hollow Park (Clay Hollow E):

Section 4, Item #7, page 7

"A 2.27 acre park will be built between Clay Hollow "A" and Clay Hollow "D", represented as "Clay Hollow Park....This land will replace the majority of the land allocated for the "Village Square"; eliminating the Frisbee golf course, the half-court

basketball, and tot lot outlined in Section 4 Item 18 of this plan....Clay Hollow Park shall contain the following amenities and improvements:

- A. A traditional tot lot with no less than 18 and no more than 24 components will be located in close proximity to the wash as part of the active play area of the park.
- B. A half-court basketball court will be located in close proximity to the traditional tot lot as part of the active play area of the park.
- C. A passive open space area will be located to the north of the active play area. It will consist of trees, shrubs, and park benches detailed below.
- D. One (1) deciduous tree every thirty feet along the park's perimeter.
- E. Eight (8) evergreen trees located with the park's interior.
- F. Ten (10) shrubs located within the park's interior.
- G. A majority of the park shall be planted in a grass that is drought-tolerant and resistant to frequent traffic and/or high use.
- H. Six (6) park benches
- I. Lighting is to be placed along the perimeter of the park with a maximum distance of separation of 150-feet, or as otherwise approved by the Planning Commission during final site plan approval."

Ordinance #08-09; Section 4, Item #8, page 7

This section states that a 0.4 acre community garden will be located north of the Ranches recreational vehicle parking area.

Clay Hollow D, E, & F

The Stone Creek Development Plan was designed around the goals and objectives of the Planned Community (P-C) zone, which are in part to:

*"encourage imaginative, creative and efficient utilization of land by establishing development standards that provide design flexibility, allow integration of mutually compatible residential uses and encourage consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than may be possible under the procedures and regulations of conventional zoning classifications."*

The park area was previously reduced in size from 2.27 acres to .57 acres and the community garden was eliminated. The current plan shows that the park will be 1.82 acres which is proposed to be public open space and the community garden has been added back into the plan. All open space improvements will be installed by the developer and the maintenance of these areas will either be the responsibility of the Homeowners Association or Assessment Area (AA) if adopted.

There will be some community green space between the town homes as shown on the concept plan. The City Council will need to determine if the combination of this area, the 1.82 acre park, 0.4 acre community garden and open space along the Clay Hollow Trail is consistent with the intent of the PC zone and will provide adequate open space amenities for residents.

The 2012 proposal removed a planned roadway along the east side of the Boulder Canyon development (east of the subject property) which was needed as Boulder Canyon was designed with units that faced the street. It was also needed for off-site parking. The current proposal shows a tree-lined roadway provided along the west side of the property which addresses parking issues.

As a general note, the proposed townhome development is appropriate as it will provide a transition between the Boulder Canyon development and the Ranches single-family subdivision to the east. The single-family lots along the south perimeter will provide buffering for the Ranches development. It is important to note that amending the Stone Creek Development Plan requires changing both text adopted by Ordinance #08-09 and the associated exhibits.

The City Council will need to decide if the proposed changes are acceptable and work within the context of the overall Stone Creek development. Amending the Stone Creek Development Plan requires changing both text adopted by Ordinance #08-09 and the associated exhibits. The proposed revisions are shown in Exhibit F.

Per City Code, Section 13-5C-1:C, the intent of Planned Developments (PC or PRD) is to:

**Criteria 1:** *Create more attractive and more desirable environments in the city.*

**Discussion:** Ordinance #08-09 contains the current approved development plan for the Stone Creek planned community. The Stone Creek Development Plan was designed around the goals and objectives of the Planned Community (P-C) zone, which are in part to:

*“encourage imaginative, creative and efficient utilization of land by establishing development standards that provide design flexibility, allow integration of mutually compatible residential uses and encourage consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than may be possible under the procedures and regulations of conventional zoning classifications.” (City Code, Section 13-5C-1C).*

The adopted Stone Creek Development Plan is consistent with these objectives as a mix of housing types, integrated open space and commercial development will be provided at full build-out. The proposed revisions to the Stone Creek Development Plan support the objectives of the PC zone.

