

REQUEST FOR COUNCIL ACTION

SUBJECT: Adopt Ordinance # 14-11 for Ratification of Density and Preliminary Development Plan for the *Station at Gardner Mill*.

SUMMARY: **Litigation Settlement: The Station at Gardner Mill (*Gardner Station*) Preliminary Development Plan;** approx. 7659 South 1300 West; Ratification of Planning Commission Approval of a Development Plan and associated density of 19.2 units per acre; P-C Zone - Transit Station Overlay District; Colosimo Brothers (applicant) [Greg Mikolash DP20130007; parcels 21-26-351-017, 020 ,022; 21-35-101-004].

FISCAL IMPACT: None.

STAFF RECOMMENDATION:

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

MOTION RECOMMENDED:

"Based on the information set forth in this staff report and gained in the public hearing, I move that the City Council adopt Ordinance # 14-11 and ratify the Planning Commission's approval of the *Gardner Station* Preliminary Development Plan. I also move that the Preliminary Development Plan be approved with a residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units."

ALTERNATE MOTION:

"Based on the information set forth in this staff report and gained in the public hearing, I move that the City Council adopt Ordinance # 14-11 and ratify the Planning Commission's approval of the *Gardner Station* Preliminary Development Plan; provided that the approval is for a total of 220 multi-family residential dwelling units, residential density of 19 units per acre and a maximum building height of 66 feet."

ALTERNATE MOTION:

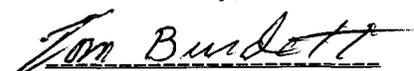
"Based on the information set forth in this staff report and gained in the public hearing, I move that the City Council approve The Station at Gardner Mill Preliminary Development Plan as modified by the City Council. I also move that the Mayor is authorized to sign an updated ordinance and development plan reflecting the changes approved tonight."

Roll Call vote required

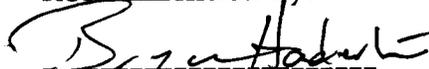
Prepared by:


Greg Mikolash, City Planner

Reviewed by/Concur with:


Tom Burdett, Development Director

Recommended by:


Bryce Haderlie, Interim City Manager

Reviewed as to legal form:


Robert Thorup, Deputy City Attorney

The subject site for the proposed development is approximately 11-acres in size, consisting of undeveloped land located to the west of the existing *Gardner Village* commercial development and north of the City cemetery. Approximately 8-acres of the subject property was rezoned in 2001 to allow up to 12 dwelling units per acre; however, this and one other attempt to develop the property never came to fruition. The following is a cumulative timeline since the 2007 adoption of the Transit Station Overlay District for the subject area:

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

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

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

interest as well. With the decision to move forward, Colosimo LLC would be permitted to resubmit a “new” Preliminary Site Plan and a “new” Development Plan for Planning Commission and City Council review, where in turn, if the City Council ratified the new plan and density therein, the pending litigation would cease.

- On August 19, 2014, the Planning Commission reconsidered a revised Preliminary Site Plan and Preliminary Subdivision for a slightly expanded area of property - 11.6-acres. In a 5-2 vote, the Planning Commission forwarded a positive recommendation to the City Council to ratify the Preliminary Development Plan and its subject density of 19.25 dwelling units per acre for a total of 224 multi-family residential dwelling units with the condition that the Site and Development Plan be brought back to the Planning Commission for final approval. The minutes of the Planning Commission are attached as Exhibit A.

GENERAL INFORMATION:

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

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

Application Request:

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

The proposed buildings at *Gardner Station* are being arranged in such a manner that establishes a harmonious relationship with the streets and site topography while also capitalizing on views toward the Wasatch and Oquirrh Mountains. The building massing is articulated and detailed in a “theme-based” manner which takes cues from nearby historically important sites such as *Gardner Village*. Architectural details within the proposed project will provide a design link to the existing historic nature and patterns within *Gardner Village*. Where previously the architectural ties were lacking in the previous plans – this new proposal attempts to tie elements of *Gardner Village* into the new project, reinforcing and expanding the “sense-of-place” already established by *Gardner Village*. The buildings are supported by a suite of amenities that includes a centralized clubhouse, pool and spa, fitness room, playground, outdoor dining area and trail connections. The buildings and their amenities are supported by ample access to a variety of parking options that include on-street, structured, and surface parking. This parking is distributed across the site in a manner that reduces the visual impacts while still providing abundant access to parking throughout the site.

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

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

Purpose and Intent of the Planned Community Zoning

When the City Council approved the zoning and concept plan in February 2013, the Council found that the concept plan met the purpose and intent of the Planned Community zoning. (see 2009 City Code Section 13-5C-1) Staff believes

that the new revised Development Plan significantly improves upon that earlier concept and even better meets such purpose and intent.

ADDRESSED CONCERNS:

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

A dislike of multifamily multistoried structures in the neighborhood.

The City Council rezoned this property in February 2013 to allow for multifamily, multistoried structures. (see Ordinance 13-05) The General Plan was amended to allow for high density development on this property. (see Ordinance 12-12) These decisions have already been made. As Mayor Rolfe has stated, there will be multifamily on this property. The main issue is what does it look like and will it be an asset to Gardner Village. This new proposal meets those concerns.

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

*Ordinance 13-05 indicates these items will be determined at the Preliminary Development Plan

There is no mixed use in the project.

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

The Development Plan does not address the corner lot

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

The buildings disrupt views of the Wasatch Mountains.

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

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

It is also important to realize that the number of units in a multi-family development project is directly related to the cost of the land and the costs of construction. The applicant cannot be told to “lop off a floor of units”, or provide other open space amenities without putting the entire economics of the project at risk. This the difference between an infill project, like Gardner Station, and a large open space development in the western part of the City, on a green field.

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

DEVELOPMENT PLAN FINDINGS:

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

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

ALTERNATIVE MOTIONS:

Staff has provided a recommended motion and two alternative motions for the Council's use and consideration. The recommended motion is for approval of the same Preliminary Development Plan approved by the Planning Commission. This motion contemplates 224 residential units. Staff is aware of the difference between the 220 units presented to the City Council in closed session and the 224 units presented in the Preliminary Development Plan. The staff regards this difference as inconsequential and the expected result of further careful designing of the project as a Preliminary Development Plan that does not add to the earlier-disclosed height or foot print of the buildings.

An alternative motion is provided if the Council finds that the difference between the 200 units presented in closed session and the later 224 units in the Preliminary Development Plan to be significant, and this alternative motion allows the Council to require that only 220 units be built. This alternative also provides a maximum building height, which is below the height generally allowed in the 2009 City Code.

A second alternative motion is provided if the Council concludes that changes to the Development plan other than the number of units and the height of buildings are required. These changes can be communicated through this motion and staff will modify the approving ordinance accordingly for the Mayor's signature.

CONCLUSION:

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

ATTACHMENTS:

Exhibit A - Planning Commission/City Council minutes
Exhibit B - Ordinance

Attached: Preliminary Development Plan (includes all Preliminary Site Plan information)

**PLANNING COMMISSION AND CITY COUNCIL
MINUTES**

(Attached)

Minutes

Exhibit A

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 19, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Sophie Rice, David Pack, Zach Jacob, Lesa Bridge, Ellen Smith, and Bill Heiner

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Julie Davis, Nathan Nelson, Paul Brockbank, Bill Baranowski

OTHERS: Justin Stoker, Jeff Haaga, Kelvin Green, Craig Dearing, Ron Parsons, Debbie Davenport, Ben Watson, Natalie Groebs, Ray Whitchurch, Joe Colosimo,

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying questions were answered. An explanation of a Community Development Area was given as it would relate to a possible pedestrian walkway on 7800 South.

The regular meeting was called to order at 6:00 p.m.

1. Consent Calendar
Approve Minutes from July 15, 2014

MOTION: Zach Jacob moved to approve the minutes. The motion was seconded by Bill Heiner and Passed 7-0 in favor.

2. The Station at Gardner Mill; 7659 South 1300 West; Preliminary Site Plan (224 units on 11.039 acres); Preliminary Development Plan and establish residential density of 20.29 units per acre; P-C (TSOD) Zone; Colosimo Brothers (applicant) [#SPCO20130009; DP20130007; parcels 21-26-351-020, 017, 022; 21-35-101-004]

Ray Whitchurch, IBI Group, said he was asked to improve upon the original apartment project with a fresh approach for a transit-based development to provide:

- a more compact development pattern
- walkability
- pedestrian connectivity
- integrated a mixed-use element with a commercial component
- a relationship with Gardner Village and the impacts on how the site should look, function, and feel. It should enhance the historic fabric in the Gardner Village area and optimize the offsite views and diversity of housing choices.

The original plan was adapted to make it more TOD friendly by:

- creating a mixed-use street at the front entrance off of 7800 South to serve residential and commercial purposes and create a sense of place
- building layout is bent to follow the lay of the land
- providing under unit parking on all of the downhill units, which changes the quality of the housing and gives it a higher ranking in the real estate market and provides a new housing type.

- moving the parking lots to the rear.
- working with UTA on a bridge situation to overcome the conflict of 7800 South
- providing a centralized clubhouse
- moving the community center to the center of the project for a sense of community
- utilizing the slopes as an asset instead of a liability
- strengthening the internal connections to be more pedestrian oriented with sidewalks and street trees, for a stronger connection to the Trax system and better connections to Jordan River trail system.

Mr. Whitchurch stated that they feel this proposal meets the intent of the TSOD ordinance by creating new building types, stronger building roof articulation to create variety and interest in the architecture, and under unit parking, which is important to a transit-oriented development. The density of the project was reduced because more land was acquired with the same number of units for a density of 19.28 units per acre. Colosimos are under negotiation for the other portion of the mixed-use so they can complete the street. He stated that a major move forward was the removal of the retaining walls that helped to connect the community. He showed a concept of how the pedestrian bridge might work. The new architecture relates more to Gardner Village with slopes on the roof, the materials that help to break up the building, and the articulation moves back and forth. The taller buildings were placed down the hillside so they feel about the same size as the other buildings.

It was clarified that the underneath parking in the multi-use building would provide direct access for the residents.

Zach Jacob pointed out that the angled parking on both sides of the mixed-use building would direct someone to go through the apartments or make a U-turn in order to get back to 7800 South.

Ray Whitchurch said they could assume a 90-degree position, but the angled parking gives more landscaping between the building and the street.

Tom Burdett clarified that the city and applicant mutually agreed to explore a new plan that would meet the criteria of the code and satisfy some of the concerns raised by city council as part of a settlement discussion, which is advantageous for the city, the property owners, and the Colosimo development team. A lot of work had been accomplished in the last two months in implementing the new design. He thanked staff for preparing the staff report and thoroughly reviewing the material.

Greg Mikolash asked if there were any questions related to the staff report.

Preliminary Site Plan:

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission grant approval of the Gardner Station Preliminary Site Plan for the property located at the northeast corner of 1300 West 7800 South in a P-C (TSOD) zoning district with the conditions of approval as follows:

Conditions of Approval:

1. The applicant shall address and adhere to all City of West Jordan Municipal Code standards and adhere to all departmental comments, conditions of approvals as identified in this staff

report.

2. The applicant shall coordinate with the City and address any safe route to school issues and related improvements prior to Final Site Plan and Final Development Plan approval.
3. The applicant shall coordinate with City Staff in the origination of a CDA for the proposed pedestrian bridge intended to connect the subject development with the UTA Gardner Village Trax station and platform (spanning 7800 South).
4. An approved Preliminary Site Plan shall remain valid for one year following the date of approval. One 6-month extension may be granted by the Zoning Administrator if, upon written request by the owner/developer, the Zoning Administrator finds that the extension will not adversely affect the public health, safety or welfare of the City.

Preliminary Development Plan:

Staff recommended that the Planning Commission grant approval of the *Gardner Mill* Preliminary Development Plan for the for the property located at the northeast corner of 1300 West 7800 South in a P-C (TSOD) zoning district subject to the conditions of approval for the Preliminary Site Plan and Preliminary Subdivision being met.

Tom Burdett explained the importance of remembering that these items are more quasi-judicial in nature. The legislative decisions on zoning and how the general plan is implemented have already been determined by city council. The city council designated the property as a high density site in the general plan and they rezoned it to Planned Community using a concept plan that showed 256 units on 11 acres in February 2013. The city also put a Transit Station Overlay District on the property. All of those legislative actions led to a higher intensity mixed-use land use approval. At this point in the process it is not so much whether or not it should be a mixed-use development of a higher intensity nature, but it is what kind of design goes into the site plan and preliminary development plan that demonstrates that it meets the standards and if there is a physical design within the development itself that fits in with the surrounding areas.

Dan Lawes opened the public hearing.

Kelvin Green, West Jordan resident, said this plan is a great start but they are only at 50% of where they need to be. He spoke against the plan. He said the original concept plan at the original zoning was for 14 acres that included the three acres on the corner. They don't need a haphazard development that leaves that piece standing alone. The citizens felt that the subdivision plat was illegal because it created a 3-acre P-C zone, which is not allowed by ordinance. He said the plan still doesn't meet criteria 2, because there aren't a variety of uses and structures, it doesn't encourage a broad range of housing types, and there is no open land for the general benefit of the community or public at large for recreation or social activity. He didn't believe there was 36% open space in the plan. He said the planning commission had been a rubber stamp for developers and he challenged them to vote with the citizens and not with the staff and development.

Ron Parsons, West Jordan resident, said his biggest concern was that Gardner Village is a small community village, but this plan belongs in Salt Lake City or in the West Jordan City Center area. He said that the road coming onto 7800 South is one way, which will create more traffic and congestion on 1300 West. It isn't in the best interest to have 4-story buildings on top of the hill, and they shouldn't be more than two stories.

JayLynn Thomas, West Jordan resident, said the Watterson home is 131 years old where building two is proposed. She contacted the Utah Division of State History and they have not issued a letter of permission to remove the home. They need to determine if there is significant historical value to the home, which is a possibility, considering the proximity to Gardner Village. This development is being funded by HUD, and it is a federal and state requirement to have this letter of determination. The home immediately west of Watterson's home was built in 1900. If the home is removed without the letter it could result in a federal or state lawsuit.

Letizia Wetzel, West Jordan resident, felt that the developer had come a long way since the first plan. She liked the architectural additions, but she was concerned that it doesn't meet the intent of the P-C zone and several of the criteria. It doesn't allow for different types of ownership, for buildings to be arranged differently, or for community open space. The plan is close to meeting the intent of the ordinance, but the community, planning commission, and city council should continue to work with the developer. Her biggest concern was with the building height. Based on topographical information the fall difference is 25 feet. So there are still four stories above the bank, and looking from the river bottom it will be even worse. She didn't think the building type ties in with Gardner Village based on that height and visually it would be a detriment to the gateway into the community.

Debbie Davenport, West Jordan resident, said she liked the new look of the buildings, but there are improvements that still need to be made. The buildings are too high. All other apartment buildings in West Jordan are only three stories. The buildings in Midvale are all three stories with the only exception being one complex with three buildings that was four stories. She read in a TOD magazine that suggested a buffer zone between high density housing and single-family homes. The magazine suggested condos or townhomes. She suggested a 50-foot easement with growth of mature trees with a 40-foot girth that would buffer the homes to the west. She had often wondered why this property has been vacant for so long. She read from page 18 of the planning commission minutes from August 17, 2005 that indicated the developer of a previously approved project decided not to build on the site due to the risk of high liquefaction levels in the area caused by a prehistoric landslide. That development was for condominiums and not 5-story apartment buildings. She asked if the soils can change that much in 10 years if the problem was prehistoric.

Michelle Foote, West Jordan resident, said she liked the new plan more than the old one, but one of the biggest issues is there was no change in what it will do with the traffic and congestion on 1300 West and 7800 South. At the last city council meeting they asked for a right in and right out on 1300 West, but that isn't in the new design. The plan shows a second access onto 1300 West, and she asked if that will be used for this development or if it is for the corner property. She was concerned with its proximity to 7800 South. The angled parking was a problem because vehicles will be forced to drive through the complex and exit onto 1300 West. She liked the added retail, but would like to see some in the bottom level of building #2 as well to make it more of a mixed-use. She would like the corner lot developed with this project so it can be cohesive. The building height was a concern before because it doesn't fit in with the gateway and with Gardner Village, and now it is even higher. The community is proud of West Jordan and she hoped they will do something great with this land, but she wasn't sure we were there yet.

Ben Watson, West Jordan resident, said if this is a new plan that is substantially different from the previous plan, then it is appropriate to come before the commission. However, if this is the same plan with some modifications as the result of the threat of lawsuit due to a denial from city council, then it

should not be in this venue. He felt that traffic issues were the core of the problem. If the city widens 1300 West most of the issues go away. This plan has the same number of units but now they have retail customers that will be forced to go north and exit onto 1300 West. The traffic issues haven't been mitigated. The traffic study gives no time or substance as to when the study was conducted and he wanted to know where the statistics come from that say it isn't a substantial impact to traffic on 1300 West. Height is an issue as they have gone from 49 feet to 74 feet on the east elevation. That type of structure will have an impact on how people using 7800 South as a gateway will view West Jordan. West Jordan has its own character and he didn't want this to blur that line between every other city that has vast amounts of high density development. He hoped they would consider the concerns and conditions of the community.

Further public comment was closed at this point for this item.

Ray Whitchurch said the building in question is not on the historic register. He helped to set up the University Historic District and he knows that being an old building doesn't necessarily justify it as a historic structure. The proposed building height is within the code. They could lower the building height by removing the roof pitches, but they are following the vision established by the city council and the code to match Gardner Village. With regards to the past processes, their attorney told him that there was no reasonable timeframe on any challenge to the earlier decision. This was passed 7-0 previously and with the goodwill of the Colosimo brothers they are trying to make the plan more integrated.

Zach Jacob asked if the 224 units are necessary for financial viability of the development or if they could remove one story but keep the roof pitches.

Joe Colosimo, applicant, stated that they need a certain number of units to have the amenities and off-site management and security and they are at that threshold. Also, the seller is entitled to ask for what they need in order to make it work for them.

Ray Whitchurch spoke regarding buffer zones. He is a transit oriented developer across the United States, and those buffer zones often take streets into consideration; it isn't always just real estate. In this case 1300 West is buffering the residents to the west. It is a long way from this project to the neighborhood west of 1300 West. How the property fills out between this development and 1300 West is to be determined. They did several options for the 3-acre parcel on the corner that will show consistency with the overall concept. Those were also shown at a neighborhood meeting last week. The market will determine which option is used when that time comes.

Zach Jacob asked if the buildings on the 3-acre parcel would be mixed-use or apartments.

Ray Whitchurch said the building directly to the west of the mixed-use street would remain mixed-use. The other uses are not determined, but they provided a variety of arrangements and uses that would still keep the goal of the area.

Ellen Smith asked if they had done geotechnical studies on the property and how they will deal with the liquefaction and geotechnical issues.

Joe Colosimo said Gordon Geotechnical did a study. The soils on top are fine. Some of the soils on the bottom are a little suspect, but they can be mitigated with a Geopier or a Helical pier to accommodate the soils.

Lesa Bridge said the corner parcel seems to be a concern with controlling the architecture to tie in with the overall development. She asked if they will incorporate that in CC&Rs so they can control the design.

Ray Whitchurch hoped it will take on the character of what was happening in the apartment units and with Gardner Village, but he didn't have any control over that. They worked with Joe Long through the process to make sure he is aware of where they are headed.

Ellen Smith asked if a traffic signal would be needed at the northern access on 1300 West to handle the added traffic.

Bill Baranowski asked the consultant for the project to answer that question.

Jeremy Searle, Hales Engineering, said they did the traffic study for this development. He said the north access on 1300 West would not meet signal warrants. They analyzed it with the additional project traffic and it should function at an adequate level of service. He was at that intersection tonight during the peak hour for 20 minutes and was able to pull out of the driveway in less than 20 seconds every time. He clarified that the access road on 7800 South is a two-way road with full movement access onto 7800 South. All accesses on 1300 West will be full movement access and function at an adequate level of service. He understood that the city has acquired funding to reconstruct 1300 West that will add a right turn lane and extend the 2-way left turn lane north, which would alleviate a lot of the traffic issues. It will still be a busy area, but it will greatly improve the level of service and reduce the delay at 1300 West. He understood that the project is planned for 2016.

Lesa Bridge asked for clarification on an additional access onto 1300 West from the corner parcel.

Bill Baranowski said they would not allow another access between the driveway and the corner per code. There is a federal grant for \$1 million to rebuild the intersection. Part of that is to add lanes north and south on 1300 West as far as they can afford to go. The current intersection is not wide enough for turning lanes and acceptable through lanes or a bike lane. If the developer comes in before then they will let developer help with the widening.

Zach Jacob said Section 13-6G-11 gives a maximum building height for a mixed-use building and a single-family building but it doesn't have a maximum height for a multi-family building.

Greg Mikolash stated that the definition of mixed-use refers to uses and not the structure itself; it includes residential but doesn't specifically include or exclude multi-family residential.

Zach Jacob read from 13-6G-11.B.1. and said that it doesn't seem to apply to a lot of the buildings in the proposal.

Dan Lawes wondered if the pedestrian overpass that connects the whole development to the transit station could meet the requirement.

Robert Thorup said there will be a myriad of details to work out between preliminary and final site plan, and this is an example of one of those issues. It isn't something that would bar them from acting tonight.

Greg Mikolash said at the time the ordinance was written they didn't know they would be dealing with infill developments directly across the street from the Trax station. He referred to the street development standards that allow the planning commission the ability to find the code can be met where the plan shows that better circumstances are applicable.

Ellen Smith asked about the open space and what is passive and active. She liked the trails, but she would like to see a connecting loop for an active pedestrian walkway instead of having everything next to the clubhouse. She asked if there will be benches or the like installed for people who are visiting the commercial side of the mixed-use area or the trail system. This area is meant to draw visitors in to spend the day, so what is there for them.

MOTION: Ellen Smith moved to allow the architect to address the question. The motion was seconded by Sophie Rice and passed.

Ray Whitchurch said open space is interesting when dealing with transit. Open space in the West is often thought of as green parks and trees. When dealing with transit you look at streets as if they are the civic space or open space. They have activity spaces focused near the center and around the edges with the trail system. Benches will be located where the views are best and connect where it connects with trails, and the trails have public use. The open space is clustered around the clubhouse because they want it to be a central gathering place, which also includes the street. Hopefully when the mixed-use area gets going with restaurants and businesses the street will be activated and they will get the interaction.

Ellen Smith asked if there will be a walking ring so they don't always have to go to the clubhouse to exercise. You can congregate in the street, but there are also issues with the traffic that moves right through the center of the development. So there needs to be a provision for pedestrians, joggers, etc. to move freely through the space without conflict.

Ray Whitchurch said they can take a look at how they can create a trails loop through the project. Part of his hesitation is that he would like to know how the properties on 1300 West are going to develop. The trail loop is an interesting problem with this L-shaped property so the loop will be a long oval. There is a 13% grade, but they could integrate the trail system into that easier so they come along the edges and come back through and loop back down through the street. There is a sidewalk system in the project as well. Those things are easy to accommodate as they develop the site plan further.

Ellen Smith said her direction would be to actively consider what kinds of uses are funneling down that center street and how they can lessen those conflicts.

David Pack reviewed the issues raised by the citizen. They addressed the 3-acre parcel, the open space, traffic studies showed positive result, building height regarding the topographical slope, the historic preservation letter that has two sides to the story, and the geological issue had been addressed with professional feedback. He liked the improved materials, the mixed-use, it is aesthetic, functional,

self-contained, it is less dense than it otherwise could be, there has been professional feedback, legal feedback, and it meets the code.

Robert Thorup said it isn't the city's responsibility to enforce laws with regards to a possible historic building. Those issues have nothing to do with whether or not the site plan should be approved.

Ellen Smith said the only other concern that was raised by the citizens was that there wasn't a variety of housing types.

David Pack said the concerns have been answered, but that doesn't necessarily mean that it couldn't be improved.

Dan Lawes said they have given feedback to the applicant and they could have it come back to the commission for final approval.

Zach Jacob referred to criteria A to meet the goals and intents of the general plan. He questioned the mix of housing types within a TOD, a concentration of jobs, and increasing the floor to area ratios within the TOD to improve the city's jobs to housing ratio and promote higher transit ridership; he didn't think these were quite being met. In criteria B they talk about access points, traffic, and building height not negatively impacting adjacent properties, but that could be called into question by the residents who said they will be impacted.

Dan Lawes asked how they define adjacent given the amount of space between the edge of the development and the properties across 1300 West.

Zach Jacob said there are six or seven homes that are not across 1300 West.

Dan Lawes said they are anticipated to be improved upon sometime in the future.

Zach Jacob said this is typical of a planning commission decision where they have to weigh the property rights of the current and future property owners. He was concerned with what will happen with the corner remnant parcel.

David Pack said one of the major concerns at the first hearing was with the gateway of West Jordan and seeing an extremely tall structure.

Bill Heiner said they approved this project prior, it went to city council, and is now back to the commission. Some of the concerns had been addressed but there are some still out there. If they decide to pass this project forward to the city council they are giving the developer and public the opportunity to take care of some of the details and to move forward. They aren't rubber stamping this project by approving it. If they don't approve it then it will just die here and then they will revisit all of the same issues with another developer and another proposal. He lives in this area and may be affected by the traffic, but from a citizen's standpoint he would speak for it. He liked the concept and the changes that they made. It isn't perfect, but maybe there are some things that can still be done with the city council and the public working together. This is only for the preliminary approval.

David Pack could see this two ways. If you start to button your shirt wrong and try to get it right it will never get right until you go back to the beginning. The term preliminary is a bit nebulous to him. He wondered if they approve the site plan with the concerns that have been raised if there is still flexibility.

Greg Mikolash asked if he is trying to narrow down density, height, and bulk criteria. One of the things they need to do is give their recommendation on density. Once that is set they can't change it unless the developer wants to go less or change the design. Outside of that they can have minor adjustments to setbacks, roadways, and parking, etc.

David Pack said basically if they approve it then it will be five stories tall.

Greg Mikolash said they don't want to approve five stories and then later say they can only have four.

David Pack said they don't want to start at square one, but if they approve it then it will move forward as an approved plan.

Zach Jacob asked what things area allowed to change between preliminary and final approval.

Tom Burdett explained from a legal perspective they are looking at a building type of multi-family with a density of 19.28 units per acre and a certain building height. The building height criteria in the zoning code can be more thoroughly vetted between now and city council to see if there is some conflict. The final site plan and development plan can be brought back to the commission for approval. But generally the development still needs to comply with the applicable bulk dimensional criteria in the zoning code. He said to a degree they can still negotiate between preliminary and final where it is lesser in intensity. The preliminary development plan and site plan would set the limits.

Ellen Smith said the open space issues can be dealt with, the traffic issues will be alleviated as the intersection is reworked, the soils issues have been dealt with, she liked the building architecture and how the buildings go more with the lay of the land. Her biggest issue is with the building height. She said nowhere in the city is a five-story building. Even when the building is lower on the slope they will be higher than the buildings at the top of the slope.

MOTION: Dan Lawes moved to approve the Preliminary Site Plan for Gardner Station; northeast corner of 1300 West 7800 South; Colosimo Brothers (applicant) with conditions 1 through 4 as listed in the staff report, adding:
5. The final site plan return to the Planning Commission for approval.
The motion was seconded by Lesa Bridge and passed 5-2 in favor with Ellen Smith and Zach Jacob casting the negative votes.