**Finding:** The proposed development plan creates more attractive and more desirable environments in the city.

**Criteria 2:** *Allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects.*

**Discussion:** This criterion is met whether multi-family apartments or townhomes are ultimately approved. Overall, the Stone Creek Development provides a large variety of uses and housing types. Building design is addressed by the Design Review Committee and Planning Commission when the applicant submits for site plan or subdivision approvals. Both the Planning Commission and City Council expressed that they are more supportive of townhomes than multi-family apartments.

**Finding:** The proposed amendment will allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects.

**Criteria 3:** *Provide flexibility in the location of buildings on the land.*

**Discussion:** The PC zoning allows for greater flexibility in where buildings can be located on the property. Fifteen percent of the site must be maintained as open space requiring imaginative lot configuration and placement. This flexibility should not impact existing residential developments in the area as buffering and open space requirements are more restrictive than in conventional zones.

**Finding:** The proposed amendment provides flexibility in the location of buildings on the land.

**Criteria 4:** *Facilitate and encourage social and community interaction and activity among those who live within a neighborhood.*

**Discussion:** Planned Community zones are intended to be more communal in nature than standard single-family residential developments. The approved development plan (Ordinance 09-08) states the following regarding Clay Hollow Park (Clay Hollow E):

**Ordinance #08-09; Section 4, Item #7, page 7**

"A 2.27 acre park will be built between Clay Hollow "A" and Clay Hollow "D", represented as "Clay Hollow Park....This land will replace the majority of the land allocated for the "Village Square"; eliminating the Frisbee golf course, the half-court basketball, and tot lot outlined in Section 4 Item 18 of this plan....Clay Hollow Park shall contain the following amenities and improvements:

- A traditional tot lot with no less than 18 and no more than 24 components will be located in close proximity to the wash as part of the active play area of the park.

- A half-court basketball court will be located in close proximity to the traditional tot lot as part of the active play area of the park.
- A passive open space area will be located to the north of the active play area. It will consist of trees, shrubs, and park benches detailed below.
- One (1) deciduous tree every thirty feet along the park's perimeter.
- Eight (8) evergreen trees located with the park's interior.
- Ten (10) shrubs located within the park's interior.
- A majority of the park shall be planted in a grass that is drought-tolerant and resistant to frequent traffic and/or high use.
- Six (6) park benches.

Lighting is to be placed along the perimeter of the park with a maximum distance of separation of 150-feet or as otherwise approved by the Planning Commission during final site plan approval.”

**Ordinance #08-09; Section 4, Item #8, page 7**

This section states that a 0.4 acre community garden will be located north of the Ranches recreational vehicle parking area.

As previously noted, the proposed changes to the development plan will reduce the size of the park to 1.82 acres. Even with the reduction in open space, Staff is of the opinion that the combination of the public open space, the open areas shown in the middle of the townhomes, open space along the Clay Hollow Wash and other areas shown on the Open Space Plan (Exhibit G) is consistent with the intent of the PC zone and will provide adequate open space amenities for residents.

In considering this request, the City Council will need to determine if the proposed park and community garden areas as proposed will provide adequate open space amenities for residents.

The installation and maintenance of any landscaping or street improvements in this public open space area should be fully installed by the developer and maintained by a Homeowners Association or through an Assessment Area (AA) if the amendment is approved. Overall, the proposed development plan creates a more attractive and desirable environment in the city.

**Finding:** The amended development plan facilitates and encourages social and community interaction and activity among those who live within a neighborhood.

**Criteria 5:** *Encourage the creation of a distinctive visual character and identity for each planned development.*

**Discussion:** Building architecture and theme will be addressed through the subdivision and site plan review processes. All Planned Community building plans are required to be reviewed by the City's Design Review Committee prior to a Preliminary Site Plan or Development Plan being approved.

**Finding:** Building architecture and theme will be addressed through the subdivision and site plan review processes.

**Criteria 6:** *Produce a balanced and coordinated mixture of uses and related public and private facilities.*

**Discussion:** This development does provide a coordinated mixture of uses housing and private open space that can be used by those who live in the development.

**Finding:** The planned development provides a balanced and coordinated mixture of uses and related public and private facilities.

**Criteria 7:** *Encourage a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types.*

**Discussion:** Overall, the Stone Creek planned development provides a broad range of housing types. The approved development plan for Clay Hollow D shows eight multi-family residential buildings. The proposed plan shows 93 town home units and three single-family dwellings, which is a better fit for this area than multi-family apartments considering that most of the adjoining development to the east and south are single-family homes. It also provides a good transition between the single-family homes and Boulder Canyon Apartments to the east. This criterion is met as the master development plan shows a variety of and housing types. The proposed town homes are for-sale units.

**Finding:** The proposed amendment encourages a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types.

**Criteria 8:** *Preserve and take the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimize the amount of grading necessary for construction of a development.*

**Discussion:** Three single-family homes will be oriented toward Clay Hollow Wash which takes advantage of this natural site feature. No excessive grading will be necessary as the site is relatively level.

**Finding:** The proposed development plan amendment preserves and takes the greatest

possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimizes the amount of grading necessary for construction of a development.

**Criteria 9:** *Encourage and provide for open land for the general benefit of the community and public at large as places for recreation and social activity.*

**Discussion:** The open spaces within the development will provide spaces for recreation and social activity. Over 15 % of the overall development within Stone Creek is designated as public or private passive and active open space as required by the PC zone.

**Finding:** The proposed amendment encourages and provides for open land for the general benefit of the community and public at large as places for recreation and social activity.

**Criteria 10:** *Achieve physical and aesthetic integration of uses and activities within each development.*

**Discussion:** Physical and aesthetic integration of uses and activities within the development will be provided. Open space will be interconnected with streets and sidewalks.

**Finding:** The proposed amendment achieves physical and aesthetic integration of uses and activities within the development.

**Criteria 11:** *Encourage and provide for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation.*

**Discussion:** Sidewalks will be required throughout the development and will link the different neighborhoods and open spaces within the Stone Creek development. The sidewalks within this development phase will as provide the necessary pedestrian connections with the other areas within the Stone Creek community.

**Finding:** The proposed amendment encourages and provides for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation.

**Criteria 12:** *Since many of the purposes for planned development zones can best be realized in large scale developments, development on a large, planned scale is encouraged.*

**Discussion:** This criterion is met as Stone Creek is a large-scale planned developed.

**Finding:** This criterion is met as this is a large scale planned development.

**Criteria 13:** *Achieve safety, convenience and amenity for the residents of each planned residential development and the residents of neighboring areas.*

**Discussion:** The Clay Hollow Wash and the other existing and planned open spaces provide residents with safe and convenient recreational amenities.

**Finding:** The proposed amendment achieves safety, convenience and amenity for the residents of each planned residential development and the residents of neighboring areas.

**Criteria 14:** *Assure compatibility and coordination of each development with existing and proposed surrounding land uses.*

**Discussion:** The proposed townhome development will provide a transition between the Boulder Canyon development and the Ranches single-family subdivision to the east. The single-family lots along the south perimeter will provide buffering for the Ranches development.

The 2012 proposal removed a planned roadway along the east side of the Boulder Canyon development (east of the subject property) It was also needed for off-site parking. The concept plan shows a 40' wide tree-lined roadway (2 way traffic) along the west side of the property which is needed as the Boulder Canyon apartments to the east was designed with units that faced the street. The adjoining owner of the Boulder Canyon apartments is concerned about making sure that the north-south street east of the apartments is installed. He is also concerned about the reduction in park space as noted in the attached letter (Exhibit D).

**Finding:** **The proposed amendment assures compatibility and coordination of the development with existing and proposed surrounding land uses.**

The combination of town-homes and single-family dwellings proposed is consistent with the intent of the PC zone. Other recreational opportunities are or will be provided in the Stone Creek Development, offsetting the loss of park space.