MOTION: Dan Lawes moved to approve the Preliminary Development Plan for Gardner Mill northeast corner of 1300 West 7800 South; Colosimo Brothers (applicant) subject to the conditions of approval for the Preliminary Site Plan and Preliminary Subdivision being met and adding a condition that the final site plan return to the Planning Commission for approval. The motion was seconded by Lesa Bridge and passed 5-2 in favor with Ellen Smith and Zach Jacob casting the negative votes.

MOTION: Zach Jacob moved to adjourn

The meeting adjourned at 7:28 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014

DRAFT

V. CITIZEN COMMENTS

Alexandra Eframo, West Jordan resident, opposed any additional discussion on changing the West Jordan logo. She asked the Council and those in attendance to encourage efforts to stop domestic violence. She highly recommended the City name the playground after Sierra Newbold.

Mark Klotovich, West Jordan resident, wanted the City to recognize Lowell Hicks for saving the children at West Jordan School approximately 60 years ago.

Jaylynn Thomas, West Jordan resident, addressed the Good Landlord Program that the City had. She was unimpressed with the way the City enforced the program with regard to ensuring that the landlords do the required background checks or code enforcements. She was frustrated with the protection of the property owners' rights, versus the residents' rights. She mentioned that the City had taken some time to address her concern with the single rental property across the street from her home; and expressed concern with the City's ability to enforce the same rules to 224 units at Gardner Village.

There was no one else who desired to speak.

VI. CONSENT ITEMS

- 6.a Approve the minutes of January 16-17 2014; January 29, 2014; and February 12, 2014, as presented.
- 6.b Approve Resolution 14-30, confirming the appointment of various members to City Committees.
- 6.c Approve Resolution 14-31, authorizing the Mayor to execute a Capital lease for six vehicles each with an individual cost of over \$100,000.00 with SunTrust Bank, in an amount not-to-exceed \$1,125,000.00.
- 6.d Approve Resolution 14-32, authorizing the mayor to execute Temporary Licenses between the City of West Jordan and Rocky Mountain Power to trade for the use of each other's property.
- 6.e Approve Resolution 14-33, authorizing the Mayor to execute a Professional Services agreement with JRCA Architects, for the architectural services to design Ron Wood maintenance yard, in an amount not-to-exceed \$12,900.00.
- 6.f Approve Resolution 14-34, authorizing the Mayor to execute an agreement with Wells Barker Construction, Inc. for construction of a solid waste maintenance building in an amount not-to-exceed \$33,743.00.
- 6.g Approve Resolution 14-35, authorizing the Mayor to execute an Agreement with the North Jordan Irrigation Company for a one-time

bridge design review fee of \$5,000 for the construction of the Jordan River Trail Bridge crossing at 8600 South.

- 6.h Approve Resolution 14-36, authorizing the Mayor to execute a License Agreement with the Utah Reclamation Mitigation and Conservation Commission (URMCC) for construction of the Jordan River Trail.**
- 6.i Approve Resolution 14-37, authorizing the Mayor to execute a Cooperative/Maintenance Agreement with the Utah Department of Transportation for a Pedestrian Box Culvert Tunnel for the construction of the Jordan River Trail at 890 West 9000 South State Route 209.**

MOTION: Councilmember Southworth moved to approve consent items 6a through 6i. Councilmember Haaga seconded the motion.

A roll call vote was taken

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

The motion passed 5-0

VII. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-06, RATIFYING THE PLANNING COMMISSION APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN AND ESTABLISH RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE FOR THE STATION AND GARDNER MILL, FOR PROPERTY LOCATED AT 7659 SOUTH 1300 WEST, COLISIMO BROTHERS, APPLICANT.

Greg Mikolash said the subject site for the proposed development is 11.03-acres in size, consisting of undeveloped land located to the west of the existing *Gardner Village* commercial development and north of the City cemetery. Approximately 8-acres of the subject property was rezoned in 2001 to allow up to 12 dwelling units per acre; however, this and one other attempt to develop the property never came to fruition.

On July 17, 2007, the City Council placed the Transit Station Overlay District on the subject site and adjoining properties in an effort to ensure that transit supportive uses be built at this and the five other light rail station locations in West Jordan.

In 2011, the Future Land Use Map was amended for the existing *Gardner Village* commercial development. The City's Future Land Use Map was amended to the Town Center/Neighborhood Center TSOD, where the property was also rezoned to the P-C (Planned Community) zoning district. In April of 2012, the applicant applied for, and was granted, a Future Land Use Map amendment for the subject 11-acres and approximately 3.4-acres of land at the immediate northeast corner of 1300 West and 7800 South. (See attached minutes in Exhibit F). Specifically, this amendment changed the land use from Very-High Density Residential, Low-Density Residential, and Neighborhood Commercial, to Town Center/Neighborhood Center. The concept plan presented to the City Council for this rezone showed approximately 330 multi-family dwelling units on 22-acres of property, where portions of the project included residential development within the existing *Gardner Village* commercial development area (the current location of *Let's Play Soccer*).

Later in February of 2013, the subject and several surrounding properties were rezoned from SC-1 (TSOD), R-3-12(ZC) (TSOD) and RR-.5D (TSOD) Zones to P-C (Planned Community) (TSOD). In conjunction with this rezone request, the applicant submitted a scaled-back concept plan showing a total of 256 units on 11-acres of property for a density of 23.27 dwelling units per acre. (Minutes were included in the packet as exhibit F)

Throughout the land use amendment and rezone processes, City Staff had also been assisting the applicant through the development plan process to ensure that a quality multi-family development is designed to meet both the needs of the City and perform as a pedestrian-friendly and attractive gateway to a widely underutilized area. Several pre-application meetings were conducted throughout 2013 with the first official Subdivision, Site Plan, and Development Plan submittals occurring in July. The concept plans submitted for review at that time showed a further reduction in density from 256 units to 224 units on the same 11-acres of property for a total density of 20.29 dwelling units per acre.

On November 26th, the Design Review Committee (DRC) reviewed the project, suggesting minor changes to colors, amenity locations, and concerns regarding gateway features. The minutes of the DRC were attached as Exhibit D in the packet.

On January 21st, 2014, the Planning Commission considered approval of the Preliminary Site Plan and Preliminary Subdivision. The Preliminary Subdivision was approved in a 7-0 vote. The Preliminary Site Plan was approved in a 6-1 vote, where two conditions of approval were added. The first was a condition that a trail extension from the project to the existing HAWK signal adjacent to *Gardner Village* be 8-feet in width. The second condition was to add a hard base (gravel, concrete ... etc.) for a weed barrier behind the two garages located on the west side of the subject property (adjacent to the existing single-family properties).

Zach Jacob said he would speak against the motion because of the proposal not meeting Criteria #2: which states:

The proposed development does not have any detrimental effect upon the general health, welfare, safety and convenience of persons, residing or working in the neighborhood; or is not detrimental or injurious to the neighborhood.

Also on January 21st, 2014, the Planning Commission considered approval of the Preliminary Development Plan, and in a 7-0 vote, voted to forward a positive recommendation to the City Council to ratify the Preliminary Development Plan and its subject density of 20.29 units per acre for a total of 224 multi-family residential dwelling units. The minutes of the Planning Commission were included in the packet as Exhibit E.

The subject property was located within the Town Center/Neighborhood Center land use designation in the General Plan. This land use designation was created to serve three core areas of the City. There are currently three areas within the City that have this designation: the original downtown core located at the southeast corner of 7800 South and Redwood Road; the recently approved 40-acre TOD located north and northeast of the *Jordan Valley Hospital*; and, the area in the immediate vicinity and west of *Gardner Village*. Each location is within near proximity of a TRAX station. The General Plan indicates that the purpose of this land use is to: ... *create areas with a traditional main street or downtown character. The designation encourages the revitalization of areas to strengthen neighborhoods, expand local employment opportunities, and establish or enhance a sense of place.* One of the goals of the Town Center/Neighborhood Center designation was to support larger transit stations by the creation of mixed-use and residential village centers where people can live, work, shop, and play. The subject property was unique in the fact that it already had a fair amount of commercial development in an area without any substantial residential development located nearby.

The zone to which the property was located is Planned Community (P-C). The Zoning Ordinance states that the purpose of this district is to ...

... encourage imaginative and efficient utilization of land through the clustering of buildings, and the integration of compatible mixed uses (i.e., residential, commercial, recreational). The mix of uses is encouraged in order to create more convenient and effective integration of uses that work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The subject property's surrounding zoning and existing land uses are as follows:

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

Subdivision:

Pertinent to the ratification of the Preliminary Development Plan was the fact that the property was being subdivided and that specific roadway improvements and dedications would incur because of this subdivision of land.

The applicant was proposing to subdivide 14.7-acres into one lot and one remainder parcel. Part of the subdivision would include a small right-of-way dedication at an ingress/egress point for a single lot (Lot 1). The remainder parcel (allocated as Remainder Parcel A on the plat) would be created at the southwest corner of Lot 1. This parcel would remain unimproved, as the applicant is not the property owner and it is unknown at this time what the use of the vacant land will be. No improvements would be associated with the remainder parcel the time. Once development is pursued, the remainder parcel would be converted to a lot through a separate subdivision process and applicable infrastructure improvements would be required at that time. Important to note is that some of the traffic congestion issues associated with the intersection of 1300 West and 7800 South would be alleviated upon improvement of this corner parcel.

Traffic/Circulation:

The single lot that was created as part of the overall project obtained access from 7800 South and 1300 West. Another private driveway would be constructed which connected the proposed project with *Gardner Village*. This connection would occur at the northeast corner of the project, where a bridge would be constructed over the North Jordan Canal. The driveway continued along the north side of the newly constructed *Let's Play Soccer* facility and then connected with the existing circulation system of *Gardner Village*.

One point of ingress/egress was located along 7800 South at the southeast portion of Lot 1. The City's Traffic Engineers met and coordinated with the applicant's engineers to produce a striping and traffic circulation plan that is both safe and convenient. The existing median along 7800 S. may be improved to better control access to all the proposed driveways at this location.

Another point of ingress/egress was at 1300 West at the northwest cherry-stem portion of Lot 1. This likely would serve as a secondary point of access for the development due to its location on a collector rather than an arterial road. A small area of dedication and improvement would occur at the entrance and essentially provide for an acceleration/deceleration lane for the proposed project.

There was certainly no doubt that an apartment complex of this size would affect existing traffic counts and circulation in the immediate area. That said the City's Engineering Staff coordinated with the applicant's consulting engineers to minimize and address traffic impacts to the area. Specifically addressed have been concerns regarding safe placement of striping, improved acceleration/deceleration lanes, and ingress and egress points at 7800 South and 1300 West – all of which were deemed appropriate and safe at this preliminary stage. A Traffic Impact Study (TIS) was performed to ensure that all proposed

points of access for the development will provide convenient and safe vehicular circulation. Because of the noted concerns and issues raised at the Planning Commission public hearing related to traffic and congestion, the applicant's consulting traffic engineer was on-hand to answer any issues related to traffic counts, future improvements, timeframes, and alleviation of congestion – amongst other things. City Staff had also been in contact with Questar Gas Co., who owned the property located at 7715 South 1300 West. Questar stated their intent to complete street frontage improvements as weather permits.

Engineering and Planning staff coordinated with the applicant and their consultants to ensure a safe pedestrian connection between the development and the TRAX station located immediately to the south of *Gardner Village*. There was a rather significant grade difference between the proposed development and the existing TRAX station; however, a safe and feasible pedestrian path (trail) was necessary as the project site was still within the confines of a planned Transit Station Overlay District, and was well within the walkability range for many residents that wished to utilize light rail over a personal vehicle.

Open Space/Trails:

The minimum required 15% open space and small recreation facilities (pool, clubhouse, central courtyard... etc.) would be installed to serve the development. The project was being designed to accentuate open space and the outstanding views of the Wasatch Range. Open Space amenities/recreational facilities include:

- 30' x 50' infinity edge swim pool
- Pool house with restrooms, showers and pool equipment
- 12' diameter spa
- Centralized volleyball court
- Private club house
- Two picnic grills
- Park benches
- Trail extension

A trail would be installed from the existing HAWK (High Intensity Activated Crosswalk) signal to the project. This would allow for safe pedestrian access to/from *Gardner Village*, the TRAX station immediately south of *Gardner Village*, and the Jordan River Parkway.

Overall open space totaled 36.6 percent of the project site. This was 20 percent *over* the gross area of land that was required to be retained as permanent open space per the Zoning Ordinance for a Planned Community zone.

Underground utilities needed to be installed and/or upgraded to serve the proposed project. Below is a breakdown of each proposed utility:

- **Water:** A 10" water line existed along 7800 South. A new 8" water line needed to be installed within the development and loop the system with a connection at 1300 West and *Gardner Village* to the east.
- **Sewer:** An 8" sewer line would be constructed along the north border of *Gardner Village* with the construction of *Let's Play Soccer*, and stubbed at the northwest corner of the property. *The Station at Gardner Mill* proposed to connect to that stub, where also a new 8" sewer line would be installed throughout the proposed development.
- **Storm Drain:** As proposed, storm drain water was expected to release into the North Jordan Canal after being detained in an underground detention basin located immediately adjacent to and north of Buildings #4 and #5. Permission was needed to be obtained from the North Jordan Canal Company and Salt Lake County to release into the canal.
- **Power:** All existing and proposed power lines would be required to be placed within the ground.
- **Trash Collection:** Garbage/trash collection for the entire complex would be provided via private contract. The City would be responsible for any pick-up. HOA fees would fund collection.
- **City Services:** Police and fire would be able to serve the project adequately with stations for each being located at approximately 7950 and 8050 South Redwood Road respectively. The Fire and Engineering Departments reviewed the proposed plat and both indicated that driveways/roadways within the project were sufficient to provide fire protection and adequate ingress/egress to and from the project site. The Engineering Department reviewed the proposed utility plans and deemed that there was adequate stormwater drainage, sewer and water services.

The proposed project site was situated on a large infill parcel(s) that had been vacant and underutilized for some time. At least two attempts were made to construct a multi-family unit project on the subject property (Millview Condominiums and Lennox Hills), but neither progressed beyond final subdivision/site plan approvals.

The City's Future Land Use Map had both Very-High Density Residential and Town Center/Neighborhood Center designations on the majority of the property for some time. Commencing in 2003, the land use of the subject property was changed from Business Research Park to Very High Density Residential. However, there was an approximate 2-acre tract of land just east of the existing single-family homes on 1300 West that remained as Low-Density Residential until 2012. In April of 2012, the entire property to which the subject property is being proposed was changed to the Town Center/Neighborhood Center land use designation and rezoned to Planned Community (P-C). Planning Staff believed that with the physical introduction of the TRAX station and light rail commuter line approximately one-third of a mile to the east, that the current land use designation, zoning and uses would be beneficial to this area of the City.

Though any development of this size would be impactful to a certain extent and in several

ways (i.e., schooling, traffic, view corridors ... etc.), Planning Staff met and coordinated with the developer for several months in an attempt to ensure that the best possible development would be constructed with the least amount of impact to existing residents and businesses in the area. The applicant was made fully aware from Staff, residents in the area, the Planning Commission and City Council that providing the utmost in quality and design is imperative.

Structures/Units: As proposed, there will be a total of 224 units located in 5 buildings. The number of bedrooms per unit is as follows:

- 1 bedroom – 80 units
- 2 bedroom – 104 units
- 3 bedroom – 40 units

Each of the residential complexes was designed to reflect more of a modern resort feel compared to how an apartment complex typically would. The predominant exterior materials were stone, horizontal and vertical lath exterior constructed of Fiber-cement board, with trim, parapet and façade accents constructed of (flat-surface) insulated metal paneling and stucco. Based on comments by Staff and the DRC, much more consideration was placed on the details of the facades, where previous iterations focused on red and blue façade colors and flat fiberboard paneling throughout the majority of each façade face. Per the Preliminary Development Plan, you will see that each façade was consistent and had the following design elements and features:

Enhanced covered entryways with columns.

- A usable balcony with decorative metal railings for each unit.
- Variation in rooflines with towered parapet walls at differing heights that bring a focal point to each entryway.
- Varying degrees of façade relief and four-sided architecture.
- Walkout basements for those units which face west and the grade can accommodate the feature.

A clubhouse would be located near the south entryway of the project. The building itself would have 2 stories with a walkout basement and a pool area situated immediately to the north. Eleven parking garages would be distributed evenly throughout the designated parking areas, accommodating 65 single-car garage stalls. The overall parking would accommodate 395 parking stalls with guest and handicap parking minimums being met. The overall footprint of all structures was just under 66,000 sq. ft. in area with 177,000 sq. ft. allocated to open space and landscaping.

The applicant provided preliminary building elevations for the proposed apartment structures, the detached single-car garages and the clubhouse. The apartments were 4-story structures (4 separate designs) with each complex not exceeding 49-feet in height as measured from the finished grade. The clubhouse was a 2-story structure. Because of the steepness of the slopes, the clubhouse measured 18-feet in height at the west elevation but approximately 28-feet in height at the east elevation. Section 13-5C-5 of the Zoning Ordinance states that structures within a Transit Station Overlay District shall be limited to

seventy-five feet (75') in height unless a greater height is established through approval of the development plan by the Planning Commission and City Council.

The proposed garages were single-story structures that measured just under 14-feet in height at their highest point (the tower parapets); however, the average height of the structures is approximately 12-feet. Staff has worked diligently with the developer to assure that the garages were not treated as remnant elements of the overall project. Staff required that each garage implement four-sided architecture and have the same amount of relief and modulation as the principle structures (and clubhouse) themselves. The Development Plan illustrated such a structure where vine trellises have been added to the sides and rears of several garages to assist in diffusing any windowless and bland elements of the garages, and otherwise enhance and beautify the overall project.

This was the first multi-family development in this part of the City. Except for Gardner Village to the east and the City cemetery to the south, most of the existing structures/uses in the immediate vicinity were single-family homes (approximately 6 in number) and residential in nature, and were located within a Rural Residential, half-acre zoning district (RR-.5). There were no practical means of compatibility comparisons between a modern apartment project in an infill project area and existing structures in the immediate area, all of which were constructed many years ago. That said, it was expected that those properties that were zoned Rural Residential (which are adjacent to the subject property), would eventually be zoned and improved to a more intensive use and fit well within the environment of 7800 South and 1300 West.

As mentioned in the background portion of this report, the DRC met on November 26, 2013, to review design, elevations and materials of the proposed project and, as stated previously, made several suggestions to the applicant. After this meeting, Planning Staff suggested further betterments to the building elevations, materials and design, all of which had been reflected on the set of drawings presented.

The proposed architecture should reflect exactly what the applicant was trying to create within the development, and that is the feel and resemblance of a resort-type of community rather than a traditional-looking apartment complex. The type of character proposed was not dissimilar to what was constructed in recent months throughout Bingham Junction to the east (in Midvale City), and throughout the valley.

If the City Council was unsatisfied with any design, layout, or architecture elements, the Council *can* have the applicant work with City Staff to solve any issues prior to Final Site Plan and Final Development Plan approval – backed through a condition of the Preliminary Development Plan ratification.

The grade of the project site was rather abrupt, particularly where the east property line meets the North Jordan Canal and also where the stem portion of the project abuts 7800 South. At the north property line, the property sloped approximately 35 feet from west to east in an approximate 250 foot span. Where the property line met the North Jordan Canal

the property dropped nearly 10 feet in less than a 30-foot span, where in some areas along the east property line, the property was even steeper. Because of these existing topographical situations, the eventual finished grade of the site necessitated the need for several areas of retaining and berming. Most of this retaining would occur immediately west of the proposed buildings – specifically between the buildings and the parking areas. Such berming would allow for the proposed walkout basements for the first-level units. Retaining was also necessary along the east borders of the property where the slopes abruptly descend toward the canal. From a vantage point at the intersection the southern entryway to the project, the proposed buildings would appear to be terraced; however, from the east, the project will appear somewhat elevated. The finished grades of the parking lots would appear gradual.

The applicant hired a geotechnical engineer to study the soils within the project area to determine what, if anything needed to be done with the existing soils, foundations, compaction, special retaining and grading.

Lighting for the buildings and parking areas would be adequate, aesthetic, and scaled appropriately. The Preliminary Development Plan provided an example of the pedestrian theme lighting that would be used throughout the proposed project.

In accordance with code requirements, the applicant would install a 6-foot Rhinorock wall along the north and west portions of the project where it abuts existing/differing uses. The Preliminary Development Plan detailed elevations and a color rendering of the proposed Rhinorock wall, and an example elevation of the proposed retaining walls that would be visible from the first-story walkouts of each of the complexes.

An entryway monument would be installed at the entrance at 7800 South. The design of the monument would mimic that of the proposed structures on the site but would double as a landscape planter and gateway sign.

The schools serving this area include:

- Elementary – Heartland
- Middle School – West Jordan
- High School – West Jordan

Per a previous discussion with the Jordan School District when this item was presented for the granting of the Future Land Use Map amendment and rezone – the schools as listed above would be able to serve the projected number of students expected from this project.

FINDINGS OF FACT – PRELIMINARY DEVELOPMENT PLAN

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

The Preliminary Development Plan as submitted adequately provided the information needed to comprehend the overall project. Preliminarily, the Development Plan as presented to the City Council, and previously the Planning Commission and DRC, adequately illustrated and explained the project as a whole. An Ordinance was attached with this staff report which, if approved, would entitle the proposed density and approve the Development Plan.

There would be no fiscal impact.

Staff recommended that based on the requirements listed in the Zoning Ordinance, the City Council ratify the Planning Commission's approval of the Station at Gardner Mill Preliminary Development Plan generally located at 7659 South 1300 West with a residential density of 20.29 units per acre for a total of 224 multi-family residential dwelling units.

Councilmember Hansen apologized for mistakenly giving a citizen incorrect information regarding ownership of a portion of road along 7800 south. It did belong to the City, she had thought it was under UDOT ownership and wanted to clarify the information she had given.

Tom Burdett provided information regarding the proposed Station at Gardner Mill development planning. He explained the importance of this portion of the preliminary planning stages for such developments as there was opportunity for adjustments to the design etc. before a final plan was approved. He expressed appreciation for citizen input and involvement in the process. He then turned the time over to Greg Mikolash.

Greg Mikolash presented the information contained in the staff report. Staff and Council discussed clarifying questions about the project.

Bill Baranowski related that the project had \$1 million of Federal funds to use. Design was projected for 2015, with construction in 2016. He answered clarifying questions.

Joe Colosimo, Salt Lake City-Applicant, related the history of the Colosimo family, their company's investments in the state of Utah, and that their interest was to keep this property as owners and not parcel it out to other developers. He mentioned that the intent of this project was to attract high-end renters, and to maintain the property to high standards. He provided a visual presentation of the project, and explained technical details.

Councilmember Southworth inquired about the design elements of the project; he was of the understanding that the development would incorporate similar elements as the Gardner Village development. It was explained that subsequent to a meeting with the Design Review Committee (DRC), the developer incorporated suggestions made to have a more modern design.

Councilmember Southworth also questioned the road connection between Gardner Village and the proposed development. It was explained that the road was the responsibility of the owner of Gardner Village, and would be installed as soon as the Fire Department signed off, before any occupancy, along with the pedestrian bridge. Questions about open space were posed and answered.

Councilmember Stoker asked clarifying questions regarding the timing of the bridge installation. He expressed concern and the desire for crosswalks or pedestrian flashing beacons to assist children crossing for school.

Mayor Rolfe inquired about the developer's intent to have the project be apartments rather than condominiums. The developer explained that in his experience condos had the tendency to be rented out by the individual owners, creating a multiple landlord situation. The Mayor also asked if the consideration had been made to create a 55 and older community to alleviate the impact on schools. The developer stated that the topography of the property made it unattractive for a senior community.

Councilmember Haaga inquired about the traffic study on 7800 South 1300 West. Time was turned over to the developer's traffic engineer, Ryan Hales, for clarification.

Ryan Hales, Hales Engineering, detailed the process of gathering data for traffic studies. He explained that with the information from the City regarding the planned improvements of the intersection, compiled with the data from the traffic study, the additional traffic from the proposed apartment complex would not have an adverse effect on the traffic flow of the intersection.

Councilmembers and Mr. Hales discussed clarifying questions. It was noted that once the project and City improvements were completed, the intersection would improve from a grade 'D' to a grade 'C' in service.

Mayor Kim Rolfe opened the public hearing.

Letiza Wetzel, West Jordan resident, expressed concern that the proposal was contrary to the Planned Community Zoning intent. She also expressed a desire for a mix of apartments with individually owned dwellings and single family homes.

Kelvin P. Green, West Jordan resident, opposed the development the way it was presented, and wanted the mixed use of the property the way it was zoned.

Creighton Omer, West Jordan resident, opposed the proposal due to specific concerns including pedestrian safety, the Jordan Canal's ability to receive the additional water discharge and at what rate, and also the area schools' ability to accommodate additional students.

Alexandra Eframo, West Jordan resident, opposed the development, citing parking concerns, and lack of sidewalks on 1300 West. She also expressed dissatisfaction with the flat roofed design of the buildings.

Jared Muck, West Jordan resident, cited concerns regarding traffic. Suggested a senior community, or a condominium complex with a stipulation they have to be owner-occupied.

Jaylynn Thomas, West Jordan resident, cited concerns regarding enforcement of the Good Landlord program, referencing personal experience with a rental property across the street from her residence. Expressed concern with the Police and Fire Departments' abilities to adequately accommodate the influx of population an apartment complex would add to the community.

Greg Taylor, West Jordan resident, encouraged the Council to deny approval of the development, citing concerns with the elementary school's ability to accommodate additional students, and traffic issues.

Michelle Flint, West Jordan resident, expressed her concerns regarding the number of apartment units within the two-mile radius of the proposed development. She stated that the current proposal was not what had been initially put forth and approved by the City Council.

James Shuster, West Jordan resident, opposed the apartment units due to the transient nature of the residents. He was concerned with having children walking to school, or catching a bus near the location.

Karen Hess, West Jordan resident, encouraged the Council to consider how classroom sizes would be impacted at Heartland Elementary. She also expressed concern with the children waiting for buses or walking to and from school, and the danger posed to them by the traffic.

Chris Hansen, West Jordan resident, was concerned with the height of the buildings blocking the view of the existing homes; suggested removing a level. Also, he mentioned traffic concerns and the amount of parking places in the complex.

Lynn Snow, West Jordan resident, expressed concerns regarding traffic, increase in criminal activity, and the building blocking the view from his home.

Heidi Snow, West Jordan resident, opposed the construction of an apartment complex due to concerns with the height of the buildings blocking the view of her home, the density of the proposed buildings, and traffic issues.

Debbie Davenport, West Jordan resident, asked if the traffic study included Gardner Village and expressed concerns with the height of the proposed buildings. She opposed the development.

Ben Watson, West Jordan resident, presented to Council reasons to oppose the development; including the development was not true to the intent of Planned Community zoning; the traffic concerns such a development would bring; the cost of acquiring properties to widen 1300 West to accommodate increased traffic; increased criminal activity; and the lack of grocery stores and other commerce that would make it a true mixed-use community.

Eric Carlsen, West Jordan resident, expressed concerns with the Jordan River Parkway and the lack of a pedestrian-friendly way to get across 7800 South and the increased traffic an apartment complex would add to the area.

Carolyn Newman, West Jordan resident, opposed the development due to the impact on the neighborhood and home values therein.