Staff recommended approval of the amendment subject to the following conditions:

1. Provide a community garden or other similar recreational amenity in proposed Clay Hollow D.
2. The applicant shall be responsible for installing all required streetscape improvements in the 1.82 acre open space area including street trees along both sides of the street.
3. If no assessment area is established, a homeowners association shall be established to maintain all landscaping improvements within the development including the 1.82 acre public open space parcel. Notwithstanding the foregoing, a home owners' association must be organized in any event to maintain the private open areas within the town home development, given that the Assessment Area would in no event maintain those areas of open space.

The Council and staff discussed clarifying questions.

Barrett Peterson, Peterson Development, said that there was a park planned for this development and he wanted to make sure that the Council was prepared to maintain it in the future. Peterson referred to an exhibit that shows what would be maintained by the City and what was to be privately maintained, and requested that entered into the record. Peterson also referred to the original Ordinance language which he read: "this park shall be dedicated to the City." He stated that parks were very expensive to develop and he asked that the City find a way to maintain them. He indicated that the issue before the Council was whether they wanted to approve 96 units (less density) or 106 (higher density).

Councilmembers' Southworth and Haaga asked clarifying questions of both Mr. Peterson and City staff.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, stated her strong opposition to Ordinance 14-21. She also expressed an interest in seeing the presentation that City staff made in Las Vegas at an economic development conference.

Ron Cole, owner of Boulder Canyon Apartments, also expressed his strong opposition to Ordinance 14-21 and his disappointment with the Planning Commission. He suggested that there was some ambiguity regarding the proposed street width as well as other details about the development, and cautioned the Council against approving the plan without getting clarification on those issues.

There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

Councilmember Nichols stated he liked the direction; however, they were not there yet. He indicated that he had an issue with the fact that the plan was giving up park space but not giving up any residential units. He also referred to the City's General Plan criteria #9

which referred to “encouraging and providing for open land.” He stated that the Council previously decided not to have any parks less than three acres; yet a 2.25 acre park here had been proposed and approved. He referred to criteria #14 of the City’s General Plan. He stated that criteria referred to “assuring compatibility” yet this development proposed more units, although it admittedly still fit within the proper zoning.

Councilmember McConnehey stated that he was struggling with the fact that this proposal included a nearly 20% reduction in park size with no positive trade-off. He indicated that he was struggling even more with the fact that only ten residential units had been removed, however the amount of available parking space had been reduced by half. He expressed his preference for the original plan over what was presented at this meeting.

Councilmember Southworth stated he had safety concerns if there were to be streets on both sides of the open space. Although he said he likes the change from apartments to owner-occupied townhomes, he was not quite comfortable approving the plan.

**MOTION: Councilmember McConnehey moved to deny the motion to approve proposed Ordinance 14-21 regarding amending Stone Creek Development plan. Motion seconded by Councilmember Nichols.**

The Council discussed at length if the item should be denied, or remanded back to the Planning Commission for further consideration.

Councilmember Nichols wondered if it might be appropriate for the Council to remand the issue back to the Planning Commission for review, rather than outright denying the ordinance.

Councilmember Haaga felt that the development should be built as originally proposed, and the Council should make a definitive decision. He was in favor of the motion to deny Ordinance 14-21.

Councilmember Southworth stated that although the original proposal had changed, there was nothing inherently wrong in that—sometimes in development we learn things and perhaps gain different understandings. He indicated that while he was okay with change, he was not quite comfortable with what was now being proposed. He stated he was in favor of sending the issue back to the Planning Commission for further review.

Councilmember Stoker indicated that although he liked many of the proposed changes, some of them still needed some fine tuning—specifically regarding the density level that would be created by adding ten more units to the previously 36-unit area.

Councilmember Hansen felt that if the Council denied the request there was a waiting period before the issue could be returned to the Council for consideration. The City Attorney confirmed that in that case there would be a one-year waiting period unless the plan that was returned was ‘significantly different’ from what was proposed.

Councilmember McConnehey stated that he would be open to withdrawing his motion to deny, if someone has a substitute motion. He mentioned that a possible solution would be to allow the reduction of park space in exchange for doing away completely with ten residential units (rather than simply moving them to a different area.) He also indicated a preference to have a wider road if there was only going to be a single road which might address safety concerns. He then withdrew his motion to deny Ordinance 14-21.

**MOTION: Councilmember Southworth moved to suspend the rules to allow the applicant to speak. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

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

The motion passed 6-1 in favor.

Barrett Peterson indicated that his company was ready to live with the Council's decision. He felt it appeared to him that the Council was most interested in the 106 apartment-style units, and the larger park. He asked that they please move forward and vote.

**MOTION: Councilmember Stoker made a motion to approve the Ordinance 14-21.**

The motion died for lack of a second.

**MOTION: Councilmember Nichols moved to remand the item back to the Planning Commission for one more try, require staff to work with Peterson Development immediately, *not* reduce the park size, but perhaps reduce/eliminate the community garden, and have staff bring back another solution. The motion was seconded by Councilmember Southworth.**

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes

<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>No</b>

The motion passed 6-1 in favor.

**MOTION:** Councilmember Southworth moved to extend the meeting until 11:00 p.m. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.

The Council recessed at 9:53 p.m. and reconvened at 10:00 p.m.

**IX. BUSINESS ITEMS**  
**CONSENT ITEM 7F**

**APPROVE RESOLUTION 14-96, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH AMERICAN PAVEMENT PRESERVATION, LLC FOR SLURRY SEAL SERVICES AT VARIOUS LOCATIONS IN WEST JORDAN CITY, IN AN AMOUNT NOT-TO-EXCEED \$360,337.62**

Wendell Rigby stated that American Pavement submitted the lowest bid, that the City has worked with them before and that they have provided other good references as well. He indicated that the purpose of the Contract was to complete the slurry seal of roadways located in the City of West Jordan. Work would include furnishing and installing slurry seal and paint striping as stated in the Contract Documents.

The roads included in this slurry seal contract were located in:

- District 29 (3200 West – Bangerter and 6600 South – 7000 South)
- District 30 (3200 West – Bangerter and 7000 South – 7800 South)
- District 31 (3200 West – Bangerter and 9000 South – 8100 South)
- District 33 (4000 West – Bangerter and 9130 South – 8500 South)
- District 32 (4000 West – Bangerter and 8400 South – 7800 South)
- District 24 (Dixie Valley)

The bid was advertised in the classified ads of local newspapers three weeks prior to the bid opening on Tuesday, April 29. Plans and specifications became available to contractors from the West Jordan City Purchasing Division on April 7, 2014. Four companies submitted bids, with American Pavement Preservation, LLC being the lowest responsible bidder, see attached bid results. The bidding documents were reviewed and evaluated to ensure American Pavement Preservation, LLC met the bidding requirements.

Mayor Rolfe stated he was very much against the slurry seal and pulled it from the consent agenda in order to give the Council an opportunity to consider options.

Councilmember McConnehey preferred crack seal rather than slurry seal and questioned the value of slurry seal. He indicated that he was not opposed to postponing this approval.

Councilmember Southworth stated he agreed with both Mayor Rolfe and Councilmember McConnehey; however, he felt the City should move forward with the proposed contract.

Councilmember Stoker stated that slurry seal was almost 100 times cheaper than building a new road. He indicated that although it was possible that the City's process could be improved, he spoke in favor of the proposal.

Councilmember Haaga stated that he agreed with the Mayor in that the City should reconsider how it maintained City roads.

Mayor Rolfe pointed out that he did not pull for discussion the related Consent Item g which involved a chip seal process which uses gravel instead of sand. He indicated that the difference in cost between the two was significant.

**MOTION: Councilmember Stoker moved to approve Resolution 14-96, authorizing the Mayor to execute a contract with American Pavement Preservation, LLC, for slurry seal services at various locations in West Jordan City, in an amount not-to-exceed \$360,337.62. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

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

The motion failed 3-4.