Kim Walton, West Jordan resident, presented reasons to table the proposal and asked clarifying questions.

Eric Tuttle, architect for project, presented positive benefits for the project. He mentioned other similar projects that had positive impacts on the communities in which they were built. He argued that the view would not be blocked due to perspective.

Miller Wilkinson, West Jordan resident, suggested that Councilmembers drive during peak hours at the intersection in question to experience what it was like for residents before making a final decision.

Daryl Newman, West Jordan resident, opposed the projects as the plans are presented. He believed they were contrary to the Planned Community zone.

MOTION: Councilmember Haaga moved to extend the meeting to up to 10:00 p.m. The motion was seconded by Councilmember Stoker.

A roll call vote was taken.

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

The motion passed 5-0

Natalie Groves, West Jordan resident, disapproved of the development as presented. The height of the project was of concern to her.

Richard Evans, West Jordan resident, approved of the development. He stated that a new, fresh look was needed in the area.

Mark Matthews, architect for project, stated his wife teaches school in West Jordan. He suggested that an apartment complex in the area would be good for the City, and that the Colosimo Brothers were providing a product that would appeal to high-income renters.

Ben DeSpain, West Jordan resident, related that the citizens of the community have stated their displeasure with the project, and it should be rejected.

Ronald Parsons, West Jordan resident, opposed the project due to the area being congested already.

Mark Perry, West Jordan resident, opposed the project as a rental development.

Matthew Watson, West Jordan resident, opposed the apartment complex due to increase of criminal activity.

Joe Long, managing owner of Gardner Village, argued for the development. He stated that the plans were in line with a Planned Community zone, as there were lots yet to be developed that could possibly be used for a grocery store or other retail to serve the community. He assured that Gardner Village would be responsible for bridge installation.

Jarem, West Jordan resident, expressed his discontent with the project and the impact it would have on traffic.

Marc McElreath addressed the bridge and clarified that it would be the responsibility of Gardner Village to install, regardless of the type of project that goes on the property.

Joe Colosimo expressed his appreciation for the community's input and the Council's time.

Mayor Rolfe closed the public hearing at 9:14 p.m.

MOTION: Councilmember Haaga moved to deny Ordinance 14-06, The Station at Gardner Mill Preliminary Development Plan for property located at approximately 7659 South 1300 West. I also move that the Preliminary Development Plan be denied with a residential density of 20.29 units per acre for a total of 224 multi-family residential dwelling units on 11.039-acres of property.

The motion failed for lack of a second.

MOTION: Councilmember Stoker moved to table the item until the meeting on April 2, to allow the additional City Councilmembers to be in attendance, and consider the comments made. Councilmember Southworth seconded the motion.

A roll call vote was taken.

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

The motion failed 3-2

MOTION: Councilmember Stoker moved to continue the meeting to April 2 to allow the applicant to meet with the neighbors to address their concerns. The motion was seconded by Councilmember Hansen.

A roll call vote was taken.

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

The motion passed 4-1

MOTION: Councilmember Southworth moved to take a 10-minute recess. Councilmember Hansen seconded the motion.

A roll call vote was taken.

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

The motion passed 5-0

The meeting recessed at 9:28 p.m. and reconvened at 9:39 p.m.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 14-38, AMENDING THE GENERAL FUND, BUILDING CAPITAL FUND, CAPITAL SUPPORT FUND, PARK CAPITAL FUND, ROAD CAPITAL FUND, AND STORM WATER FUND, STORM WATER FUND OF THE FISCAL YEAR 2013-2014 BUDGETS; AND ALSO THE CITY WOULD LIKE TO NOTIFY UTILITY CUSTOMERS THAT IT HAS NOT ASSESSED CITY DEPARTMENTS FOR UTILITY SERVICES IN FY2014.

Ryan Bradshaw reported that several proposed budget adjustments were presented and discussed at the February 12, 2014 City Council meeting. The budget adjustments are now being presented for formal adoption by the City Council. The various adjustments can be categorized into three categories as follows:

- **Category A – Current Year:** These adjustments were generated by activities and decisions relative to operations in our current 2013-2014 fiscal year. The adjustments were funded primarily through use of fund balance, although there were grant revenues associated with some of the adjustments. The adjustments were outlined in the attached schedule titled, “Category A – Current Year.”
- **Category B – FY 2015 Supplemental Requests – Operating:** These adjustments were generated by moving supplemental requests made for the FY 2015 budget through the “Green Sheet” process ahead into this current fiscal year. The adjustments were funded solely through use of fund balance. The adjustments were outlined in the attached schedule titled, “Category B – FY 2015 Supplemental Requests: Operating.”
- **Category C – FY 2015 Supplemental Requests – Capital:** These adjustments were generated by moving supplemental requests made for the FY 2015 budget through the “Green Sheet” process ahead into this current fiscal year. The adjustments were funded solely through use of fund balance. The adjustments are outlined in the attached schedule titled, “Category C – FY 2015 Supplemental Requests: Capital.”

IX. BUSINESS ITEMS

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-11,
RATIFYING THE PLANNING COMMISSION APPROVAL OF THE
PRELIMINARY DEVELOPMENT PLAN AND ESTABLISH
RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE FOR THE
STATION AT GARDNER MILL, FOR PROPERTY LOCATED AT 7659
SOUTH 1300 WEST, COLOSIMO BROTHERS, APPLICANT**

Greg Mikolash stated that based on the requirements listed in the Zoning Ordinance, staff recommended that the City Council ratify the Planning Commission's approval of the Station at Gardner Mill Preliminary Development Plan generally located at 7659 South 1300 West with a residential density of 20.29 units per acre for a total of 224 multi-family residential dwelling units.

The subject site for the proposed development was 11.03-acres in size, consisting of undeveloped land located to the west of the existing *Gardner Village* commercial development and north of the City cemetery. Approximately 8-acres of the subject property was rezoned in 2001 to allow up to 12 dwelling units per acre; however, this and one other attempt to develop the property never came to fruition.

On July 17, 2007, the City Council placed the Transit Station Overlay District on the subject site and adjoining properties in an effort to ensure that transit supportive uses be built at this and the five other light rail station locations in West Jordan.

In 2011 the Future Land Use Map was amended for the existing *Gardner Village* commercial development. The City's Future Land Use Map was amended to the Town Center/Neighborhood Center TSOD, where also the property was rezoned to the P-C (Planned Community) zoning district. In April of 2012, the applicant applied for and was granted a Future Land Use Map amendment for the subject 11-acres and approximately 3.4-acres of land at the immediate northeast corner of 1300 West and 7800 South. (See attached minutes in Exhibit F). Specifically this amendment changed the land use from Very-High Density Residential, Low-Density Residential, and Neighborhood Commercial to Town Center/Neighborhood Center. The concept plan presented to the City Council for this rezone showed approximately 330 multi-family dwelling units on 22-acres of property, where portions of the project included residential development within the existing *Gardner Village* commercial development area (the current location of *Let's Play Soccer*).

Later in February of 2013, the subject and several surrounding properties were rezoned from SC-1 (TSOD), R-3-12(ZC) (TSOD) and RR-.5D (TSOD) Zones to P-C (Planned Community) (TSOD). In conjunction with this rezone request, the applicant submitted a scaled-back concept plan showing a total of 256 units on 11-acres of property for a density of 23.27 dwelling units per acre. (See attached minutes in Exhibit F).

Throughout the land use amendment and rezone processes, City Staff has also been assisting the applicant through the development plan process to ensure that a quality multi-family development was designed to meet both the needs of the City and perform as a

pedestrian-friendly and attractive gateway to a widely underutilized area. Several pre-application meetings were conducted throughout 2013 with the first official Subdivision, Site Plan, and Development Plan submittals occurring in July. The concept plans submitted for review at this time showed a further reduction in density from 256 units to 224 units on the same 11-acres of property for a total density of 20.29 dwelling units per acre.

On November 26, the Design Review Committee (DRC) reviewed the project, suggesting minor changes to colors, amenity locations, and concerns regarding gateway features. The minutes of the DRC are attached as Exhibit D.

On January 21, 2014, the Planning Commission considered approval of the Preliminary Site Plan and Preliminary Subdivision. The Preliminary Subdivision was approved in a 7-0 vote. The Preliminary Site Plan was approved in a 6-1 vote, where two conditions of approval were added. The first was a condition that a trail extension from the project to the existing HAWK signal adjacent to *Gardner Village* be 8-feet in width. The second condition was to add a hard base (gravel, concrete ... etc.) for a weed barrier behind the two garages located on the west side of the subject property (adjacent to the existing single-family properties).

Zach Jacob said he would speak against the motion because of the proposal not meeting Criteria #2: which states:

The proposed development does not have any detrimental effect upon the general health, welfare, safety, and convenience of persons, residing or working in the neighborhood; or is not detrimental or injurious to the neighborhood.

Also on January 21, 2014, the Planning Commission considered approval of the Preliminary Development Plan, and in a 7-0 vote, voted to forward a positive recommendation to the City Council to ratify the Preliminary Development Plan and its subject density of 20.29 units per acre for a total of 224 multi-family residential dwelling units. The minutes of the Planning Commission are attached as Exhibit E.

The subject property was located within the Town Center/Neighborhood Center land use designation in the General Plan. This land use designation was created to serve three core areas of the City. There are currently three areas within the City that have this designation: the original downtown core located at the southeast corner of 7800 South and Redwood Road; the recently approved 40-acre TOD located north and northeast of the *Jordan Valley Hospital*; and, the area in the immediate vicinity and west of *Gardner Village*. Each location was within near proximity of a TRAX station. The General Plan indicates that the purpose of this land use was to; "... create areas with a traditional main street or downtown character. The designation encourages the revitalization of areas to strengthen neighborhoods, expand local employment opportunities, and establish or enhance a sense of place." One of the goals of the Town Center/Neighborhood Center designation was to support larger transit stations by the creation of mixed-use and

residential village centers where people can live, work, shop, and play. The subject property was unique in the fact that it already has a fair amount of commercial development in an area without any substantial residential development located nearby.

The zone to which the property was located was Planned Community (P-C). The Zoning Ordinance states that the purpose of this district is to ...

... encourage imaginative and efficient utilization of land through the clustering of buildings, and the integration of compatible mixed uses (i.e., residential, commercial, recreational). The mix of uses is encouraged in order to create more convenient and effective integration of uses that work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

General Information:

The subject property's surrounding zoning and existing land uses are as follows:

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

Subdivision:

Pertinent to the ratification of the Preliminary Development Plan was the fact that the property was being subdivided and that specific roadway improvements and dedications would incur because of this subdivision of land.

The applicant was proposing to subdivide 14.7-acres into one lot and one remainder parcel. Part of the subdivision would include a small right-of-way dedication at an ingress/egress point for a single lot (Lot 1). The remainder parcel (allocated as Remainder Parcel A on the plat) would be created at the southwest corner of Lot 1. This parcel would remain unimproved as the applicant was not the property owner and it was unknown at this time what the use of the vacant land would be. No improvements would be associated with the remainder parcel at this time. Once development was pursued, the remainder parcel would be converted to a lot through a separate subdivision process and applicable infrastructure improvements would be required at that time. Important to note was that some of the traffic congestion issues associated with the intersection of 1300 West and 7800 South would be alleviated upon improvement of this corner parcel.

FINDINGS OF FACT – PRELIMINARY DEVELOPMENT PLAN

There are no specific findings of fact for Development Plans. A Development Plan is simply intended to be the textual and visual complement to a Site Plan serving as a foundation for all development on a specific site. Furthermore a Development Plan was

meant to provide more detail as to those aspects of a proposed development which cannot be readily explained via a site plan or building elevation.

The Preliminary Development Plan as submitted adequately provides the information needed to comprehend the overall project. Preliminarily, the Development Plan as presented to the City Council, and previously the Planning Commission and DRC, adequately illustrates and explains the project as a whole. An Ordinance was attached with this staff report which, if approved, would entitle the proposed density and approve the Development Plan.

Tom Burdett gave a brief overview of the history of the meetings involved in the planning of this project. He stated that some of the changes that resulted from those meetings have not been made in the newest plan. He also clarified that mixed-use as stated in the code for West Jordan allowed for vertical and horizontal mixed-use.

Greg Mikolash commented on density as it related to PC zones, he stated that it was designated that density in PC zones was established by the planning commission, and there was not a cap like in a planned residential community.

Councilmember Stoker asked clarifying questions regarding improvements along 1300 West and the timing of them. It was clarified that the intersection was scheduled to be improved sometime in 2016.

Councilmember Hansen asked to have a citizen's questions regarding color scheme addressed. The colors scheme had been changed from a red white and blue theme, to a more neutral color scheme. She felt that a vertical mixed-use in our state did not work well at this time.

Councilmember Southworth questioned if the development would fit in that location with the purpose of the General Plan on a broader scope. A clarification was made that this was a Planned Community Development that was zoned as such after a commercial development (Gardner Village) was already in place.

Joe Colosimo, applicant, presented a quick overview of proposed changes to the plan following suggestions from public input and the Council.

- Changed some facades to put some "hips" on the "bump-outs."
- Addressed the concerns about the height of some of the units, by making units on the east side of the property two-story units and the west-side unit's three-story.
- Placing the air-conditioning units in hidden places to ensure residents in the taller units did not have to look down upon the equipment.
- Moved the planned garages so they did not encroach another property owners' property line.

Councilmember Stoker asked if there was a plan for safe walking paths for the children walking to school. The Applicant answered that they would be willing to ensure that all sidewalks were completed so that the children did not have to jut out into traffic.

Councilmember Stoker was concerned with the entrance and exit of traffic onto 7800 South. It was clarified that there would be improvements made to the area, and that the area in question was shared with the future commercial areas.

Councilmember Haaga reassured the residents and applicant, that their concerns were heard. He stated that he was going to remain true to the platform on which he ran for election, and that was to oppose high-density residential developments.

MOTION: Councilmember Haaga moved to deny item 9c based on the information set forth in this Staff Report, Public Hearing, and the design shown in The Station at Gardner Mill Preliminary Development Plan, and upon the evidence and explanations received today, to deny Ordinance 14-11 The Station at Gardner Mill Preliminary Development Plan for property located at approximately 7659 South 1300 West. I also move to deny the Preliminary Development plan with a residential density of 20.29 units per acre for a total of 224 multi-family residential dwelling units on 11.039 acres of property.

The motion failed for lack of a second.

Councilmember Southworth voiced that the motion was somewhat premature, as the rest of the Councilmembers had not spoken on the matter yet.

MOTION: Councilmember Southworth moved to take a 10-minute recess. The motion was seconded by Councilmember McConnehey.

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

The Council recessed at 8:45 p.m. and reconvened at 8:55 p.m.

MOTION: Councilmember Nichols moved to suspend the Council rules to extend the meeting to 9:30 p.m. The motion was seconded by Councilmember McConnehey.

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

Councilmember Stoker was concerned with the issue of pedestrian safety, and was not convinced that if action approving the development plan “as-is” would address those issues satisfactorily. He was also of the opinion that the development needed some architectural changes to make it more cohesive with the existing Gardner Village.

Councilmember Nichols appreciated that although the design does not fit well with the area, it was a high-quality design. He felt that the design of this development did not fit the compatibility requirement with adjacent properties, specifically those to the north and west.

Councilmember McConnehey was appreciative of the developer’s willingness to engage the community, even with the negative reaction from the community. He did not want to see a project with too much compromise on both sides; he wanted to see something where everyone wins.

Councilmember Haaga felt that the safety issue for the school-aged children in the community was too great to approve the development. He expressed that there were other ideas for development of the property that were not high-density. He also stated that the developer was not the only owner of this property.

Councilmember Southworth was not concerned about the density. However, his concern was that the development did not meet the criteria for a genuine multi-use development. He stated that it was very close, but was hesitant to approve something that did not meet the specifics as laid out in City Code. He suggested tabling the item to really take the time to study how all the pieces fit into the creation of a neighborhood that supports the daily service and retail needs of the residents.

Councilmember Hansen echoed the sentiments of Councilmember Southworth. She did not want to outright deny the development. However, she wanted to see something that outlined the property as a whole.

Mayor Rolfe was not in favor of tabling the discussion; rather, he felt that a decision should be made one way or another to give the developer and the citizens a definitive answer.

MOTION: Councilmember Southworth moved to table the item and direct staff, the landowner, and developer to have a review of the overall property and potential development of the corner of 1300 West areas, and bring back to us at a time to be determined by the entities mentioned. The motion was seconded by Councilmember Stoker.

Councilmember Haaga requested that if the motion passed, that the citizens affected return to the subsequent Council meetings in order to voice their continued concerns. He felt that tabling the issue was not desirable.

Councilmember Southworth clarified that a CDA should be a part of the review.

Councilmember McConnehey appreciated the sentiment that a decision be made one way or the other, and agreed that out of fairness to the developer, a decision be made.

Councilmember Stoker felt that the full picture needed to be seen before making a final decision, and that could be accomplished with more time to review.

A roll call vote was taken

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

The motion failed 3-4

MOTION: Councilmember McConnehey moved to extend the meeting until the above issue was resolved. Councilmember Southworth seconded the motion.

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 McConnehey moved to deny Ordinance 14-11. The motion was seconded by Councilmember Haaga.

Councilmember Stoker stated that he would vote against the motion because he felt more time and answers were needed to make a good decision.

A roll call vote was taken

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

The motion was passed 5-2

**DISCUSSION AND POSSIBLE ACTION REGARDING THE ATHLETIC
FIELDUSE/SOCCER LEAGUE SCHEDULING**

Councilmember Stoker informed the Council that he had been in dialogue with all parties involved in this discussion, and that significant progress was being made within those discussions. He felt that further discussion outside of the Council would more than likely be sufficient to address the issues.

MOTION: Councilmember Stoker moved to table this item indefinitely. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes

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.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-09, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 13, TO ALLOW FOR RENEWABLE ENERGY SYSTEMS, ADDING DEFINITIONS, AND AMENDING THE USE CHARTS IN ALL DISTRICT TO REMOVE ACCESSORY USES AND CREATING A NEW ACCESSORY USE CHART, CITY-WIDE APPLICABILITY, CITY OF WEST JORDAN, APPLICANT

Larry Gardner said the City Council held a Public Hearing on March 12, 2014 to amend the West Jordan 2009 City Code, Title 13, "Zoning" to allow for renewable energy systems; adding definitions, and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart. At that meeting the Council directed staff to make the following changes:

- Proposed Section 13-8-22 (D)(2)(b)(1) which regulates how much solar mounted panels can be raised above the surface of the roof they are mounted on. The change will restrict those panels that are visible from the public right-of way, to being raised to an angle no greater than 5% from the surface they are on. If the panel is not visible from the public right-of way then the panel may be mounted up to 7 feet above the surface of the roof but shall still maintain one side of the panel within 12 inches of the surface of the roof.
- Proposed Section 13-8-22(D)(2)(b) which will allow solar panels to be extended to the peak of the roof they are mounted on.
- Proposed Section 13-8-22(C)(3)(c) and 4(c) which limits one roof mounted wind system per parcel in the R-1 zones.

The lighter shaded portions of the proposed changes to the legislative draft portion Exhibit B, in the Council's agenda packet did not change from the March 12, 2014 meeting. The darker shaded portions represented the changes requested by the Council.

Staff recommended that the City Council amend West Jordan 2009 City Code, Section 13-2-3 "Definitions;" create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

The Planning Commission, by unanimous vote, recommended that the City Council amend West Jordan 2009 City Code, Section 13-2-3 "Definitions;" create section 13-8-22

to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

The Council and staff discussed clarifying questions.

MOTION: Councilmember Nichols moved to adopt Ordinance 14-09, amending West Jordan Municipal Code Section 13-2-3 Definitions; create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts. The motion was seconded by Councilmember Haaga.

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 THE STATUS OF CITY COUNCIL MEMBERS AS EMPLOYEES OF THE CITY WITH W-2 TAX REPORTING, OR CONTRACTORS OF THE CITY WITH A 1099 TAX REPORTING

This item was pulled from the agenda.

MOTION: Councilmember Stoker moved to bring Business Item 9h forward. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

RECONSIDERATION OF ORDINANCE 14-06, RATIFYING THE PLANNING COMMISSION APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN AND ESTABLISH RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE FOR THE STATION AT GARDNER MILL, FOR PROPERTY LOCATED AT 7659 SOUTH 1300 WEST, COLOSIMO BROTHERS, APPLICANT

Councilmember Southworth asked Council if there were any questions prior to this reconsideration.

Councilmember Haaga reviewed the Council Rules and Procedures to make sure that they were being followed.

Councilmember McConnehey reported that previously the majority of the Council felt that the following criteria(s) had not been met:

- Criteria Two
- Criteria Five
- Criteria Six
- Criteria Seven
- Criteria Eleven

He believed this item should not be reconsidered.

Councilmember Southworth stated that based on the comments made, he withdrew his reconsideration of the item from the agenda.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-90, ADOPTING THE TENTATIVE BUDGETS FOR THE GENERAL FUND, THE SPECIAL REVENUE FUNDS, THE CAPITAL PROJECTS FUND, THE WATER FUND, THE SEWER FUND, THE SOLID WASTE FUND, AND THE INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2014-2015, AND SETTING JUNE 11, 2014, AS THE BUDGET PUBLIC HEARING

Bryce Haderlie said according to State Law, "Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as is considered advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be reduced" UCA 10-6-111.

The City Manager had delivered the proposed budgets for the General Fund to the City Council on April 10, 2014 and delivered the proposed budgets for the other funds to the City Council on or before May 12, 2014. The budgets can be reviewed, discussed, and amended as necessary up through the public hearing and final adoption, currently scheduled for June 11, 2014.

Note that the capital projects budgets in the Road Capital Fund, Parks Capital Fund, Water Fund, Sewer Fund, and Stormwater Fund are in a work-in-process status at the time of printing of this document and are shown in this resolution at the most-current iteration. These capital budgets will be formally presented to the governing body as soon as completed and accordingly revised prior to adoption of the final budgets in June.

Staff reported that the total budget for these funds was \$109,339,955.

Staff recommended approval of Resolution 14-90, adopting the Fiscal Year 2014-2015 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Funds, the Enterprise Funds, and the Internal Service Funds and scheduling a public hearing on the Tentative Budgets for June 11, 2014 in the City Council Chambers.

4770 S. 5600 W.
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FED. TAX I.D.# 87-0217663
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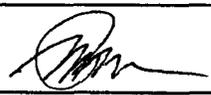
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THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jord	
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THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING
The City of West Jordan City Council will hold a public hearing on Wednesday, August 27, 2014, at 6:00 p.m. at the West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to considering ratification of the Preliminary Development Plan for The Station at Gardner Mill and establish Multi-Family Residential density of 20.29 units per acre, for property located at approximately 7659 South 1300 West, P-C (TSOD) Zone, Colosimo Brothers, applicant. Copies of the City Council agenda packet for the items listed below will be available at the City offices or on the City Council Agenda webpage the Friday prior to the meeting. Published this 12th day of August 2014
Melanie S Briggs, MMC
City Clerk
976055 UPA1P

AFFIDAVIT OF PUBLICATION

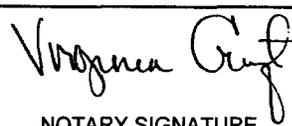
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jordan City Council will hold a public hearing on Wednesday, August 27, 2014, at 6:00** FOR **CITY OF WEST JORDAN**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 08/12/2014 End 08/12/2014

SIGNATURE 

DATE 8/12/2014

VIRGINIA CRAFT
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 01/12/2018
Commission # 672963


NOTARY SIGNATURE

**THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT**



Melanie S. Briggs, MMC
City Clerk
8000 South Redwood Road
West Jordan, Utah 84088
801-569-5117
Fax 801-563-4716

August 8, 2014

Paul and Joe Colosimo
Colosimo Brothers
155 West Malvern Ave, Suite B
Salt Lake City, UT 84115

Dear Paul & Joe:

The City of West Jordan City Council will hold a public hearing on Wednesday, August 27, 2014, at 6:00 p.m. at the West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to considering ratification of the Preliminary Development Plan for The Station at Gardner Mill and establish Multi-Family Residential density of 20.29 units per acre; for property located at approximately 7659 South 1300 West; P-C (TSOD) Zone; Colosimo Brothers, applicant. Copies of the City Council agenda packet for the items listed below will be available at the City offices, or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. Items may be moved on the agenda or tabled by the City Council. Copies of the agenda packet for this meeting will be available at the West Jordan libraries and on the City's website www.wjordan.com approximately 4 days prior to the meeting.

If you have any questions, please feel free to call me at 801-569-5117.

Sincerely,

Melanie S Briggs, MMC
City Clerk

Cc: Planning Department
File

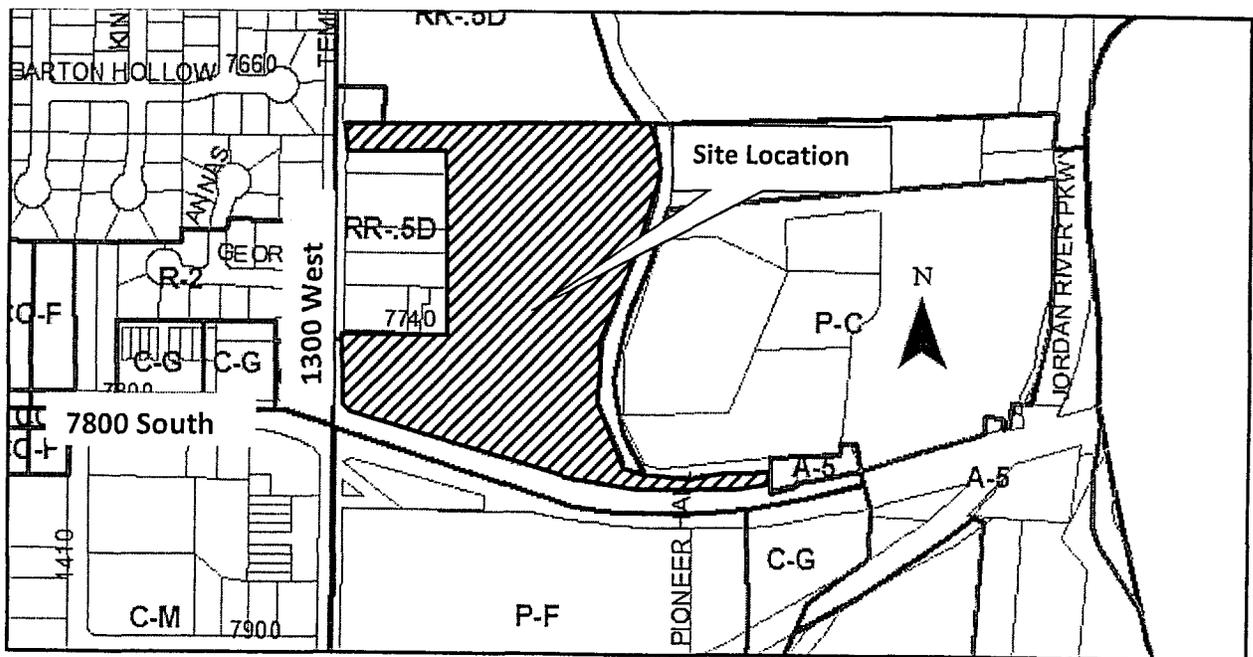


Melanie S. Briggs, MMC
City Clerk

8000 South Redwood Road
West Jordan, Utah 84088
(801) 569-5117
Fax (801) 563-4716

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The City of West Jordan, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call the City Recorder at 569-5115, giving at least three working days



Melanie S. Briggs, MMC
City Clerk
8000 South Redwood Road
West Jordan, Utah 84088
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Published this 12th day of August 2014
Melanie S Briggs, MMC
City Clerk

PRELIMINARY DEVELOPMENT PLAN

(Attached)

Gardner Station

Development Plan

January 3, 2014

August 8, 2014



Approximately 1200 West 7800 South
West Jordan, Utah

Table of Contents

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3-	Introduction and Scope of Report
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5-	Illustrative Plan with Key Statistics
6-	Perspective Renderings of Site
7-	Location Description
8-	Zoning
9-	Land Use
10-	Land Features
11-	Site Amenities
16-	Street Design
21-	Fencing
24-	Street Lighting
25-	Building and Structure Descriptions
27-	Elevations, Site Plans

Introduction and Project Scope

Subject Property

Gardner Station is a commercial and residential development that is proposed for a 11.62 acre site that lies within a TSOD zone of West Jordan, Utah. The proximity of this project to the shopping and dining opportunities located in Gardner Village as well as its adjacency to the Gardner Trax station provides a prime opportunity for a new mixed use development.