**CONSENT ITEM 7H**

**APPROVE RESOLUTION 14-98, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH PETERSON DEVELOPMENT FOR THE ENGLEFIELD HEIGHTS SUBDIVISION**

Tom Burdett asked that the Council consider approving and authorizing the Mayor to sign a development agreement with Canyon Ranches, LC, Doves Landing, LC, and Garbett Land investments, LC (collectively, "Developer") and Peterson Development Company, LLC ("Master Developer") for the Englefield Heights Subdivision located in the Highlands at approximately 6400 West 7800 South.

Mayor Rolfe referred the Council to page 74 of the agenda packet and requested that a provision be added that the gaps be dedicated to the adjacent property owner.

Councilmember Hansen felt strongly that this agreement must be followed, and not amended in the future.

**MOTION:** Councilmember Southworth moved to approve Resolution 14-98, authorizing the Mayor to execute a development agreement with Peterson Development for the Englefield Heights Subdivision, with the provision that the gaps are dedicated to the adjacent property owner. 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	No
Mayor Rolfe	Yes

The motion passed 6-1 in favor.

#### **DISCUSSION AND POSSIBLE ACTION REGARDING CREATING A NEW SISTER CITY PARTNERSHIP WITH CURITIBA, BRAZIL**

Mayor Rolfe stated that the Sister Cities Committee had done a great deal of work to get to this point, and that partnering with Brazil in this manner could lead to economic development gains for the City. He also indicated that he contacted Salt Lake County about participating in this project, and he had not yet heard back from them.

Jennifer Andelin asked that the Council authorize the Committee to move forward and reach out to Curitiba about this prospect, and also contact Salt Lake County to see if they would be interested in participating as well.

Councilmember McConnehey expressed concern that travel into and relations with Brazil might be difficult due to problems he has experienced in the past. Although he is hopeful this endeavor would be successful, he encouraged the committee to consider a Plan B City in case this one fails to work out.

Councilmember Southworth inquired about the financial feasibility of this project. Ms. Andelin responded that a budget would be needed for this partnership and that it would need to be discussed before the Council finalizes the budget for next year.

Councilmember Stoker reiterated that Brazil had the seventh leading economy in the world and that Curitiba was a very wealthy city. He spoke in favor of taking advantage of this opportunity to partner with Brazil in this manner, despite the potential political challenges.

Councilmember Haaga indicated that he, too, supported this idea.

**MOTION:** Councilmember Haaga moved to direct our Sister City Committee to approach Curitiba, Brazil as a new Sister City. 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

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-103, APPROVING AN ADDITIONAL \$165,000 BE APPLIED TOWARD THE CONSTRUCTION OF FIRE STATION 54/POLICE SUBSTATION AND APPROVAL OF AMENDMENT NO. 1 WITH HOGAN & ASSOCIATES CONSTRUCTION FOR \$2,987,052.00 FOR THE CONSTRUCTION OF FIRE STATION 54/POLICE SUBSTATION, IN AN AMOUNT NOT TO EXCEED THE GUARANTEED MAXIMUM PRICE (GMP) OF \$3,066,302.00**

Marc McElreath explained that the City Council previously approved a new approach to the construction of Fire Station 54 / Police Substation which would involve advertising a Request for Proposals that would allow qualified respondents to submit proposals for Construction Management/General Contractor (CMGC) services for the project. Following the review and evaluation process, Hogan & Associates Construction was determined to be the best responsive and responsible submitter. Hogan & Associates performed due diligence in soliciting bids by advertising, soliciting, visiting with and calling contractors, suppliers, fabricators and manufacturers inviting them to bid prior to the bid date. Advertisements were included in the Intermountain Contractor publication, Deseret News and the Salt Lake Tribune. The bidding documents were readily available online ([www.smartbidnet.com](http://www.smartbidnet.com)) or from their office with a hard copy or a digital CD copy. Once these companies registered with SmartBidNet.com or with Hogan & Associates Construction, they received reminder notices and notices of addendum by fax, email and/or verbal communications. Bids were accepted by on behalf of the City for the new

Fire Station #54 and Police Substation project. These bids were received by fax, email or hand delivery. Hogan & Associates Construction hand delivered their bid to the City one day prior to the due date. On March 20, 2014 sealed bids were opened and all bids were read aloud in the presence of the City's Purchasing Agent and Hogan & Associates Construction. All bids were kept confidential.