The proposed design for the site consists of 224 multi-family units and approximately 9,000 sf of flex retail space. This mixed use development will provide much needed residential and commercial/retail space to support and complement the businesses located in Gardner Village and help establish transit-oriented development in the area surrounding the nearby Trax station.

Project Financing/Phasing

The project is being funded by HUD. It is not a subsidized or below market rate project. HUD is only providing financing. HUD has been involved in the design, market feasibility and market study from the beginning. The entire project will be constructed under one loan with no phasing.

Brief Introduction to Site Design

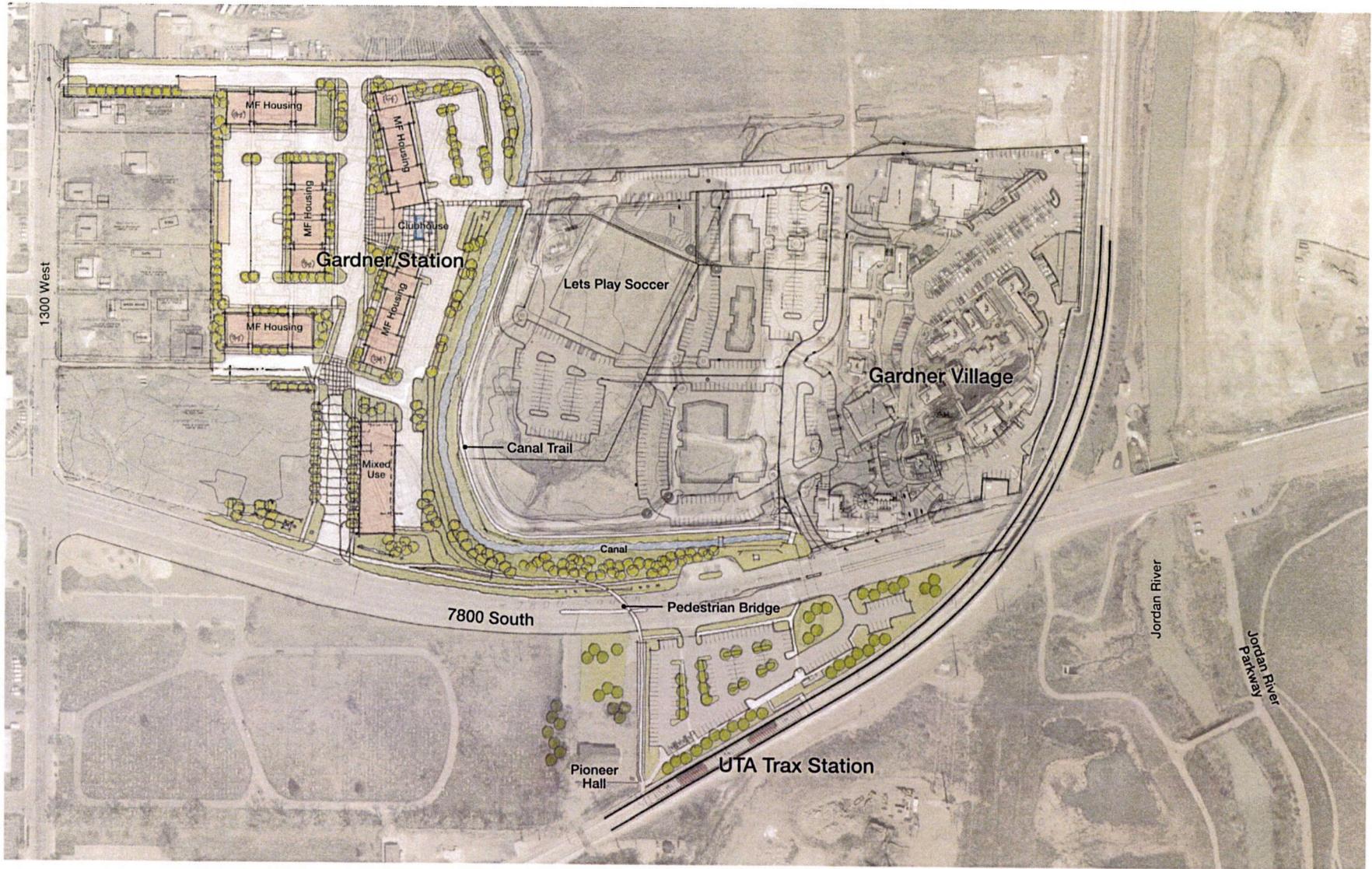
This mixed use development has been designed to emphasize the integration of its residential and retail components with the nearby commercial and transportation-oriented uses of Gardner Village and Gardner Station. This integration is accomplished through direct pedestrian connections to Gardner Village and across 7800 south to the UTA Trax station and Jordan River trail system. Additionally the design provides a vehicular circulation network which creates a mixed use street, establishes strong internal connections, and improves connectivity between 7800 south, 1300 west and Gardner Village.

The buildings at Gardner Station are arranged within the vehicular and pedestrian circulation network in a manner that establishes a harmonious relationship with the streets and site topography while also capitalizing on outstanding views toward the Wasatch and Oquirrh Mountains. The building massing is articulated and detailed in a manner which takes cues from nearby historically important sites such as Gardner Village.

The residential buildings are supported by a suite of amenities that includes a centralized clubhouse, pool and spa, fitness room, playground, outdoor dining area and trail connections. The buildings and their amenities are supported by ample access to a variety of parking options that include on-street, structured, and surface parking. This parking is distributed across the site in a manner that reduces the visual impacts while still providing abundant access to parking throughout the site. In total there will be 480 parking stalls, including 32 on-street, 120 structured, and 392 surface spaces.

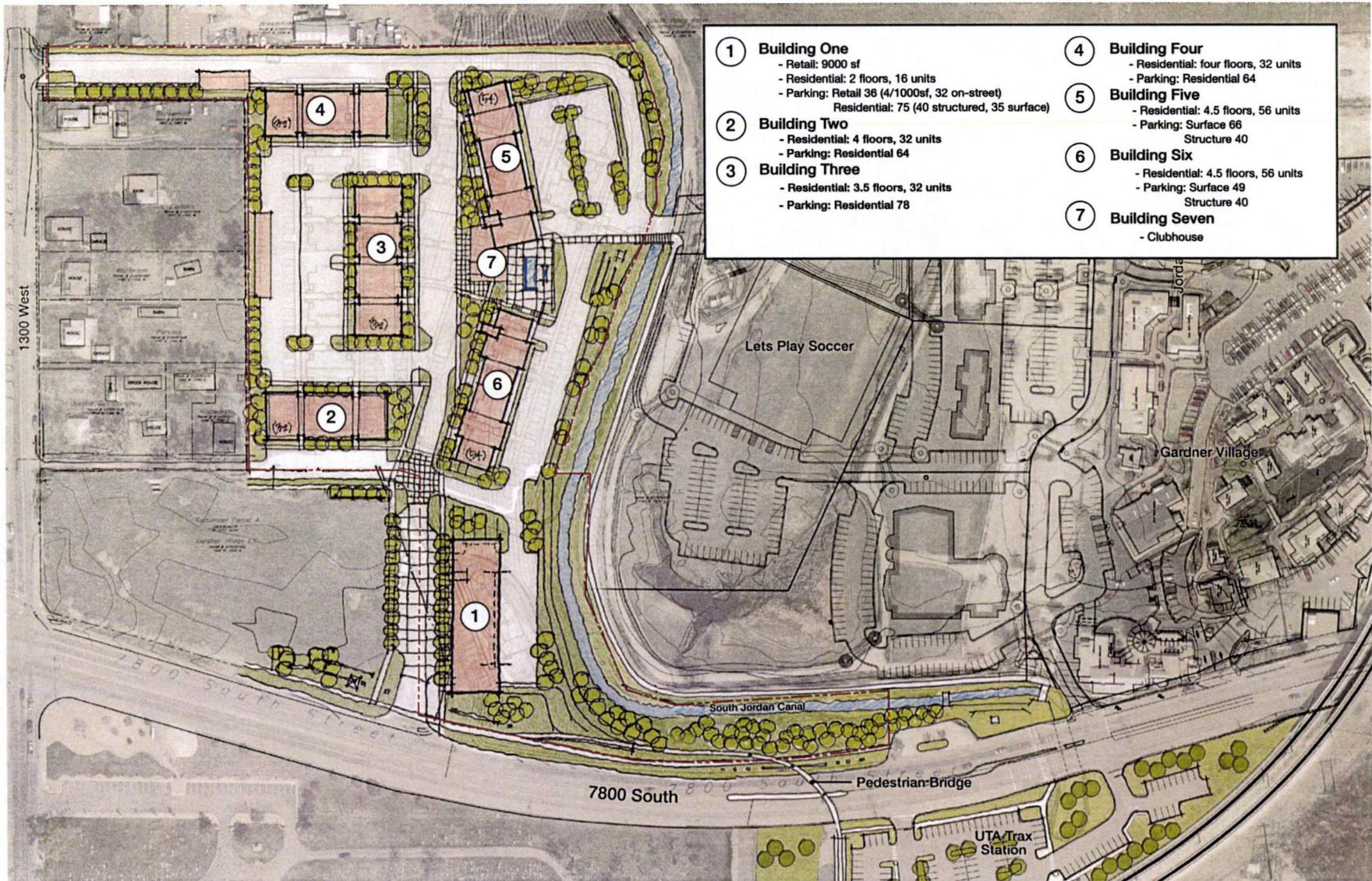
Brief Description of Unit Inventory

The 224 multi-family dwellings will consist of 1,2, and 3 bedroom units spread throughout six buildings. Total density of the residential units will be approximately 19.25 units per acre. The minimum unit size will be approximately 734 sf. The buildings will consist of four (1), five (2), and six story (2) buildings. The retail flex space will consist of approximately 9,000sf located on the ground floor of a mixed use building located along 7800 South. See image on page five for illustrative plan with building statistics.



Master Development Plan

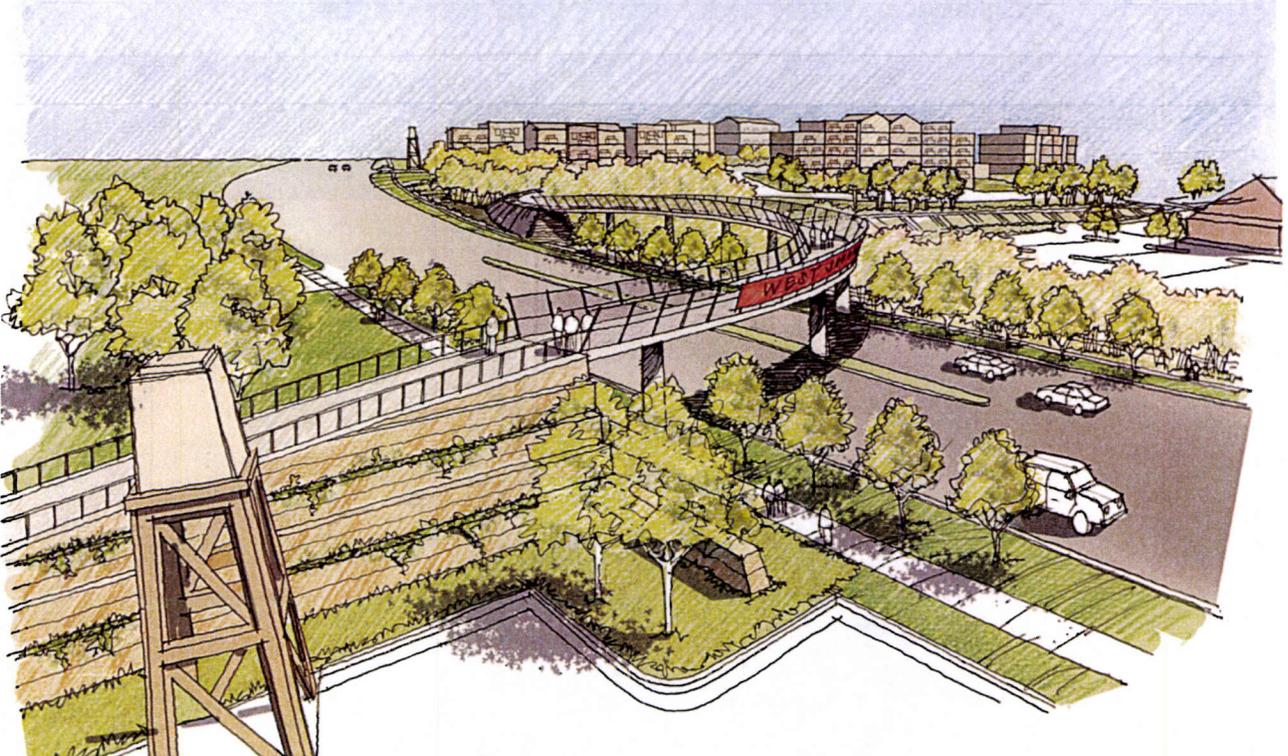




Illustrative Plan with Building Descriptions



Perspective Rendering - Entrance to Mixed Use Street from 7800 South



Perspective Rendering - Pedestrian Connection from Site to Trax Station

Location

The property is located north of 7800 South and East of 1300 West. An irrigation canal runs between the proposed residential units and Gardner Village. The Gardner Trax station is located directly south, across 7800 South.

The land is currently vacant. Various other developers have attempted projects on this site, but have not made it beyond the design phase. There are significant deposits of undocumented fill on the site. The soils will require considerable strengthening through the use of geopiers.

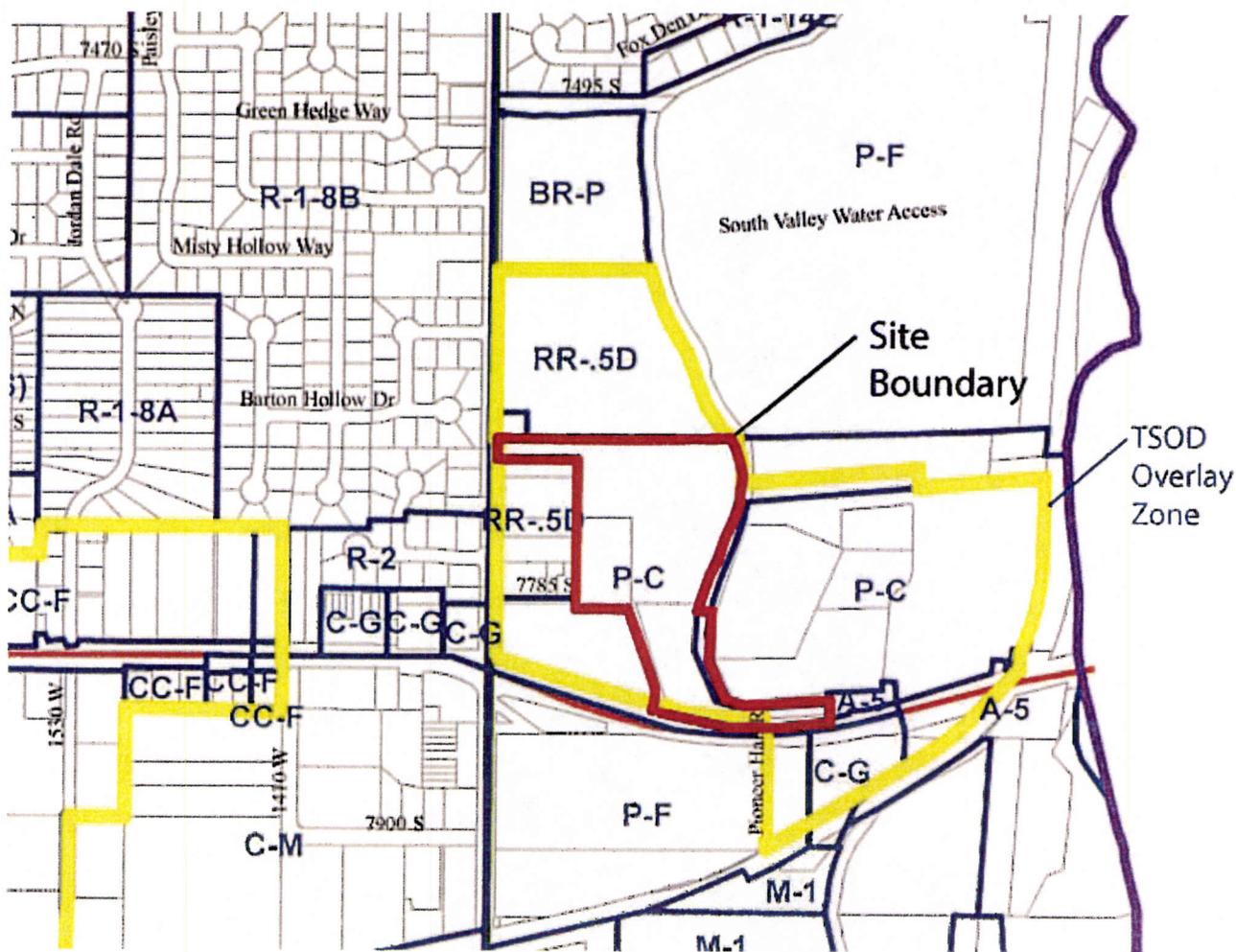


Vicinity Map

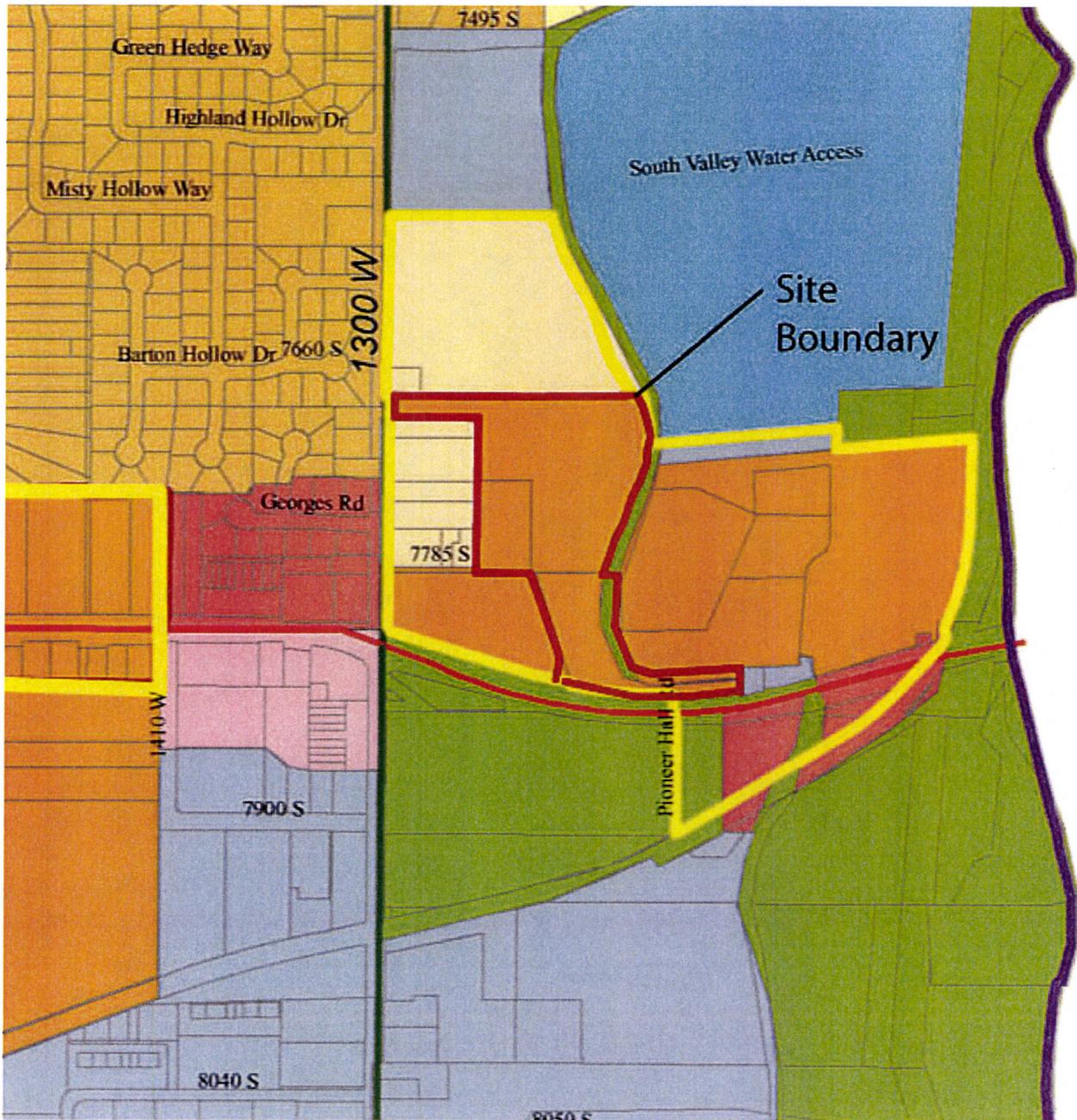
Zoning

The 11.62 acre property is within the planned community (PC) zone of West Jordan within a transit station overlay district (TSOD). These designations are aimed at fostering creative approaches to clustered, pedestrian-friendly mixed use development. Gardner Station has taken numerous measures to ensure that it meets the requirements of these zoning requirements including:

- inclusion of both retail and residential uses within its programming (mixed use)
- clustering of high density residential uses in order to provide increased housing options in the area adjacent to the Gardner Trax station
- organization of its parking and ingress/egress so that it meets the city's preferred patterns of vehicular circulation
- use of small building setbacks and emphasis on street-building relationship
- creation of new mixed use street to promote development of diverse uses in the area adjacent to the Trax station
- placement of parking lots placed behind buildings in order to limit visibility from 7800 S
- limitation of building heights to 75' or less per TSOD ordinance
- provision of bike parking, pedestrian connections, outdoor gathering spaces, sidewalks, and traffic calming measures in order to promote non-vehicular modes of circulation



Zoning Map

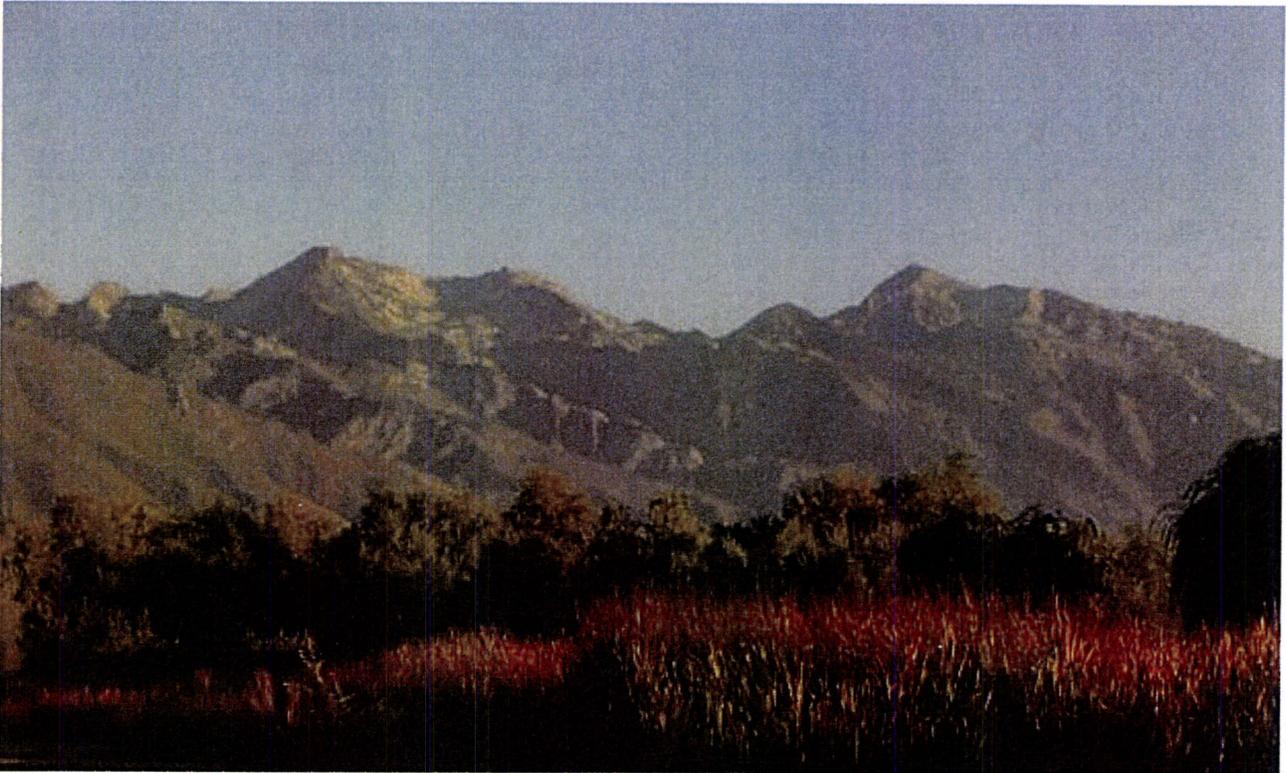


Land Use Type

- | | |
|--|--|
| ■ Regional Commercial | ■ Mixed Use |
| ■ Community Commercial | ■ Very Low Density Residential |
| ■ Neighborhood Commercial | ■ Low Density Residential |
| ■ Public Facilities | ■ Medium Density Residential |
| ■ Parks and Open Land | ■ High Density Residential |
| ■ Agricultural Open Space | ■ Very High Density Residential |
| ■ Future Park | ■ Professional Office |
| ■ Light Industrial | ■ Research Park |
| ■ City Center/
Neighborhood TSOD Center | |

Land Features

The western portion of the site is fairly flat. It drops in elevation dramatically toward the east. A few trees exist on the site, but are not quality. An irrigation canal runs along the eastern boundary of the multi-family property and is a nice visual amenity. The views from the site to the east of the Wasatch mountain range are stunning. Due to the grades and curvature of 7800 South, views of the property from the road are obscured.



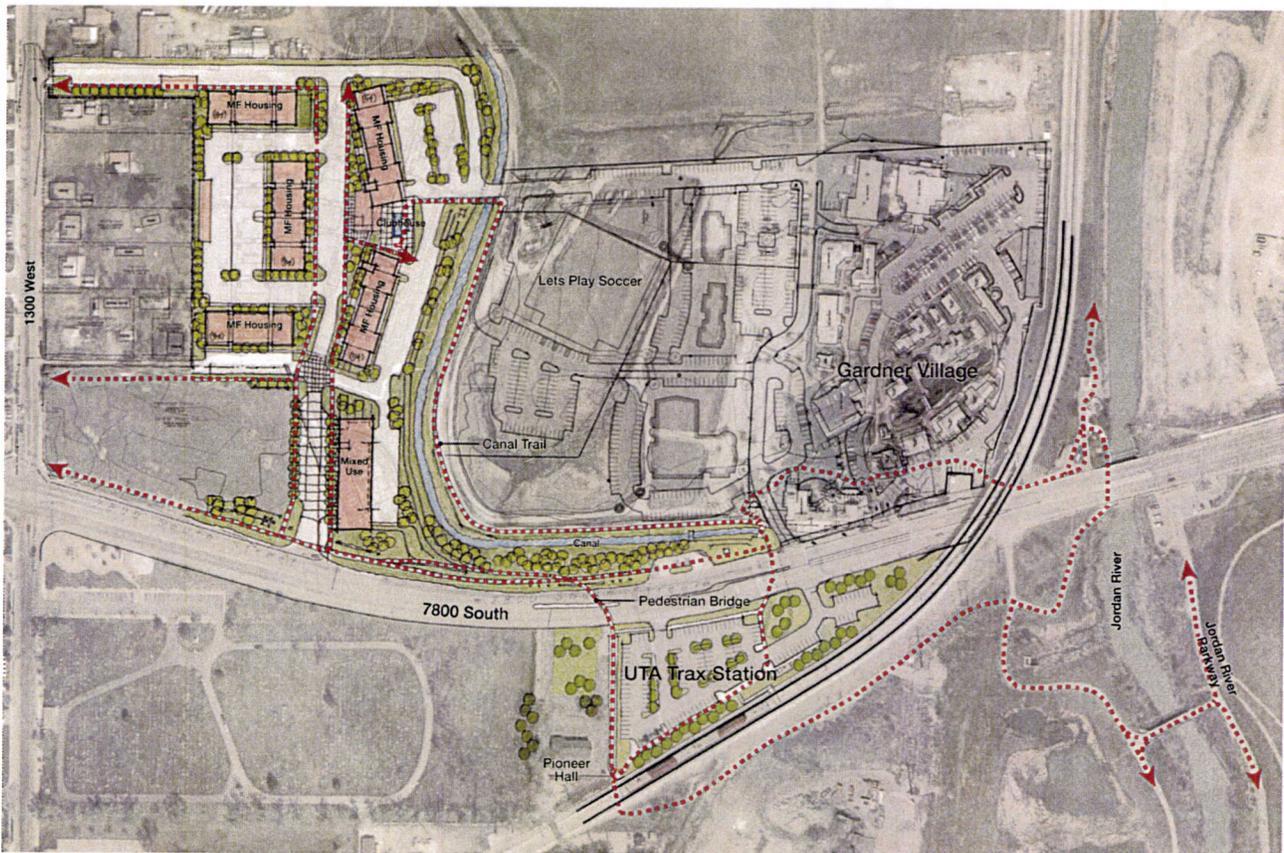
Photograph of Wasatch Mountains

Site Amenities

Trails

The current design of Gardner Station emphasizes the relationship of its buildings with landscape and the nearby natural amenities. Numerous design iterations were explored until interior roads, buildings and open space were arranged in a pattern that maximizes pedestrian connections both within the site and to the adjacent areas of Gardner Village and the Gardner Trax station. These connections have been established in a manner that takes advantage of the site's adjacency to the South Jordan Canal and Jordan River Parkway. Pedestrian connections will be surrounded by landscaping that will provide a pleasant amenity and encourage residents and visitors alike to engage with the outdoor spaces in and around the site.

In an effort to expand pedestrian connectivity within the West Jordan TSOD overlay zone the developer has agreed to install the trail from the existing pedestrian crossing on 7800 South to the site.



Pedestrian Connections

Site Amenities (Continued)

Open Space

Gardner Station is designed to have both active and passive open space.

The following active open space amenities/facilities have been incorporated into the project's multifamily area:

- Swimming Pool and Spa (located near the clubhouse)
- Playground area
- Trail connections to the Gardner Trax station

The following passive open space amenities have been incorporated into Gardner Station:

- Landscape greenbelt along canal
- Landscape buffer along 7800 South
- Sidewalk patio area in front of flex retail space

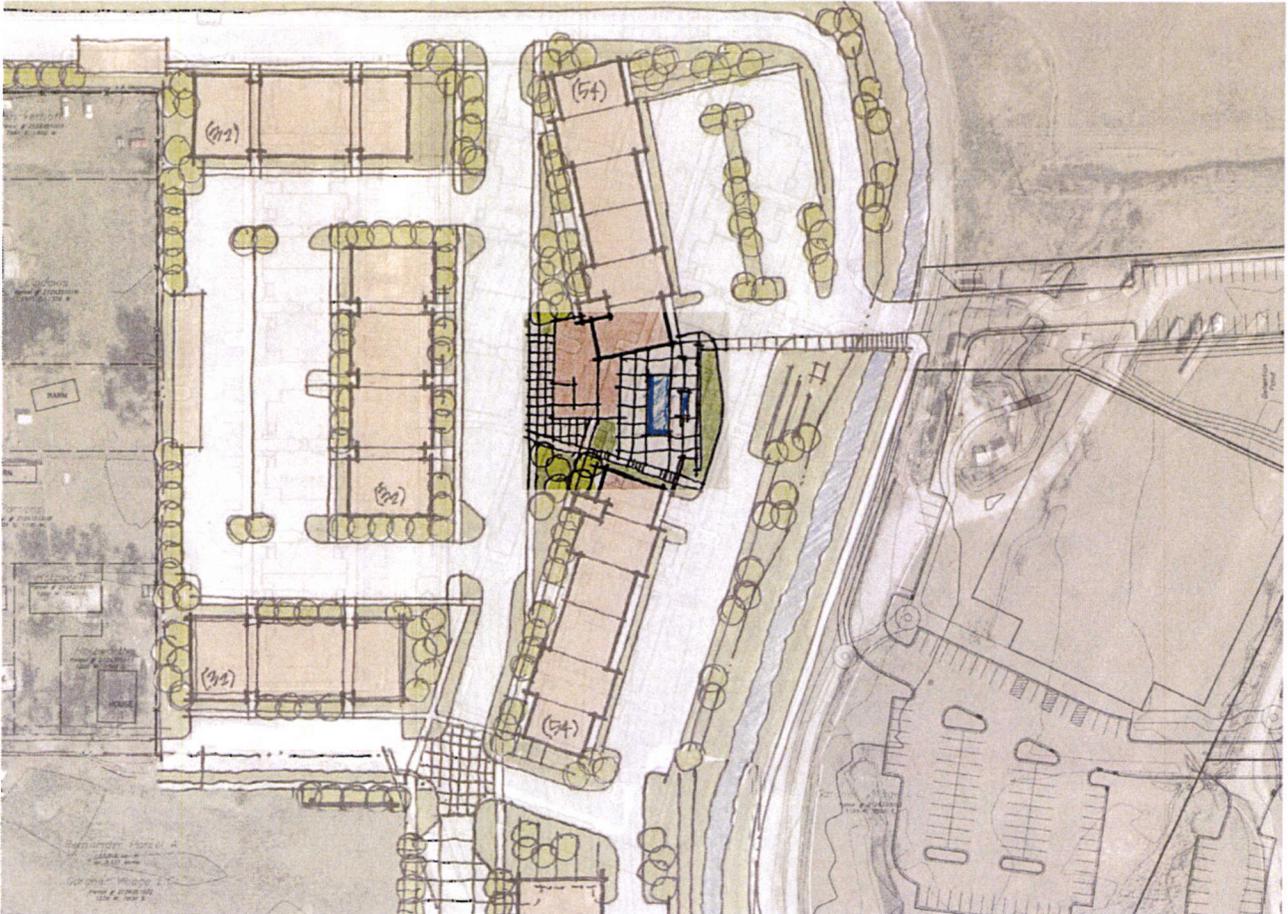


Key Open Space Areas

Site Amenities (Continued)

Clubhouse

Gardner Station will offer a pool/spa area and 4000sf clubhouse for its residents. These facilities have been centrally located in order to be readily accessible to all residents and in order to capture the outstanding views of the nearby Wasatch Mountains. The clubhouse will offer numerous amenities including a fitness room, outdoor dining area, and indoor event space.



Centrally Located Pool/Spa and Clubhouse

Site Amenities (Continued)

Pool Area

The pool area includes a 30'x50' swimming pool and a 12' diameter spa. The elevated location of the clubhouse area provides the perfect opportunity for an infinity edge pool. This will enhance the resort-like atmosphere of the clubhouse and its outdoor amenities. A pool house is located within the clubhouse that will include restrooms, showers and enclosed pool equipment.



Pool with Infinity Edge

Site Amenities (Continued)

Picnic Grill

Belson CHAR-WOOD grills will be provided in the outdoor dining area adjacent to the clubhouse. The Belson CHAR-WOOD grill is designed to burn either charcoal or wood. The size is: FC-1193-B (18" x 24"). A self-contained locking device prevents theft. Swivel mechanism allows 360° rotation for best wind draft control. The FC-1193-BHC adapts the standard CHAR-WOOD grills for wheelchair accessibility.

Features:

Firebox: 1/16" steel plate with integral slots to allow grate to be adjusted to four different heights. 10" high firebox walls provide a wind guard for the cooking area.

Grate: 1/2" round steel bars welded on 1" centers.

Handles: 5/8" round steel bars welded through the sides of the firebox to prevent grate removal. The handle is protected on each side with cool-spring wire hand grips.

Swivel Box: 4" O.D. steel pipe to the underside of the firebox with special swivel and locking device that allows the campstove to rotate 360° for wind draft control, but will not allow vandals to remove campstove from pedestal.

Pedestal: 3-1/2" O.D. steel tubing, 40" long with special vandal-resistant locking nut and bolt. Pedestal is to be mounted in a concrete base.

Finish: Non-toxic heat-resistant flat black enamel.



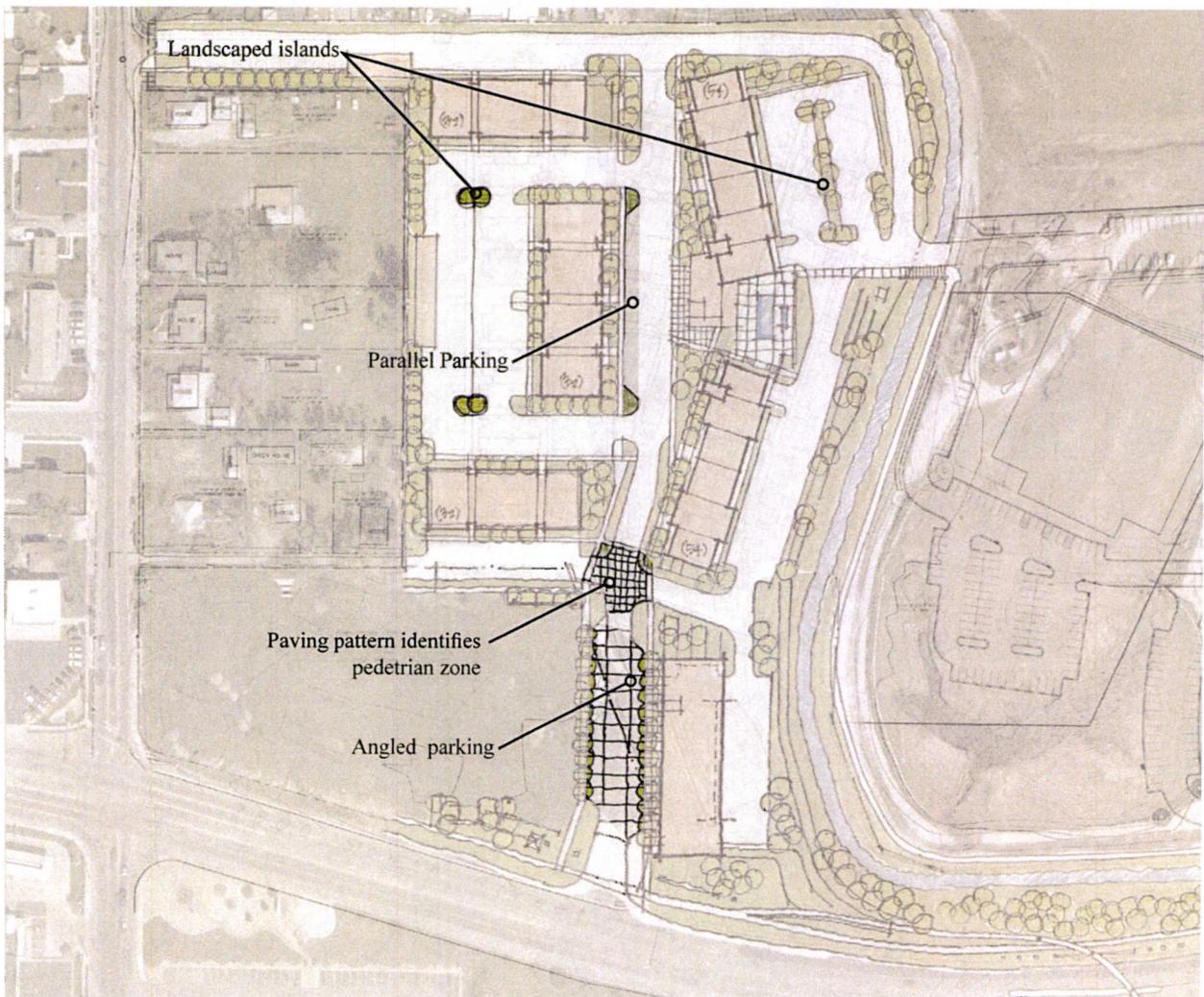
Street Design

General Description

At the core of the design of Gardner Station is the design of the streets. Gardner Station's streets have been designed to be pedestrian friendly while still providing an engaging experience for vehicular users. Streets have been lined with wide sidewalks and abundant landscaping in order to encourage pedestrians to travel throughout the site and into the adjacent residential, retail and transit-oriented areas. Angled parking is provided along the flex retail frontage in order to provide easy access to the retail space while also providing a traffic calming measure which further enhances the pedestrian experience. Buildings are arranged in a manner that emphasizes the architectural detail of the structures and minimizes sightlines from the central mixed use street into the primary parking areas.

Traffic Calming Measures

Traffic calming measures have been introduced throughout the site to create a pedestrian friendly circulation network that is complementary to the residential and retail environment within the site. Street parking, landscaped islands, and clear demarcation of pedestrian oriented areas helps create a safe and walkable environment for residents and customers at Gardner Station.



Traffic Calming Measures

Street Design (continued)

Street System Designs

AWA civil engineers have been actively engaged in the concept design of the site to ensure that the current plan for the Gardner Station conforms with the city standards and fire code for interior road widths, turning clearances, parking stall dimensions, and all other infrastructure-related requirements.

Landscape Buffers along existing ROW

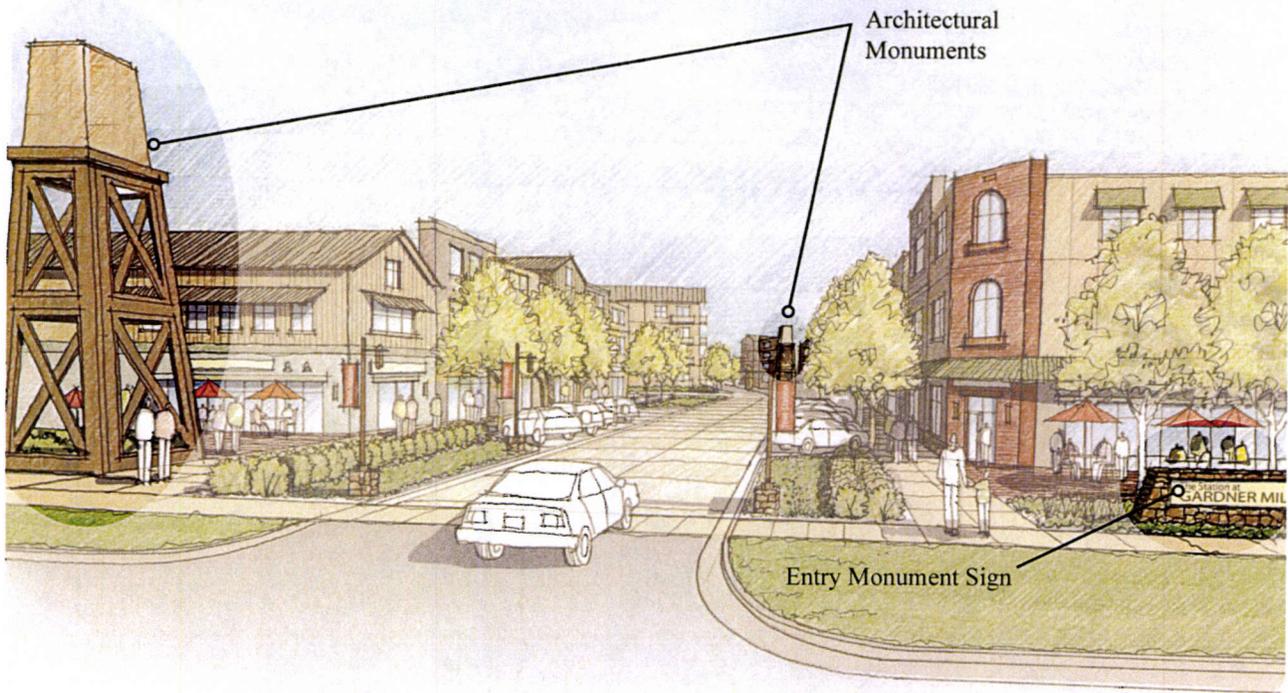
The plan for Gardner Station provides landscape area along 7800 South (see graphic pg 11) to provide a buffer between the proposed development and the existing right of way. Additionally the site's entrance to 1300 West has been landscaped and arranged so as to not distract traffic along this road.

Monuments

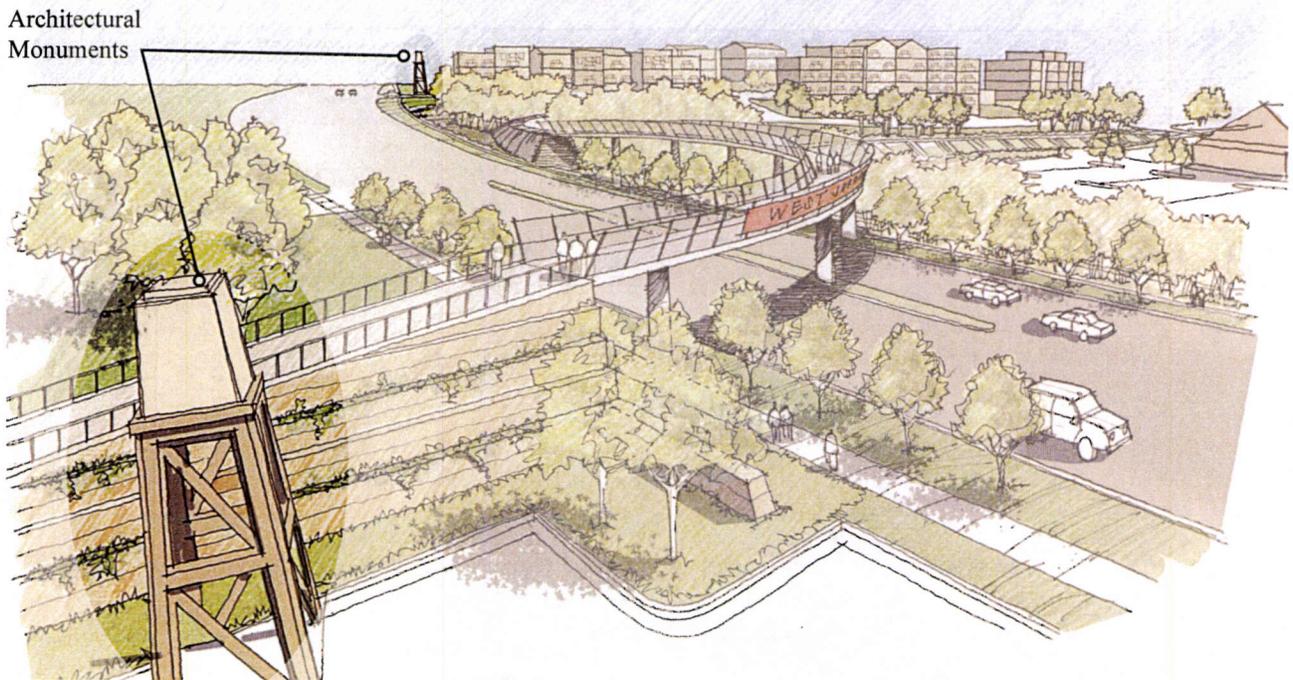
Gardner Station will feature a series of monuments that will enhance the character of the site in a manner that is complementary to the historic architecture of the area. These monuments will help demarcate critical intersections within the site (the entrance at 7800 South, the northern terminus of the mixed use road) as well as create a connection with surrounding sites such as the Gardner Trax station. See following page for monument graphics.

Connections to Adjoining Parcels

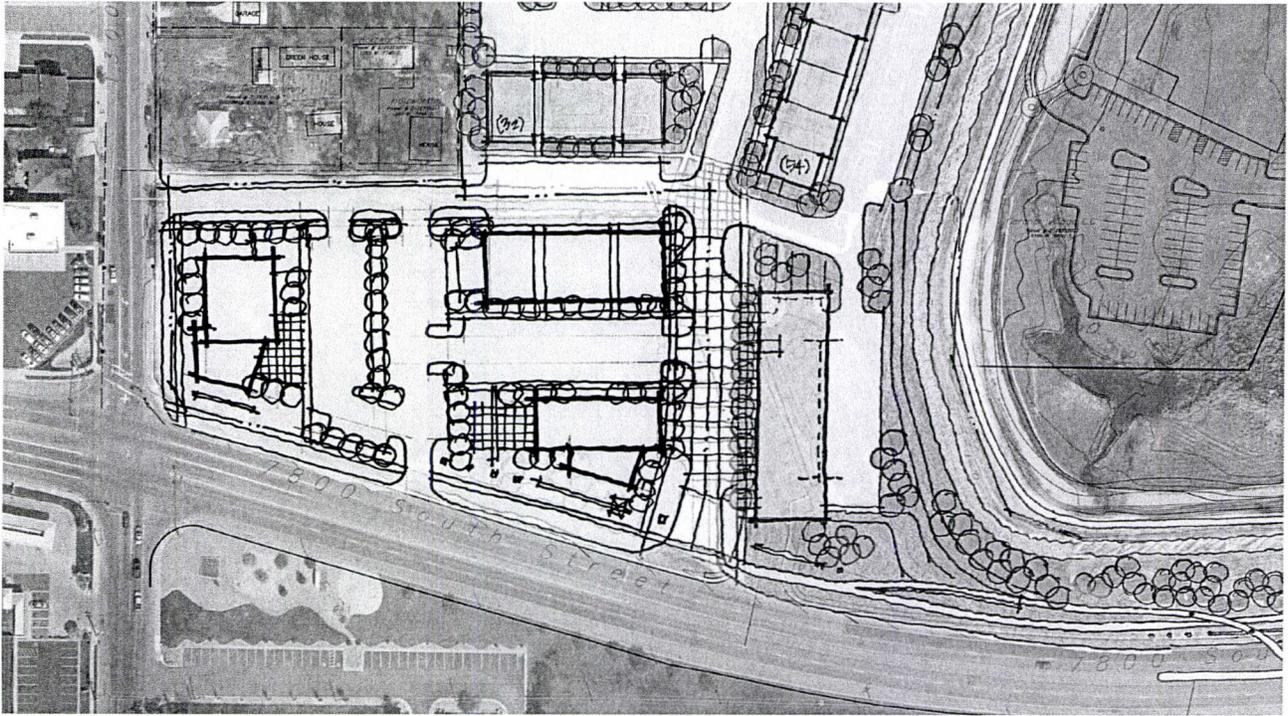
Gardner Station has been designed so that its mixed use street provides a strong foundation for future development on the parcel that adjoins its western boundary. These future connections will be integral to the continued growth of West Jordan's TOD district. The design team explored numerous conceptual possibilities (see pages 18 and 19) for the adjacent site in order to make certain that Gardner Station's design will assist the development of its neighboring parcels.