After all of the bids were evaluated, it was determined that the project was approximately \$700,000 over the budget established for construction. Several meetings were then held to determine areas that cost savings could be applied, called Value Engineering (VE) with the General Contractor, Hogan & Associates, the Architect, Think Architecture, the City's Police and Fire Chiefs and the City's Construction Manager. Following these VE meetings the construction cost was able to be reduced \$623,297 (see the attached spread sheets) to bring it as close as possible to the established budget. The result is that the cost still exceeds the allocated funds by approximately \$165,000, thus the need for City Council's approval

The GMP is based on the base bid per the associated bidding document which includes the plans, specifications and addendum #1, Addendum #2 and the VE cost reductions per post bid Addendum #3.

The bid totals summary sheet is attached showing the totals per divisions that make up the GMP.

The totals are as follows;

Base Bid	\$3,689,599
Addenda 3 VE deducts	<u>\$ (623,297)</u>
<b>Total GMP</b>	<b>\$3,066,302</b>

Funding for this project is available in the Fire Facilities account, account no. 42-4738031 and the \$165,000 will be transferred from the General Fund Balance to Account No. 42-4738031. (Pending City Council approval)

Staff recommended authorizing an additional \$165,000 be applied toward the construction of Fire Station 54/Police Substation and approval of Amendment No. 1 with Hogan & Associates Construction for \$2,987,052.00 for the construction of Fire Station 54/Police Substation, in an amount not to exceed the GMP of \$3,066,302.00.

**MOTION:** Councilmember McConnehey moved to adopt Resolution 14-103, to approve an additional \$165,000 be applied toward the construction of Fire Station 54/Police Substation and approval of Amendment No. 1 with Hogan & Associates Construction for \$2,987,052.00 for the construction of Fire Station 54/Police Substation, in an amount not to exceed the GMP of \$3,066,302.00. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS OF CITY COUNCIL MEMBERS AS EMPLOYEES OF THE CITY WITH W-2 TAX REPORTING, OR CONTRACTORS OF THE CITY WITH 1099 TAX REPORTING**

This item was pulled from the agenda to a date uncertain.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE TENTATIVE BUDGET FOR FISCAL YEAR 2014-2015**

Rick Davis described the forecasted General Fund Unrestricted Fund Balance for the City of West Jordan as of April 30, 2014. Included was also a proposed list of projects that could be funded in the 2013-2014 Year to use Fund Balance to address City needs and Council goals.

In addition, the information provided an updated revenue budget for FY2014-2015 with the following changes:

1. Increase expected Sales Tax from 3.5% to 4% of 2013-2014 Budgeted Amounts
2. Increase Property Tax by \$446,496.90 for Personal Property Tax
3. Increased Fines and Forfeitures by \$100,000 to match current year projections

Expense would increase by \$500,000 on-going to address employee compensation concerns, \$50,000 one-time to fund a lobbyist to work with the City regarding Auto Dealership legislation, and \$20,000 one-time for a consultant regarding Economic Development with the City Center

- Councilmember Southworth spoke strongly in favor of the LED streetlights project and thought it might be appropriate to be more aggressive with funding for that—he suggested possibly flipping the funding amount with that earmarked for the Fleet fund. He also requested details about the plan to spend the money earmarked for employee compensation (i.e. compression.) He indicated that he was not completely comfortable with the park irrigation spending. He would prefer to reserve the rainy day fund as much as possible.