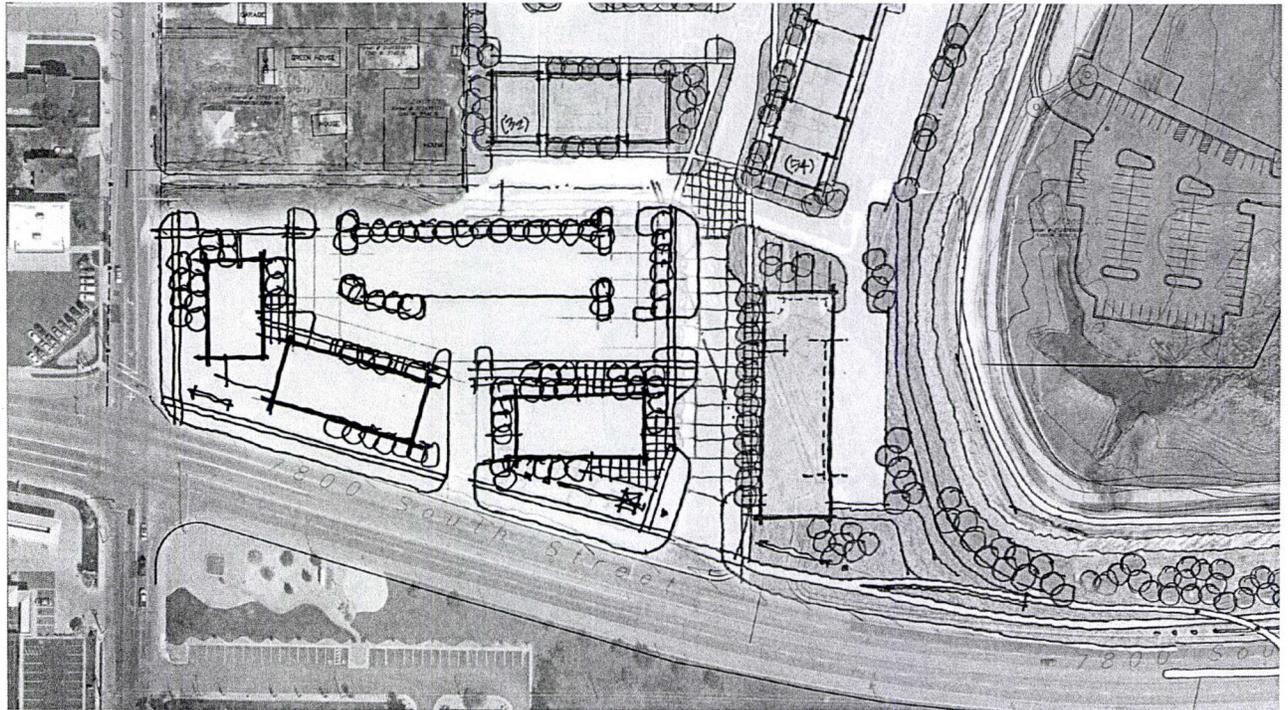
Perspective rendering depicting architectural monuments and signage at entrance to site and northern terminus of mixed use street



Perspective rendering depicting architectural monuments at entrances to site and Gardner Station

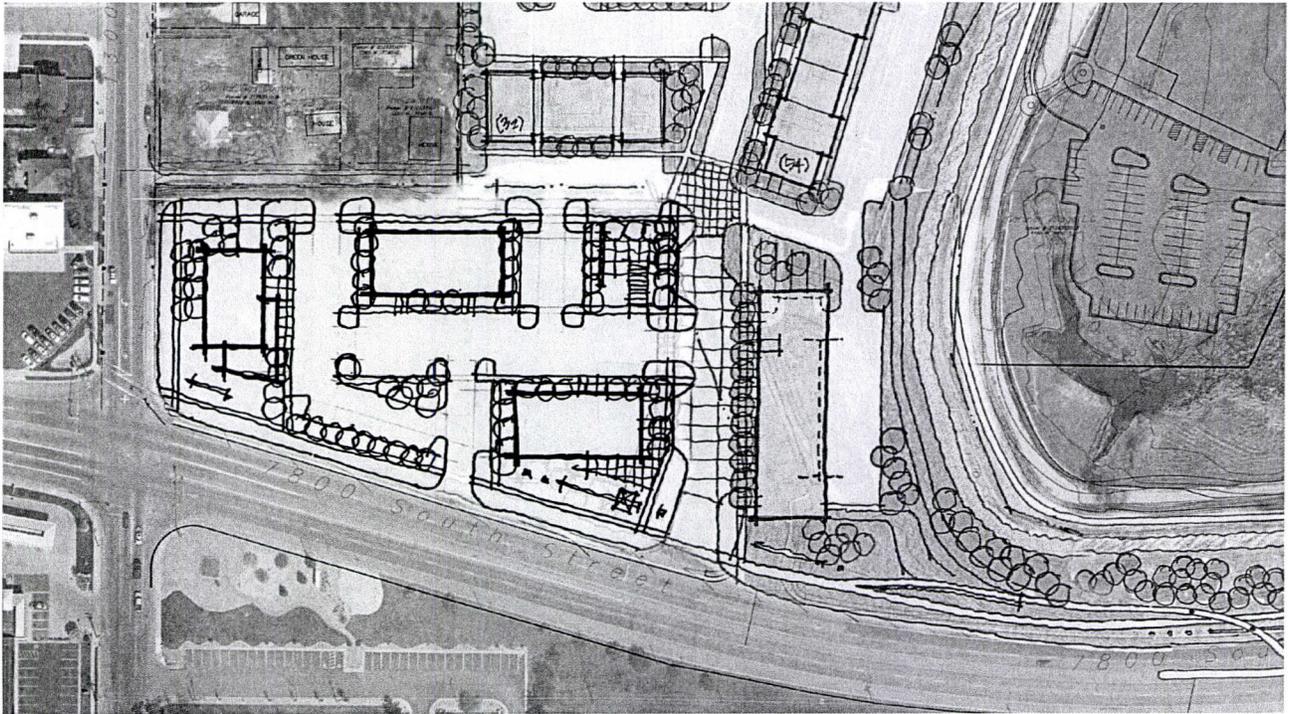


Future Build-Out Scenarios

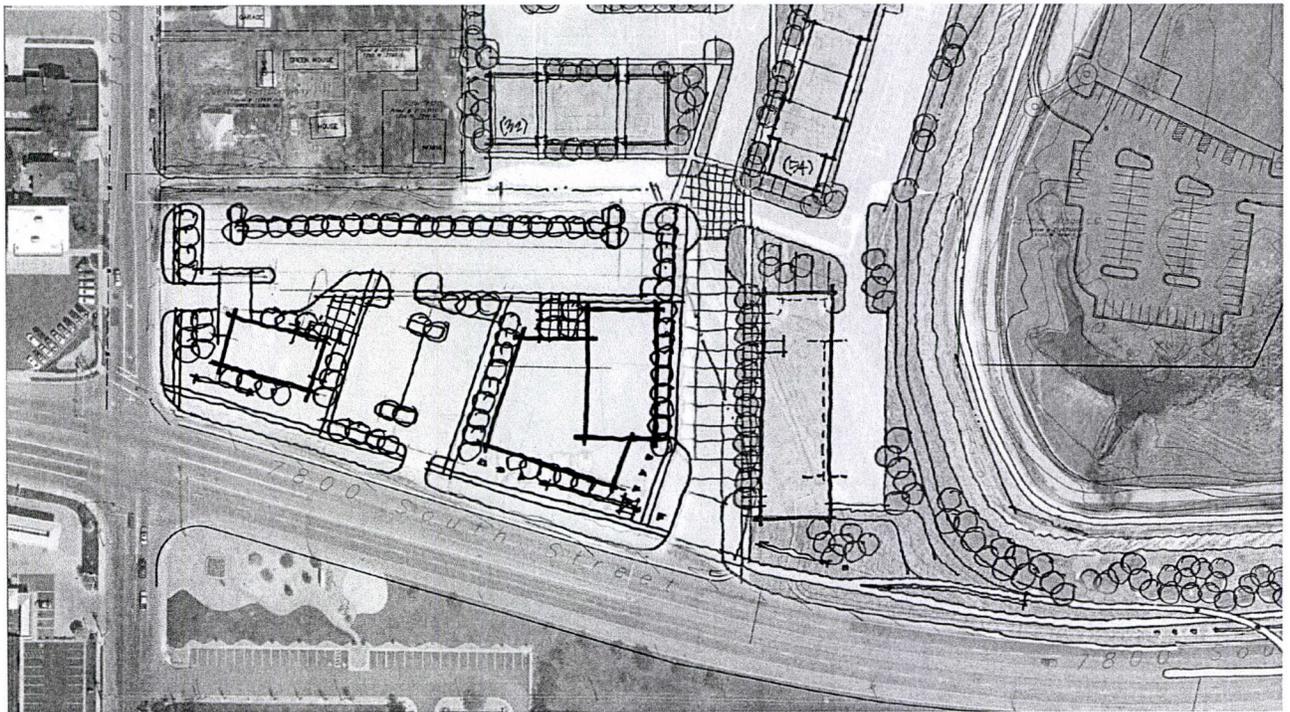


Future Build-Out Scenarios

Note: Plans shown above were developed on behalf of Gardner Station for concept purposes only and do not depict proposed design for adjacent parcel.



Future Build-Out Scenarios



Future Build Out Scenarios

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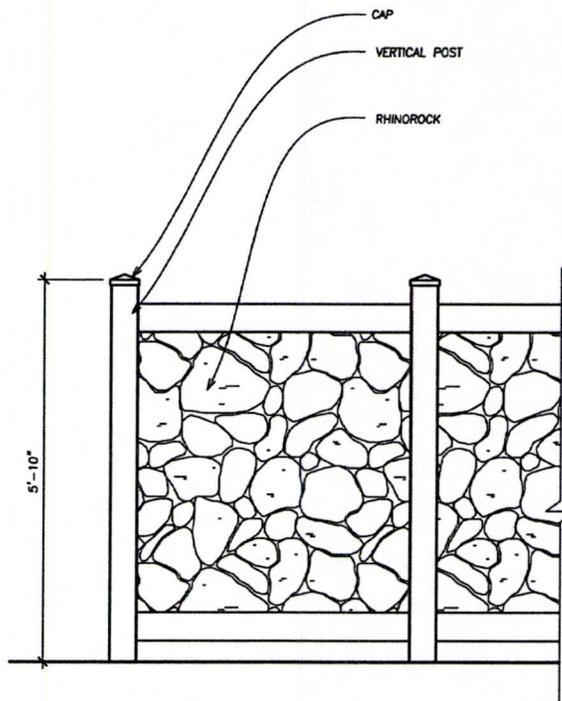
Fencing

Concrete Fencing

Concrete fencing will be installed along the northern and western perimeter of the site in order to provide an aesthetically-pleasing buffer between the site and adjacent residential areas. This fence will be 6' in height and will be installed and maintained by the developer.



Concrete fencing will provide and aesthetically pleasing buffer between the site and adjacent residential areas.

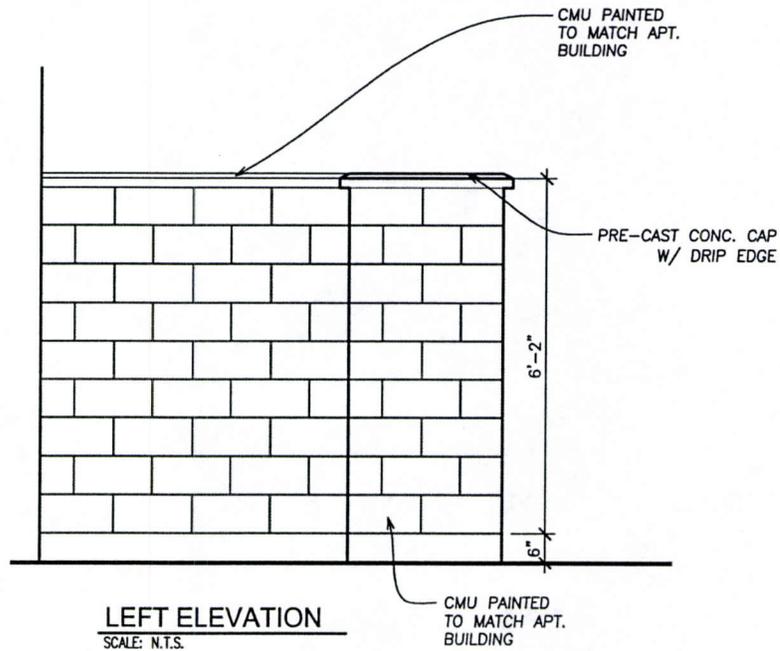
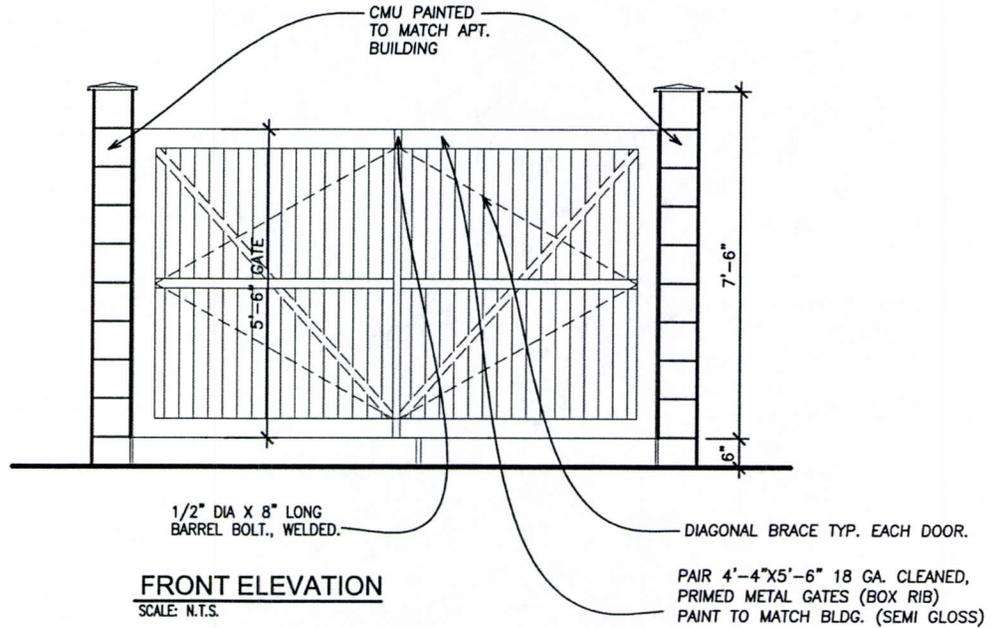


Concrete fence detail

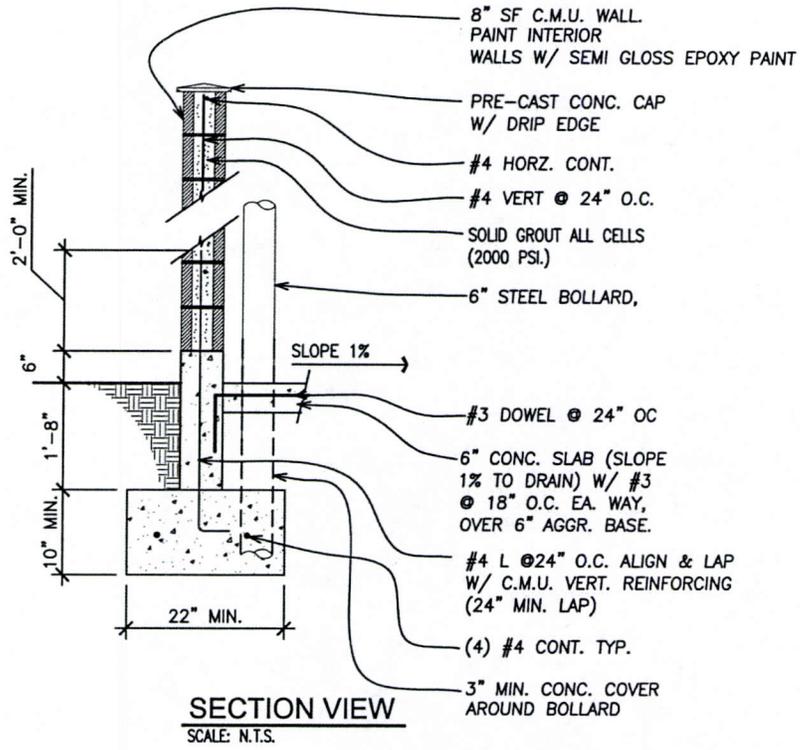
Fencing (continued)

Trash Enclosures

Outdoor dumpster enclosures will be shielded from public view through the use walled, gated enclosures. These enclosures will be painted and detailed to be complementary with the architecture of the site.

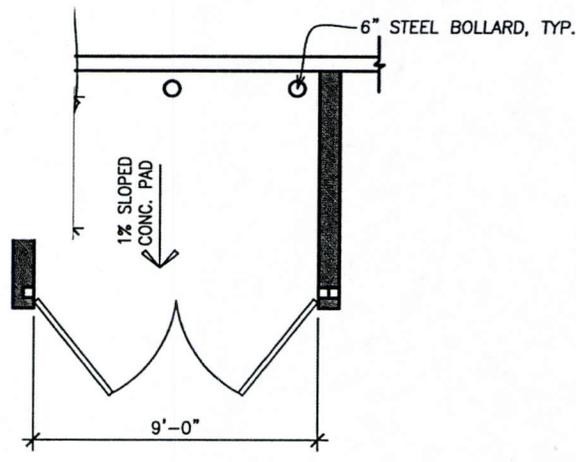


Trash Enclosure Details



)

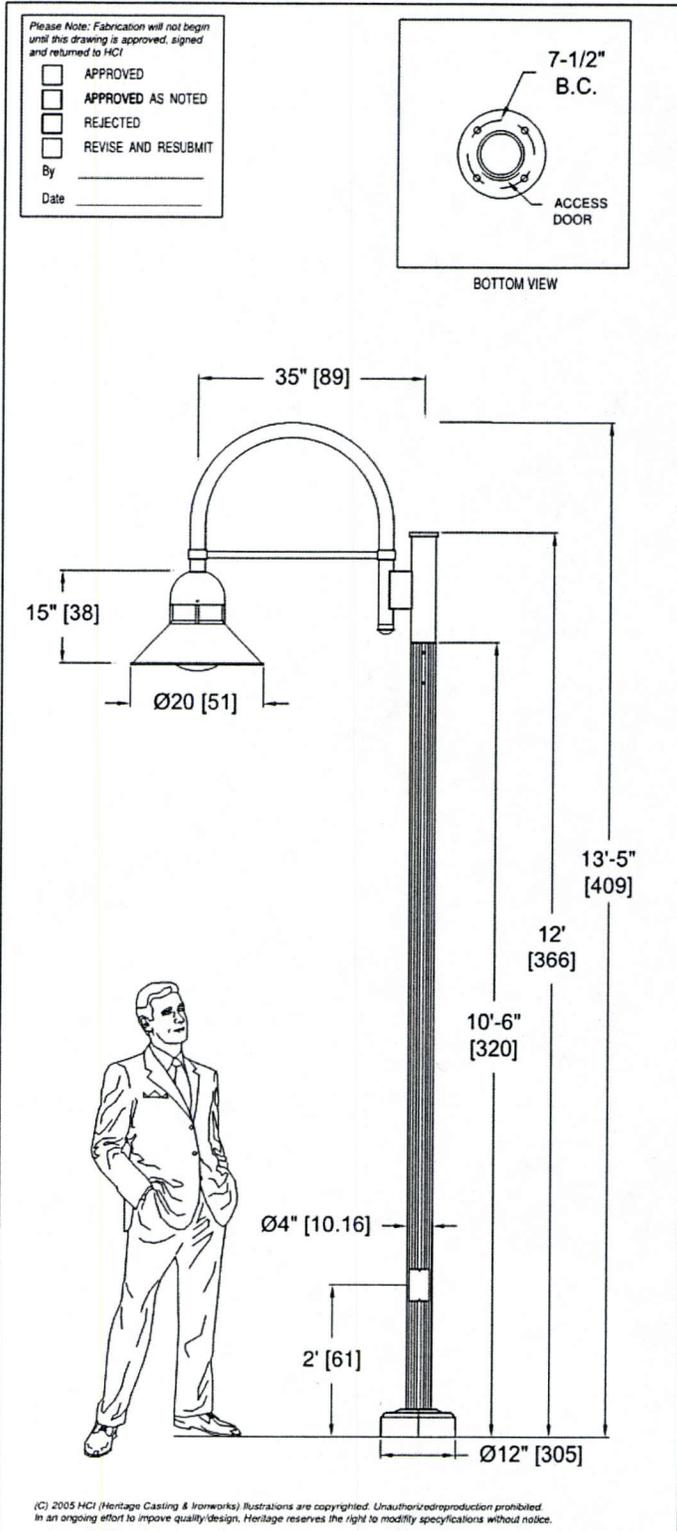
A 32" MIN. CLEAR WIDTH OPENING TO THE
DUMPSTER ENCLOSURE SHALL BE PROVIDED.
AN ACCESSIBLE ROUTE MUST ALSO BE PROVIDED
TO THE DUMPSTER DOOR. SEE CIVIL.



PLAN VIEW
SCALE: N.T.S.

Street Lighting

Street lighting is incorporated throughout the pedestrian and vehicular routes in order to provide wayfinding assistance, security, and additional architectural detail. Lighting will be placed on 12' poles that are staggered along the streets and parking areas.



Approval Drawing

Light Std:F177-L-A357-P424-2-4FA

Diffuser Type: Frosted

Diffuser Material: Polyethylene

Optical System: Bare lamp IES Type V.

Diffuser Fitter Material: Cast Aluminum and spun aluminum. Diffuser is threaded.

Ballast: MH high powerfactor, mounted on a removable plate. A quick disconnect wiring system allows for fast, easy ballast maintenance. (lamp by others)

Wattage: 150W (MH)

Voltage : 120V (QT)

Socket : Medium, 4KV porcelain

Photocontrol: None.

Arm: Extruded aluminum .125 (3mm) th.

Configuration: 1A

Pole: Made of aluminum with flutes O.D. 4", wall thk. 0.125"

Base Cover: Two-piece cast aluminum attached to pole with stainless steel screws.

Anchor Bolts: 4 galvanized 19mm (3/4") x 610mm(24") long. The bolt circle template is supplied by HCI.

Finish: Electrostatically applied, thermoset polyester powder-coat finish.

Colour: Black RAL 9011

Sales: JOE Designer: FC
 Date: SE009.09 Drawing No: 10897-R1
 Model: F177-L-FPE-150MH-120V(QT)-BL5-
 /A357-1A-/P424-2-4FA-11.6-RAL9011

Project:
 Rep: ALS UTAH

Please Note: Fabrication will not begin until this drawing is approved, signed and returned to HCI



1280 Fewster Drive, Mississauga, Ontario, Canada L4W 1A4
 Tel: (905) 238-2648 Fax: (905) 238-9060
 Toll Free Canada & USA 1-800-267-3175
 E: sales@hclighting.com WEB: www.hclighting.com

Site Lighting Detail

Buildings and Structure Descriptions

Configuration

Gardner Station will consist of seven buildings - five multifamily, one clubhouse, and one mixed use building. These buildings have been arranged so that the mixed use building is located along South side of the site, where it will anchor a new mixed use node that is readily accessed from 7800 South and the nearby Trax station. The rest of the buildings, five multifamily and one clubhouse, have been distributed along the road that connects the remainder of the site to both 1300 West and Gardner Village. See graphic on page 20 for building locations and descriptions.

Theme-Based Architecture

The proposed buildings at Gardner Station feature attractive theme-based architecture on all structures. The inspiration for the buildings theme and style is drawn from the eclectic mix of agricultural-industrial and craftsman cottage architecture of the adjacent Gardner Village center. Contemporary details will provide this project with a fresh interpretation of the historical patterns and proportions found throughout Gardner Village. Tying into common elements between the propoerties will help re-inforce the overall “sense of place.”

In addition, every building type in the development’s comprehensive architectural theme places high emphasis on building design and form. Multiple iterations have been generated prior to finalizing the architectural theme. Attention has been given to building materials, window placement and proportion, roof design, garage placement, color and variety. The following are key features of the architecture:

Overall form

- Building form and character: Each building has been designed to have a balance of vertical and horizontal elements. A mix of form and materials in both directions has been incorporated.
- The massing of all building elevations is broken into the appearance of multiple buildings.
- Each floor line has been delineated on the buildings’ exteriors.
- Architectural features are applied to all sides of the structures and include: Entry columns, Balconies, Decorative Railings, Mullion Windows and Corner Trim extending from the base to the roofline.
- A mix of sloped and flat roofs have been chosen to fit the modern resort theme. Rooflines of differing heights break up the roof lines and add visual interest to the project.
- Building setbacks and locations have been desinged to maintain the scale and pedestrian nature of the community.

Patios and Entrances

- All units have covered patios or decks.
- 100% of structure entrances are provided with canopies or roofs that extend at least 4-feet from the building. Entrance doors are recessed at least 5-feet.

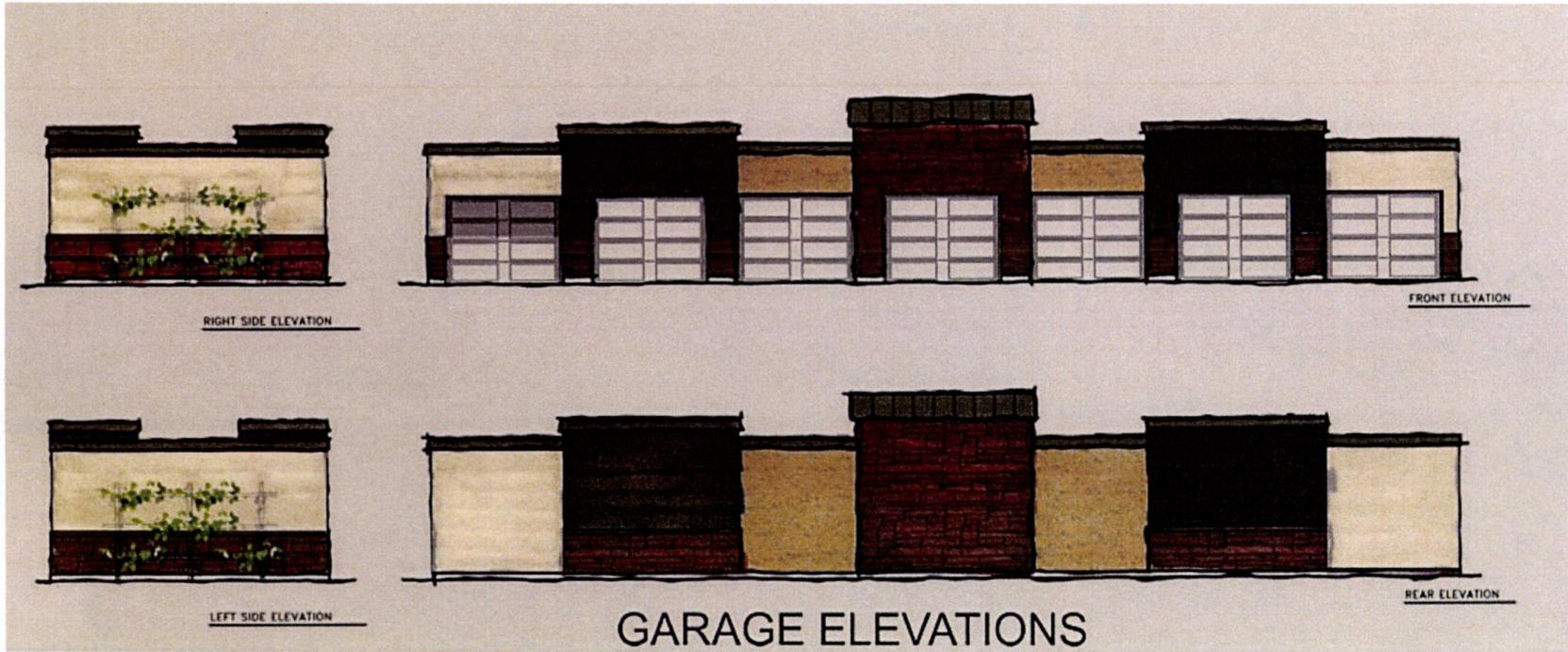
Buildings and Structures (continued)

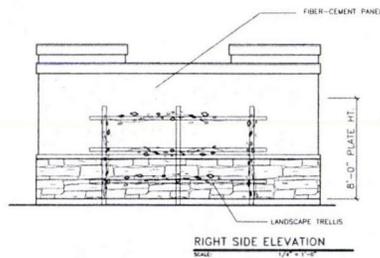
Enhanced Door and Window Treatment.

- Windows are located on all facades of each building. There are no long, monotonous, uninterrupted and windowless walls.
- Windows trim is at least 4 inches in width and 4 inches in depth from window frame.
- Stoops have been added to provide interaction on street facing buildings and to provide a more interactive and animated street, while at the same time providing privacy for ground-floor tenants.
- Every unit has a private balcony or patio. They vary in size from 4'-6"x8'-6" to 4'-8"x9'-6".

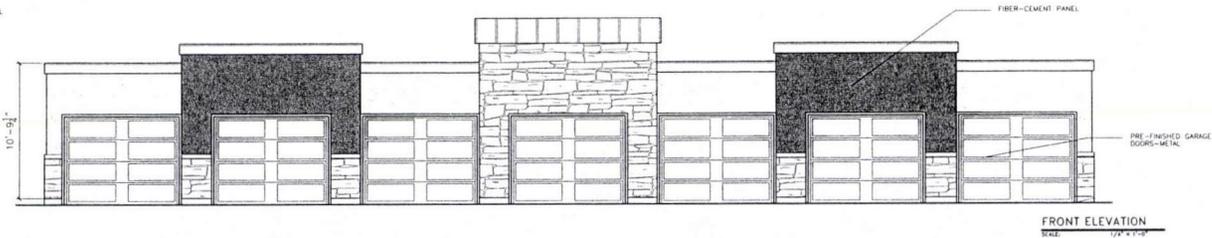
Use of high quality building materials.