- Councilmember Stoker wanted to make sure that we do not pay salaries that were beyond what was competitive.
- Councilmember Haaga suggested that instead of focusing on the General Fund, the Council should start focusing on the fund balance—the rainy day fund. He stated that the past Council was notified last October by the State that the fund was \$900,000 over the legal limit. We were still over in January with a balance of \$13,639,991.00. The Council authorized a loan of two million to the Storm Water Fund. We also had a surplus at mid-year, and now expect to have an almost \$1.5 million dollar surplus at the end of this year. He indicated that he supported Rick Davis' proposal to move forward with the installation of LED lights in the city poles; however, he felt that we should bond for it. By making the change to LED the City would realize a \$300,000 savings which could then go towards paying for the bond. He recommended bonding for the irrigation as well and said there would be an instant savings in water and labor. He felt we should move forward with the plans for the Fleet Fund. As far as the surplus was concerned, we should expect at least six million dollars in surplus next year, which could be used to address some of the salary compression issues.
- Councilmember Nichols indicated it appeared to him that the City was looking at spending \$1.6 million dollars more than we will be earning in terms of revenues and expenses. He did not understand how it could be said that there was a six million dollar surplus. He stated that this is not the time to be spending frivolously. He doesn't like the 4% change in sales tax—he did not think that was an accurate forecast.
- Mayor Rolfe indicated that it was factually inaccurate to say that the City is projecting expenditures of \$1.6 million over revenues. He indicated that when he was a Councilmember, the Council transferred \$900,000 which needed to be added back in. Then the current Council transferred \$3.5 million so with those two added together there was \$4.5 million and the City was \$1.6 million over the fund balance *now*. That added up to six million dollars over what was budgeted last year. It was spent because the Council *decided* to spend it. However, what the Council budgeted last year, what has been expended to date, what was left in the fund balance to date over and above the 25% limit was extremely close to six million dollars. Mayor Rolfe indicated that he was part of the Council that froze City salaries as was Councilmember Nichols and Councilmember Southworth. He strongly stated that it was time, after five years, to get those specific employees' compressed wages back up to where they would be, had they not been frozen. He also indicated that he was proposing that the City borrow all the money to do the streetlights and fix the parks with the extra money because the revenue would come in in the form of savings. He was also proposing to bond for the SCADA system. Mayor Rolfe then reiterated that these were the financial facts.

- Councilmember Haaga asked Ryan Bradshaw to confirm what he intended to propose on June 25 amendments to the general fund. Mr. Bradshaw indicated that the proposal would be \$4.165 million plus a couple of housekeeping amendments.

The Council agreed to continue the meeting to complete the budget discussion.

- Mayor Rolfe stated that his recommendation was to capitalize on the 1.53% rate of interest currently being paid on new bonds, borrow the whole \$3,000,000 needed for street lights, and get them done *now*. That would save nearly \$400,000 per year to pay that bond. It would be completely paid off after five years and the City would still have an ongoing annual savings of \$400,000. He indicated that he wanted to continue to take advantage of the 1.53% interest rate to pay for the SCADA system. That would free up four employees during the irrigation season, plus an undetermined amount of savings in water. That frees up \$1,000,000 - \$105,000,000 to improve our parks system. The bonds would take care of themselves with ongoing savings. Regarding employee salaries, the \$500,000 would take care of some of the compression approximately \$350,000-\$360,000 ongoing.
- Rick Davis clarified that the four employees addressed would not be laid off. They would be available for other duties. He also described the benefits of the SCADA system that Mayor Rolfe referred to.
- Ryan Bradshaw pointed out that there was an additional expense involved if the City bonds for more than ten million dollars in a year. The City had already bonded for seven million when the General Obligation Bond was refunded this year, so the bond on the street lights would put the City over that limit.

#### **DISCUSSION AND POSSIBLE ACTION REGARDING UTILITY RATES**

This item was continued to a future meeting.

#### **DISCUSSION AND POSSIBLE ACTION REGARDING OPTIONS FOR LIVE VIDEO STREAMING OF CITY COUNCIL MEETINGS IN THE FUTURE**

This item was continued to a future meeting.

#### **X. REMARKS**

There were no additional remarks.

#### **XI. ADJOURN**

**MOTION:** Councilmember Stoker moved to adjourn. The motion was seconded by Councilmember Southworth and passed 7-0 in favor.

The meeting adjourned at 11:10 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 S BRIGGS, MMC**  
City Clerk

Approved this                      day of June 2014

**DRAFT**