- The primary exterior building materials incorporate a variety of durable materials that include brick veneer and durable, colored stucco, and glazing. Corrugated metal will be used in key locations to accent special building features, such as the at the clubhouse.
- There is no use of vinyl or aluminum siding.
- No one material dominates a single façade.
- A mixture of brick veneer and varying fiber-cement board colors and textures have been balanced to break up each façade.

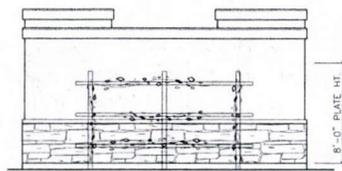




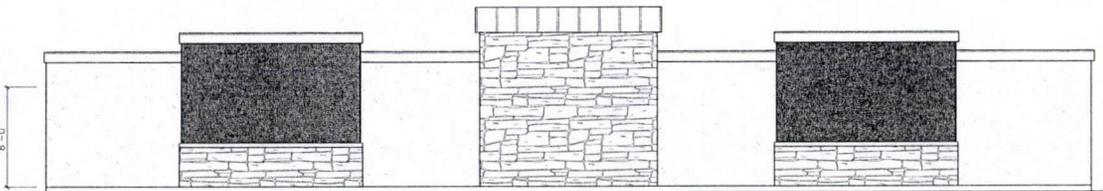
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

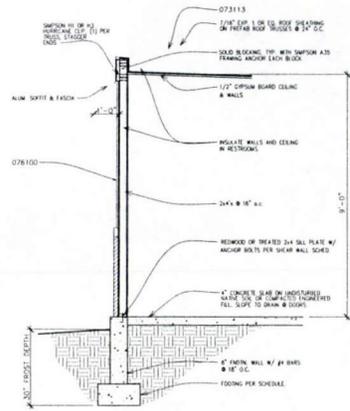


LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

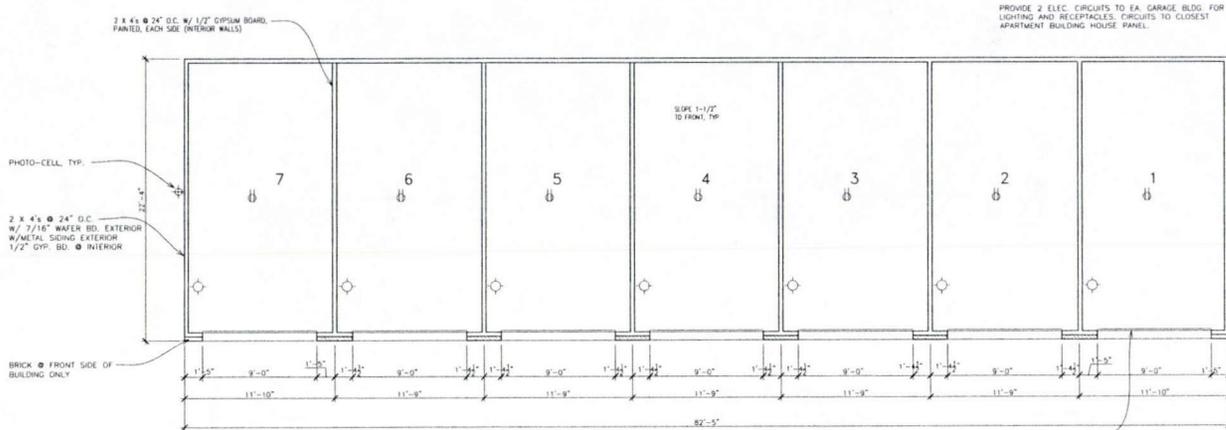


REAR ELEVATION
SCALE: 1/4" = 1'-0"

PROVIDE TRELLISES AT REAR OF BUILDING WHEN ADJUTING NEIGHBORING PROPERTIES.



A GARAGE WALL SECTION
SCALE: 1/2" = 1'-0"



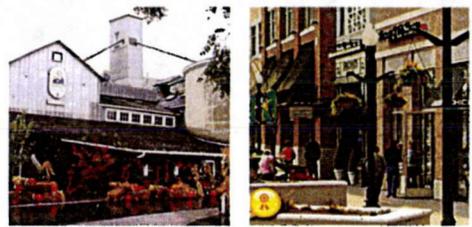
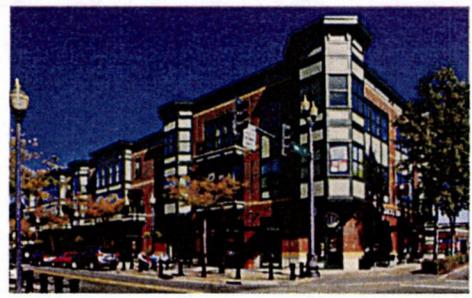
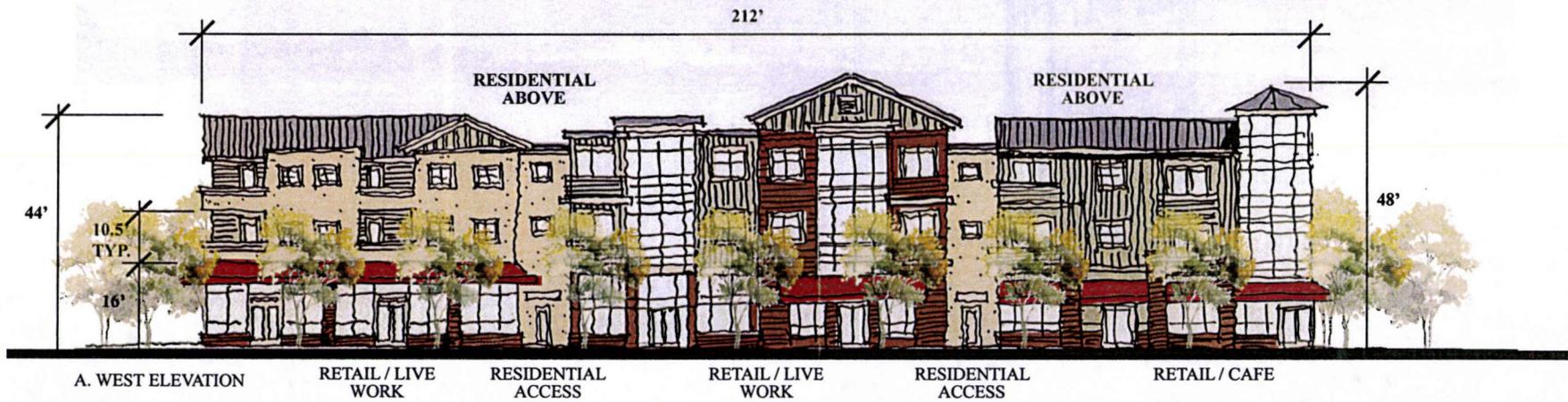
PRE-FINISHED METAL, NON-INSULATED, 9070 GARAGE DOORS HANDELS AT LOWER RIGHT CORNER W/ SLIDE LOCK, TYP.
FLOOR PLAN
SCALE: 1/4" = 1'-0"

ARCHITECTS
1000 JORDAN BLVD.
SALT LAKE CITY, UT 84143
TEL: 313.441.1111
WWW.ARTISTSARCHITECTS.COM

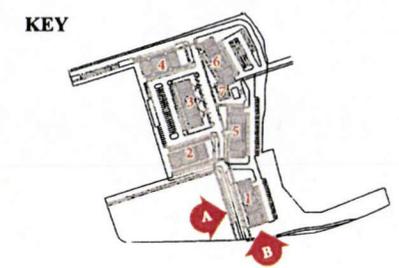
The Station at Gardner Mill
Approximately 1200 West 7800 South
West Jordan, UTAH

DETACHED GARAGES

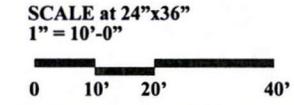
Nov. 13, 2013
A-110



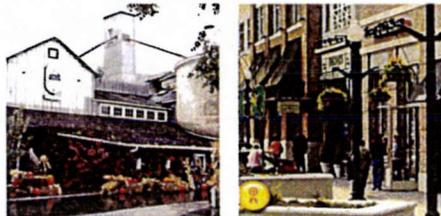
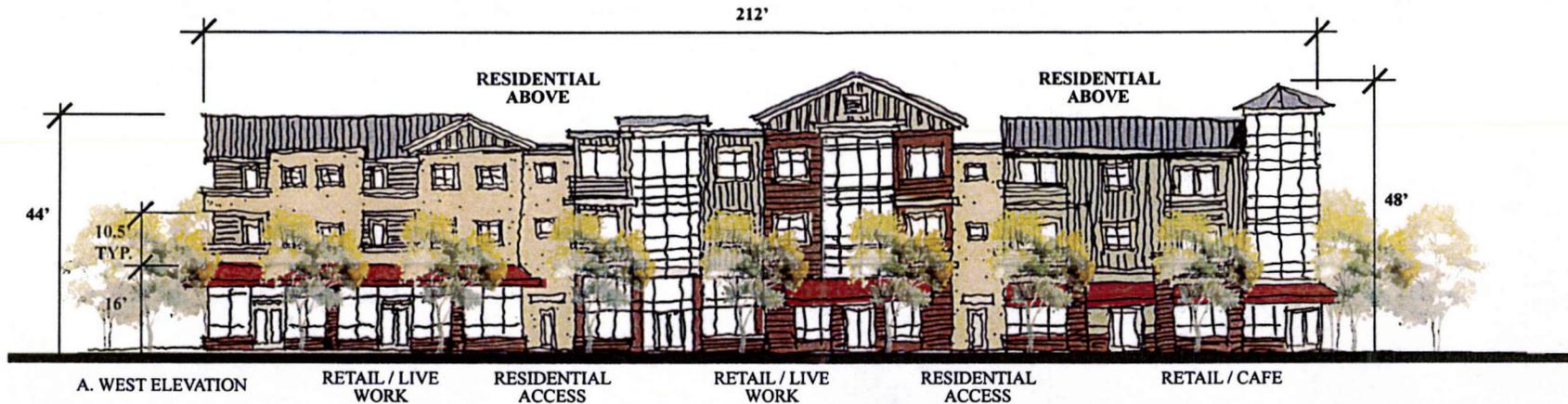
- MATERIALS**
- BRICK
 - STUCCO
 - WOOD SIDING
 - GLAZING



CHARACTER IMAGERY



BLDG 1 - MIXED USE MAIN

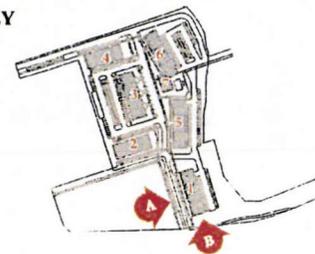


CHARACTER IMAGERY

MATERIALS

-  BRICK
-  STUCCO
-  WOOD SIDING
-  GLAZING

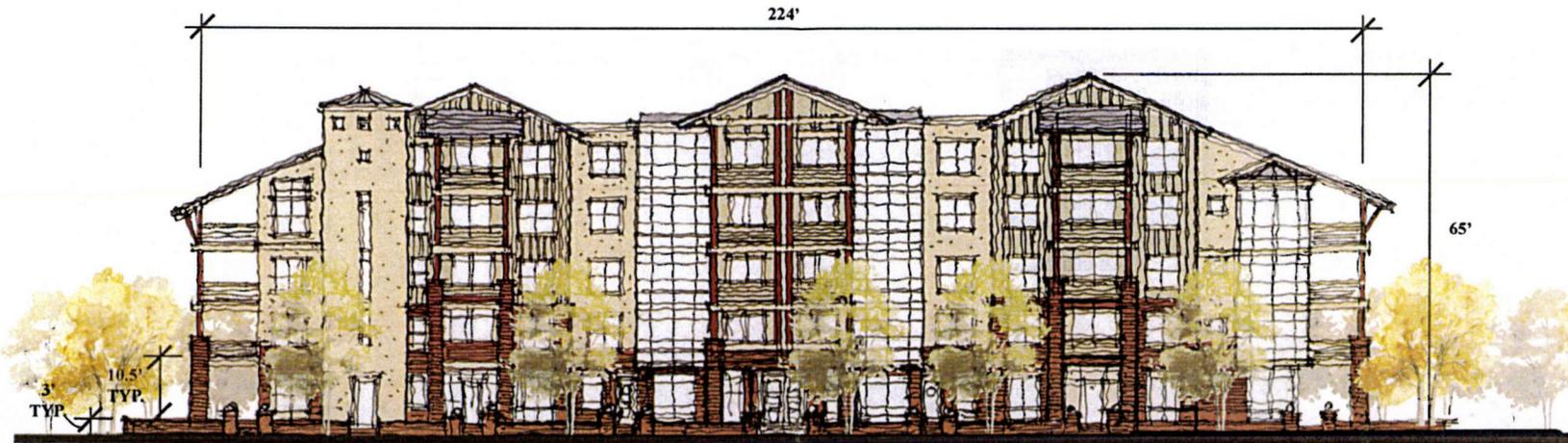
KEY



SCALE at 24"x36"
1" = 10'-0"



BLDG 1 - MIXED USE MAIN



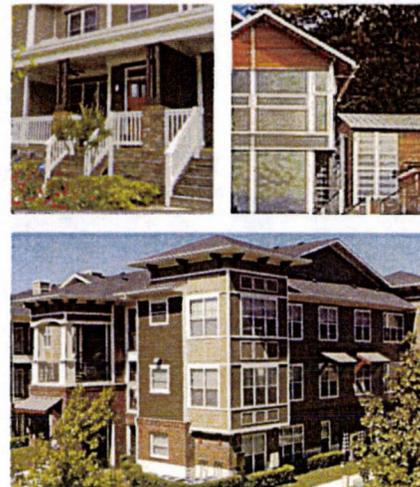
A. WEST ELEVATION 'SILO' ELEVATOR CORE

ENTRY LOBBY



B. SOUTH ELEVATION

BLDG 5+6 - 5 FLOOR RESIDENTIAL



CHARACTER IMAGERY

PARKING
BELOW
RESIDENTIAL

MATERIALS

- BRICK
- STUCCO
- WOOD SIDING
- GLAZING

KEY



SCALE at 24"x36"
1" = 10'-0"



SALT LAKE CITY
10 Exchange Place Ste 112
Salt Lake City, UT 84111 USA
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tel 801 532 4233
fax 801 532 4231

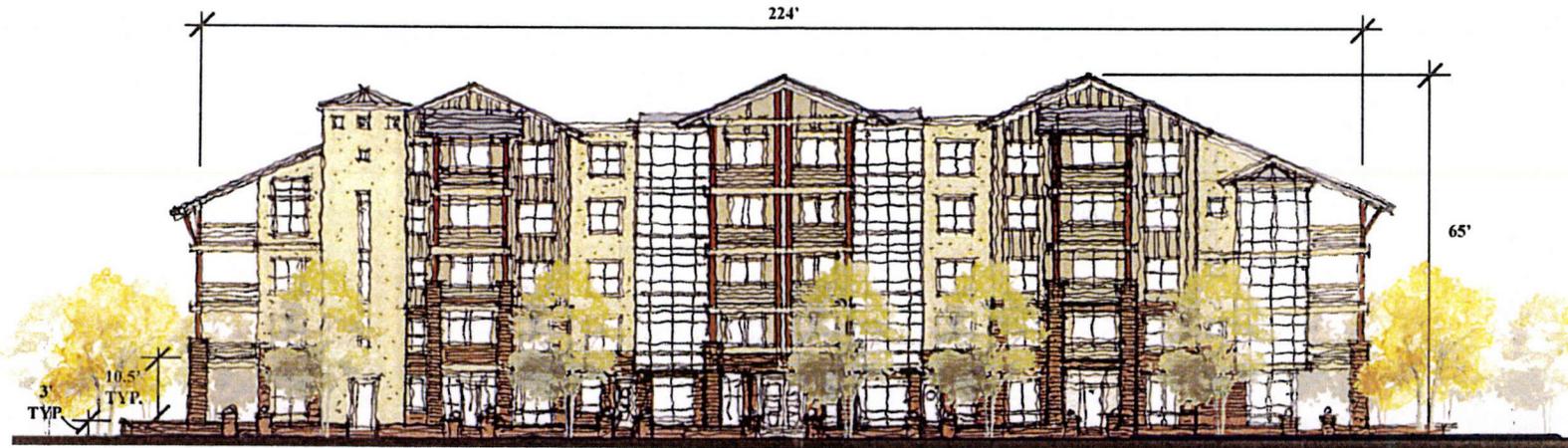
Gardner Station
West Jordan, UT
August 2014

Building Elevations

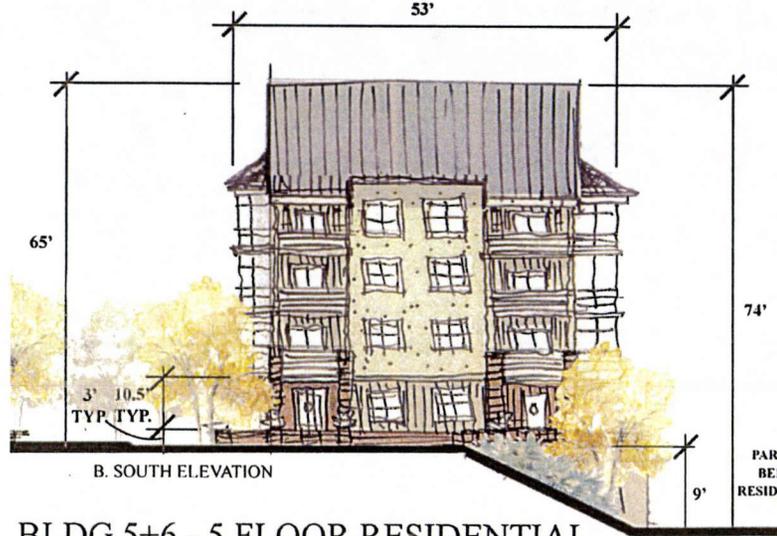
Not to Scale



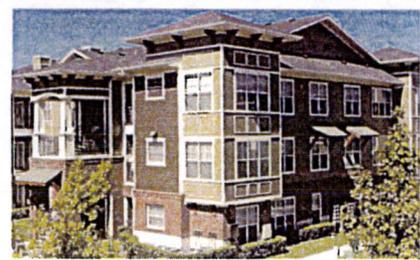
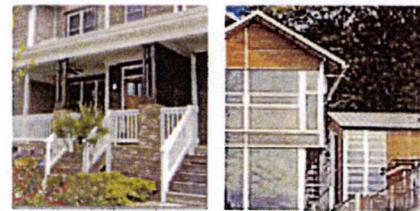
Project # 38772



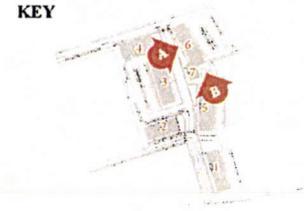
A. WEST ELEVATION 'SILO' ELEVATOR CORE ENTRY LOBBY



B. SOUTH ELEVATION



- MATERIALS**
- BRICK
 - STUCCO
 - WOOD SIDING
 - GLAZING



CHARACTER IMAGERY

PARKING
BELOW
RESIDENTIAL

SCALE at 24"x36"
1" = 10'-0"

BLDG 5+6 - 5 FLOOR RESIDENTIAL



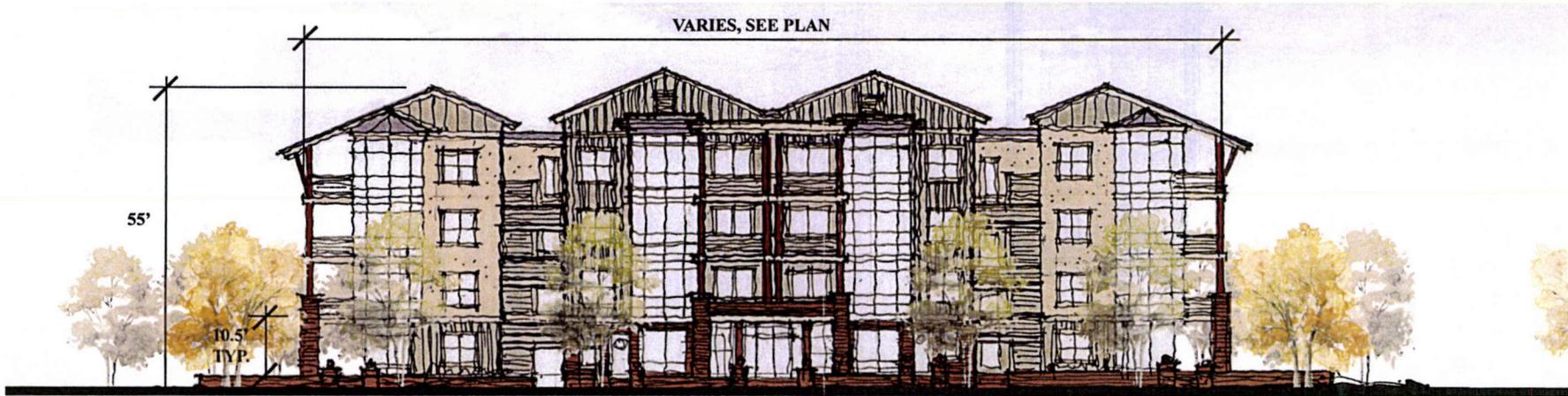
SALT LAKE CITY
16 Exchange Plaza Ste 112
Salt Lake City, UT 84111 USA
www.ibigroup.com
Tel: 801 532-4233
Fax: 801 532-4274

Gardner Station
West Jordan, UT
August 2014

Building Elevations

Not to Scale

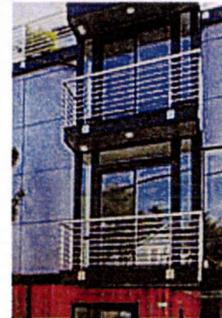
Project # 38172



A. WEST ELEVATION



B. NORTH / SOUTH ELEVATION

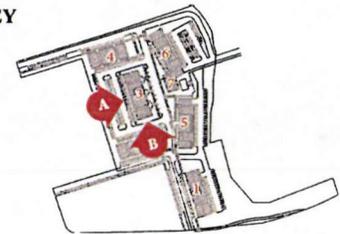


CHARACTER IMAGERY

MATERIALS

- BRICK
- STUCCO
- WOOD SIDING
- GLAZING

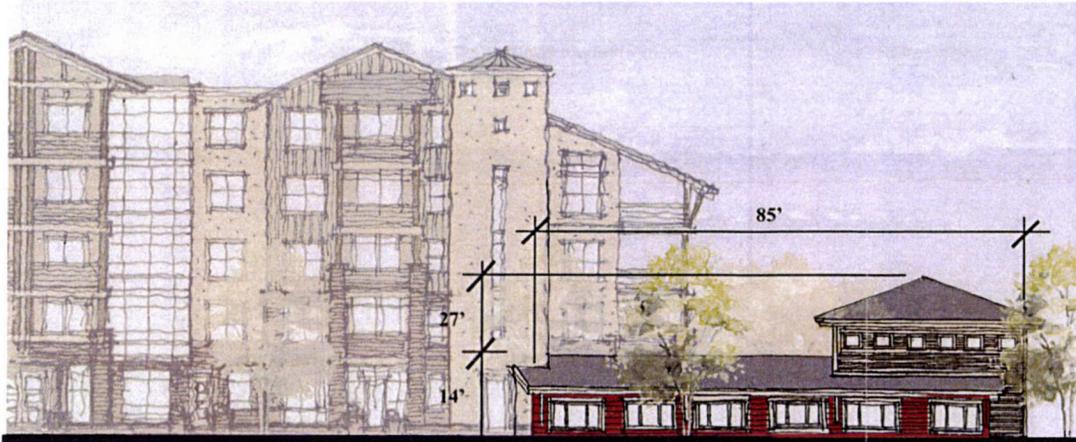
KEY



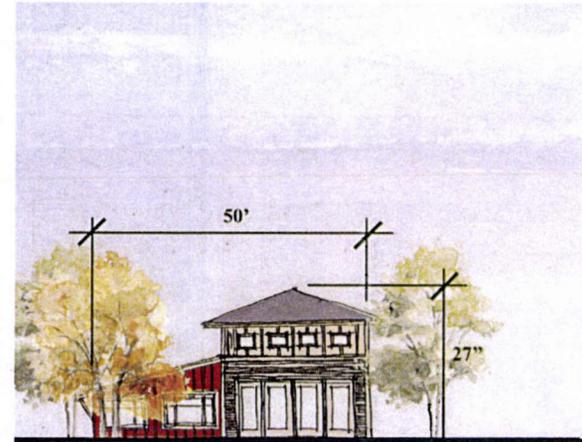
BLDG 2, 3, 4 - 4 FLOOR RESIDENTIAL

SCALE at 24"x36"
1" = 10'-0"





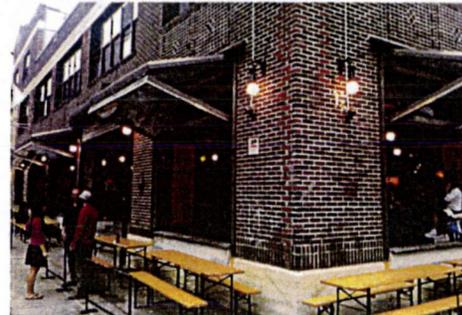
A. WEST ELEVATION



B. SOUTH ELEVATION
ROLL UP / FOLDING DOORS



CHARACTER IMAGERY



MATERIALS

-  CORRUGATED METAL
-  PAINTED WOOD
-  WOOD SIDING
-  GLAZING

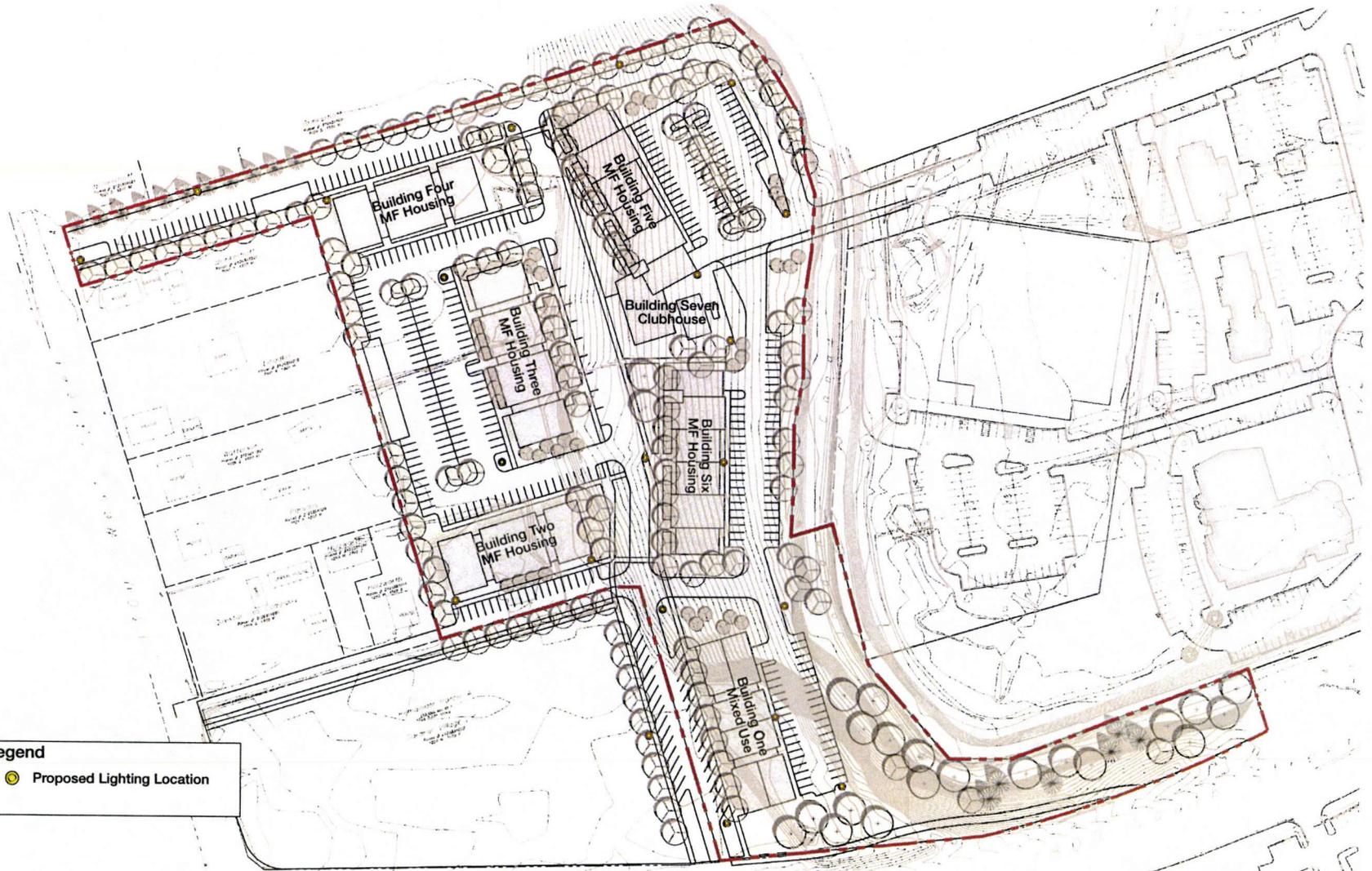
KEY



BLDG 7 - CLUBHOUSE

SCALE at 24"x36"
1" = 10'-0"

Legend
 Proposed Lighting Location



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 10 Eastgate Place Ste 112
 Salt Lake City, UT 84111 USA
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 Tel 801 532 4233
 Fax 801 532 4231

Gardner Station
 7800 South 1300 West
 West Jordan, UT
 August 5, 2014

Concept Lighting Plan



Project # 38772

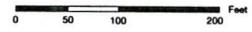
Landscape Data

- Site Area: 11.19 ac (487,423 sf)
- Landscape Area Provided: 4.24 ac (184,514 sf)
- 1 Tree per 940 sf of Landscape Area
- 1 Tree per 2.6 Parking Stalls and not less than 6% of the Interior Parking Lot Landscaping Area 13-13-9 C(1)

Conceptual Plant Legend	
	Large Deciduous Tree (2-35' ht) Manhattan Ash Green Vase Zelkova American Linden Greenopsis Linden Marshall Seedless Ash
	Medium Deciduous Tree (25-35' ht) Poincane Green Ash Hedge Maple Winnies Zelkova Greenopsis Linden Red Sunburst Maple Shademaster Honeylocust Emerald Queen Maple Common Hackberry Charicleaf Flowering Pear
	Evergreen Trees Blue Atlas Cedar Lambert Pine Blue Spruce Australian Pine Columnar Norway Spruce Vanderwolf's Pine
	Small Deciduous Trees Spring Snow Flowering Crabapple Canada Chokeberry Tortoise Maple Eastern Redbud Crimson Sentry Maple Sourwood Maple Armstrong Maple Golden Raintree
	Lawn/Groundcover/Shrub Area
	Site Boundary
	Shrubs Apache Plume Yucca Oregon Grape Potentilla Woods Rose Miss Kim Lilac Crimson Pygmy Barberry Rose Glow Barberry Blue Mist Spirea Burnside Spirea Goldflame Spirea Stromwood Mugo Pine Scottish Broom Flowering Quince Purple Leaf Sandcherry Hibiscus Winter Gem Rosewood Holly Halo Dogwood Kaleidoscope Dogwood Coff Rose Burning Bush
	Groundcover Glow-low Burniac Creeping Oregon Grape Trailing Escallonia
	Ornamental Grasses Blue Oat Grass Blue Fescue Grass Nail Fennel Grass Little Blue Stem Grass Sherandah Switch Grass Little Zebra Maiden Grass Herman Fountain Grass
	Perennials Shasta Daisy English Lavender Russian Sage Daylily Columbine Black Eye Susan Candytuft Salvia

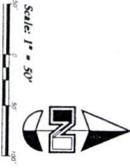
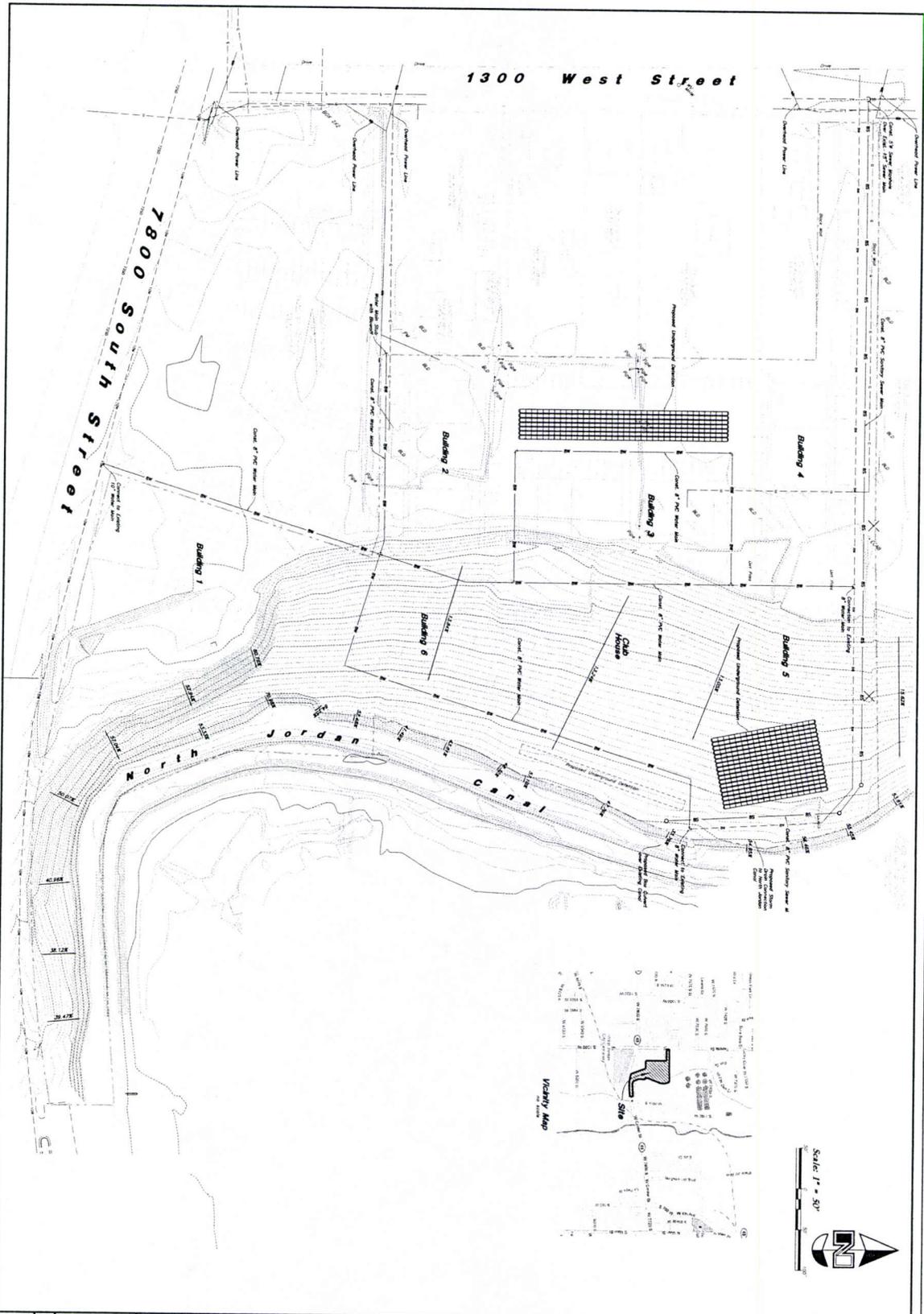
Gardner Station
7800 South 1300 West
West Jordan, UT
August 5, 2014

Concept Landscape Plan

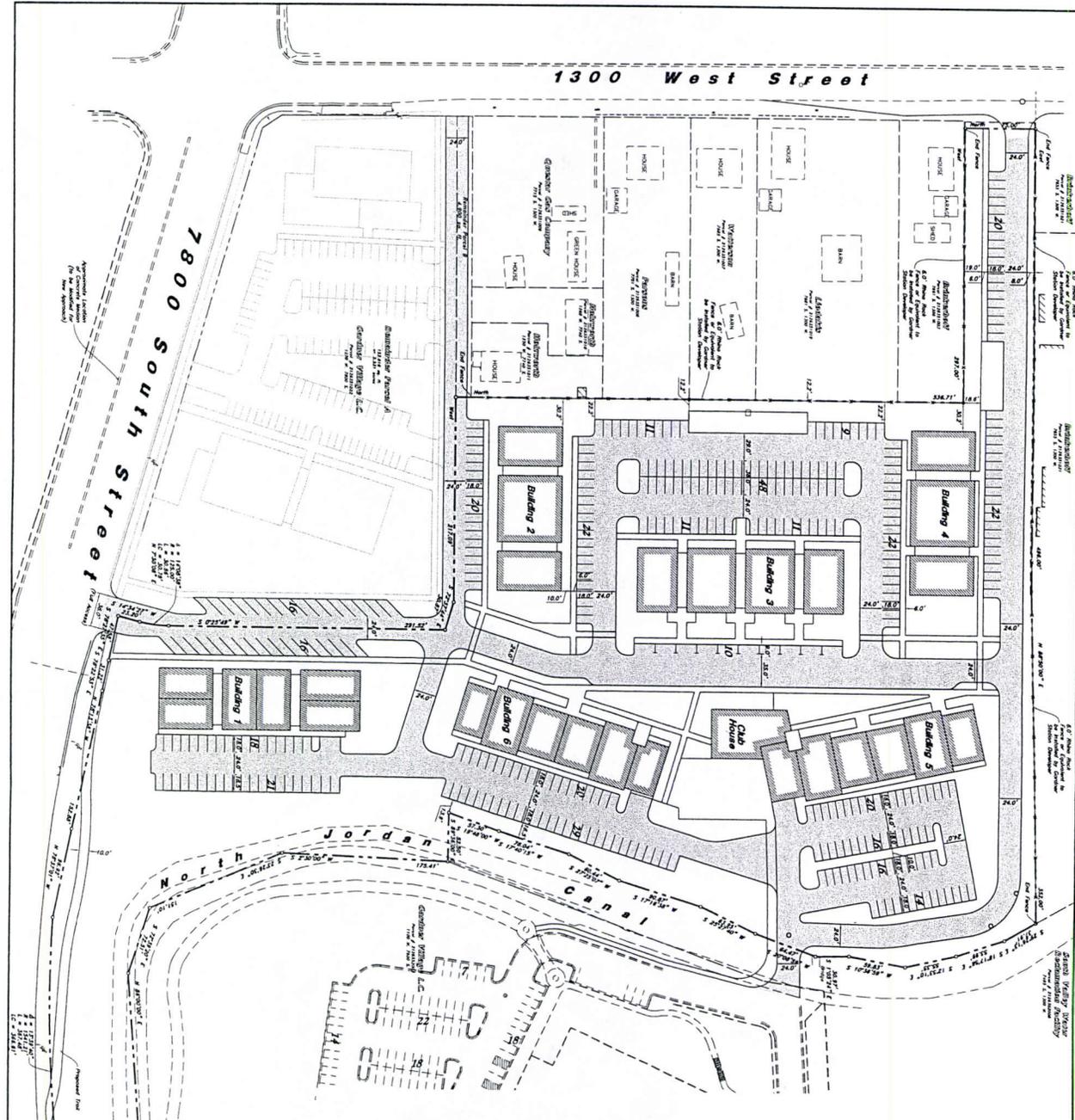


Project # 38772

IBI GROUP
SALT LAKE CITY
10 Exchange Place Ste 112
Salt Lake City, UT 84111 USA
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tel 801 532 4233
fax 801 532 4231



C3.0	8 AUG 2014	Overall Utility/Drainage Plan	 GREAT BASIN ENGINEERING - SOUTH CONSULTING ENGINEERS and LAND SURVEYORS 2010 North Redwood Road, P.O. Box 16747 Salt Lake City, Utah 84116 Salt Lake City (801) 521-8028 Ogden (801) 524-1288 Provo (801) 521-8551	DRAWN BY: [Blank] CHECKED BY: [Blank] DATE: [Blank]
	PROJECT NO.: [Blank] SHEET NO.: [Blank]	The Station at Gardner Mill 1206 West 7800 South West Jordan, Utah		REV. DATE DESCRIPTION [Blank] [Blank] [Blank]



Description	Area	Calculation
Total Gross Area	182,400 Sq. Ft.	100%
Total Building Footprint	47,500 Sq. Ft.	26.1%
Total Landscaping Area	20,000 Sq. Ft.	11.0%
Total Landscaping Area	114,900 Sq. Ft.	62.9%
Parking Lot Landscaping	40,000 Sq. Ft.	22.0%
Parking Required	512 Stalls	1.5 Stalls/1,000 Sq. Ft.
Required Number of Bldg Stalls	81 Stalls	0.25 Stalls/1,000 Sq. Ft.



Building One Total Floor Area: Total Floor Area:	12,000 Sq. Ft. 14,000 Sq. Ft.	14,000 Sq. Ft. with Parking Structure
Building Two Total Floor Area: Total Floor Area:	14,000 Sq. Ft. 14,000 Sq. Ft.	14,000 Sq. Ft.
Building Three Total Floor Area: Total Floor Area:	14,000 Sq. Ft. 14,000 Sq. Ft.	14,000 Sq. Ft.
Building Four Total Floor Area: Total Floor Area:	12,000 Sq. Ft. 12,000 Sq. Ft.	12,000 Sq. Ft.
Building Five Total Floor Area: Total Floor Area:	11,000 Sq. Ft. 11,000 Sq. Ft.	11,000 Sq. Ft.
Building Six Total Floor Area: Total Floor Area:	11,000 Sq. Ft. 11,000 Sq. Ft.	11,000 Sq. Ft.
Building Seven (Clubhouse) Total Floor Area: Total Floor Area:	4,000 Sq. Ft. 4,000 Sq. Ft.	4,000 Sq. Ft. with Parking Structure

Note: Utility lines will be placed on the ground east to the buildings. Footing lines will be placed with utility lines. Utility lines will be placed on easements, easements shown and utility lines.

Ordinance

(Attached)

Exhibit B Ordinance

Legal Review-Date/Initial: _____/_____
Text/Format -Date/Initial: _____/_____
Dept. Review-Date/Initial: TOB 18/21/14
Adopted: _____ Effective: 1/1

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 14-11

AN ORDINANCE RATIFYING THE PLANNING COMMISSION'S APPROVAL OF THE STATION AT GARDNER MILL PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED DENSITY OF 19.25 UNITS PER ACRE FOR A TOTAL OF 224 MULTI-FAMILY RESIDENTIAL DWELLING UNITS ON PROPERTY LOCATED APPROXIMATELY AT 7659 SOUTH 1300 WEST

WHEREAS, an application was made by Colosimo Brothers for a Preliminary Development Plan to allow for 224 multi-family residential dwelling units for a density of 19.25 units per acre on property located approximately at 7659 South 1300 West; and,

WHEREAS, on August 19, 2014, the Planning and Zoning Commission approved the preliminary development plan, and forwarded a positive recommendation to the City Council to ratify their approval of the development plan allowing for 224 multi-family residential dwelling units and density of 19.25 units per acre on the property; and,

WHEREAS, a public hearing, pursuant to public notice, was held before the City Council on August 27, 2014; and,

WHEREAS, the City Council of the City of West Jordan finds, subject to the specified conditions, that:

1. the proposed development plan is consistent with the intent of the goals and policies of the general plan and the purpose of the zone district in which the plan is located; and,
2. the proposed site development plan's building heights, building locations, access points and parking areas will not negatively impact adjacent properties or the surrounding neighborhood; and,
3. the proposed development promotes a functional relationship of structures to one another, to open spaces and to topography both on the site and in surrounding neighborhood; and,
4. the height, location, materials, color, texture, area, setbacks and mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping, is appropriate to the development, the neighborhood and the community; and,
5. ingress, egress, internal and external pedestrian and traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways are designed to promote safety and convenience; and,
6. the architectural character of the proposed development is in harmony with and compatible to those structures in the neighboring environment and the architectural character desired for the city, avoiding excessive variety or monotonous repetition; and,
7. public facilities and services intended to serve the subject development, including, but not

limited to, roadways, parks and recreational facilities, schools, police and fire protection, storm water drainage systems, water supplies, wastewater, power and refuse collection will be adequate to serve the site.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. The Gardner Station Preliminary Development Plan be ratified to allow a development containing 224 multi-family residential units on property generally located at 7659 South 1300 West (parcels 21-26-351-020, 017, 022; 21-35-101-004) containing 11.6-acres, more or less, and permitting a maximum density of 19.25 units per acre.

The described property shall hereafter be subjected to the Planned Community (P-C) (TSOD) land-use restrictions and all other City Ordinances, Standards and Policies currently enacted and in association with the presented and accepted Station at Gardner Mill Preliminary Development Plan.

Section 2. This Ordinance shall become effective upon publication or upon the expiration of twenty days following passage, whichever is earlier.

Passed by the City Council of West Jordan, Utah, this 27th day of August 2014.

CITY OF WEST JORDAN

Kim V. Rolfe
Mayor

Voting by the City Council

"AYE"

"NAY"

Councilmember Jeff Haaga

Councilmember Stoker

Councilmember Nichols

Councilmember Hansen

Councilmember Southworth

Councilmember McConnehey

Mayor Kim V. Rolfe

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, and on the City's website: www.wjordan.com on the _____ day of _____, 2014, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]



COLOSIMO BROTHERS DEVELOPMENT

155 West Malvern Ave
South Salt Lake, Utah 84115

September 19, 2014

Hon. Kim V. Rolfe, Mayor
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Hon. Chad Nichols, Council Member
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Hon. Judy Hansen, Council Member
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Hon. Ben Southworth, Council Member
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Hon. Justin Stoker, Council Member
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Hon. Chris McConnehey, Council Member
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Hon. Jeff Haaga, Council Member
West Jordan City
8000 South Redwood Road
West Jordan, UT 84088

Re: Gardner Station

Dear Mayor Rolfe and Council Members Nichols, Hansen, Southworth, Stoker, McConnehey and Haaga:

I appreciated the opportunity to present the new design for our Gardner Station project at the City Council meeting on September 10 2014. I believe that the proposed project completely conforms to the requirements of the applicable TSOD and PC zoning districts and should be approved. As you know, we hired an internationally known team of a transit-oriented development planners. After reading West Jordan's zoning requirements and intent for this zone the planners and the development team are concerned that much of the discussion and the decisions seem to have been based on a lack of understanding associated with your stated vision for this area and standard transit-oriented development principles. Because we were not allowed to rebut during the meeting I am taking this opportunity to respond to some of the comments and hopefully clear up any misunderstandings or perceptions that the City Council may have regarding this plan.

Zoning Compliance. Throughout the comments during the meeting many statements were made regarding the underlying Planned Community Zone. The intent statements for this zoning district were misused as definitive statements that must apply to every single parcel of

property in the entire master planned area. However, this approach defies logic and is inaccurate. Such an approach is clearly not the intent of your Code which unequivocally states that these “intent” statements apply to the entire area and not to any individual property within the master planned area. Please refer to your Code where it states:

PC Zone (Planned Community)

13-5C-1: PURPOSE AND INTENT:

Overall Intent: It is the intent of the city that site and building plans for planned developments be prepared by a designer or team of designers having professional competence in urban planning, site planning, and architectural and landscape architectural design. However, it is not the city's intent that design control be so rigidly exercised that individual initiative is stifled or that substantial additional expense is incurred. Rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

This section of the Code then goes on to list several goals or overall visions for developments in the PC zone. However, all potential land uses are nowhere required to be a part of every application. Rather they are intended to be included in areas throughout the zone that are interconnected. For example, Gardner Village already provides a very large retail section for the zone. Future projects will provide residential and other uses. It is impractical for a single applicant to provide all uses on a single property unless they controlled all of the properties in the master plan for all time. In this project, Gardner Station will provide the higher density element to fulfill the vision of the overall master plan.

These various design and amenity elements for a master planned community are then set out in subsections numbered 1 - 14. While even the opponents of the project have now acknowledged that most of the elements are met by the new design the emphasis on each of these elements being supposedly required for each portion of a master planned project exaggerated, Statements that specifically refer to “encourag[ing]” these concepts were presented as if strict compliance was mandated for every element for every project.

I could continue to elaborate on the specific subsections but the TSOD requirements supersede the underlying PC zoning requirements. As it states in the West Jordan Zoning Ordinance, Section 13-6G-2 “The TSOD regulations and standards supersede the regulation and standards of the underlying zoning district.” Specifically for the TSOD for this project the Code recites:

13-6G-3 O Gardner Station Boundary and Intent

Gardner Village Station Community: The intent of this station community is to provide easy and convenient access to existing commercial retail services and restaurants and to serve as a commencement point for recreational activities at the adjacent trailhead for the Jordan River Parkway. Land uses shall contain a mix of retail services and various types of medium to high density residential uses within an easy walking distance to the proposed transit station. Land uses in this station community need not be entirely supportive of each other. However, the multiple uses must

link to a pedestrian network of trails and sidewalks and to the transit station.

Our project clearly complies with the relevant TSOD. Again, it is important to keep in mind that land-uses described in this section are intended to apply throughout the area of the TSOD and not having every aspect of the master planned project exist on every parcel. For example, not every project in this TSOD will have a trailhead for the Jordan River Parkway.

The remainder of this letter will address numerous other objections raised by the opponents of our project and by some of the Council Members who voted to deny our application and led to further litigation.

Opposition. At least one member of the Council has pointed to alleged citizen opposition as grounds for denying our project. I don't pretend to be a lawyer but I do not believe that such opposition is, in fact, grounds for denial. More importantly, I would point out to the Council that the opposition at virtually every meeting and hearing has been from the same approximately 13 person representing about 11 homes located on 1300 West. In a city with a population of about 110,000 persons that represents about .01181% of the population of the City. On the contrary, the City's creation of its Transit Station Overlay District which is applied to our project involved long and careful consideration by hundreds if not thousands of West Jordan citizens. If .01181 % of the population of West Jordan can stop a development that your professional staff has correctly determined to comply with all applicable codes I suggest that it will be hard to develop anything in West Jordan.

General Observation. Many of the comments made by the opponents to our project, as discussed in detail below, involve detailed technical or legal analysis. Your professional planning, engineering and legal staff have been involved in the review of this project and its new, vastly improved, iteration for literally years. We believe that your professional staff has analyzed all of these issues and determined that they are met by the project and that the project is legally approvable under your Code. In fact, no objection to the legality and appropriateness of our project are now raised anywhere by the City's professional staff. We agree. There are no impediments to approval and no grounds for denial.

Elevators in 5-story buildings. One citizen stated that she would not want to be a resident in the project (though why that should make a difference in the Councils consideration of approval is unknown) because she wouldn't want to carry her sofa and bed up five flights of stairs and that the 5-story buildings should have elevators. The simple answer is that the 5-story buildings do have elevators and that elevators are required by applicable safety codes. This is just another example among many of the opponents of the project making things up, grasping at straws and being willing to say anything to kill the project.

Storm Water. One opponent professed concerns about storm water flows off the project. As I trust that you know, storm water discharge is tightly regulated by both Federal and State laws. At this point in the approval process there is no requirement for detailed storm water engineering. However, we have designed for underground retention area below the parking lots as part of this plan. It is enough to say that we will comply with all applicable legal regulations

dealing with storm water discharge and we have faith that the City Engineer will ensure that our final development plans meet the requirements.

Parking. Another statement during public input was directed toward the parking ratio. The Planning Commission has the ability pursuant to the City's Code to modify these standards if determined to be appropriate. In the case of Gardner Station, parking is provided in both surface and under the buildings. This parking can easily be reduced but we have provided parking on the plan for the area to support more parking as our society trends toward less automobile reliance. The additional parking is provided to support the mixed use retail street and separate residential parking areas from retail and office parking area. This parking flexibility will help future retail and office tenants to meet the lenders requirements for parking and provide a greater opportunity for their businesses to capture pass-by traffic from 7800 South. The additional parking will also allow the mixed use area to support the Jordan River Parkway.

Geotechnology. Many of the opponents, and at least two Members of the Council, expressed concerns about the geotechnical aspects of the project claiming to rely on statements allegedly from prior interested developers of the site that there were potential issues with development of the site. Of course, as noted above regarding storm water, the Council is not being asked to approve any final development plans and geotechnology issues are very carefully regulated and enforced by the City's professional engineering staff as well as outside consultants. We have provided to the City a geotechnical study dated May 24, 2013 performed by a licensed and experienced professional engineer, Bill Gordon of Gordon Geotechnical. This plan will be updated with the final development plan. It appears that some people may not have taken the time to have read that study and chosen, instead, to rely on hearsay to support their pre-conceived determination to encourage a vote against the project.

"Corner Parcel" – "Landlocked". Several opponents of the project, and at least one Council Member, claimed that the approval of our project would "landlock" (i.e., prevent access to) the "Corner Parcel" that is not a part of our project. Given the meaning of the word "landlocked" contrasted with the fact that the Corner Parcel is fronted by two public streets (1300 West and 7800 South) this statement is not a legitimate reason to deny the project but, instead, is merely another example of the lengths to which the opponents of the project and those with a pre-determination to vote against it will go to find any excuse in an attempt to justify the wrongful denial.

"Corner Parcel" – Requirement to Plan, Purchase and Sell. Several opponents of the project, and at least two Council Members, insisted that our project not be approved until and unless development of the Corner Parcel was completely planned out in detail and went so far as to suggest that we should be forced to purchase the Corner Parcel and Gardner Village should be forced to sell it to us. I will not go into any great detail about how obviously anti-free market and un-American that concept of a forced purchase and sale is nor how it is illegal and, frankly, immoral, to try to force us to plan the land use and future development of property that we do not own. If that philosophy was implemented across the City of West Jordan and other cities and towns across Utah no larger parcel of property could ever be developed. No one knows what the future holds for development and the best that can be done is plan logically for it through the tools that the City has already granted the property with a Transit Station Overlay District on top

of the Planned Community base zone. Of course, in addition to detailed consideration of the development of the Corner Parcel when an application therefore is presented the Council may, at any time, choose to reconsider the fundamental zoning of the Corner Parcel.

12-Month “Waiting Period”. Several opponents, and at least two Members of the Council, questioned our right to have the new iteration of the project design even considered by the Council due to the City generally having a one year period of time between submission/consideration of plans for the same property. Those statements fundamentally misunderstand the processes of the City. By voting 4 – 3 on a Motion to “reconsider” the application the City has determined that hearing the new and vastly improved design of the project (as acknowledged by literally everyone) the Council is not considering a new application but, instead, simply considering the same application. It should be noted that the design now being considered by the Council is the one that would be considered by a court should the Council choose to deny the application.

Traffic. Some of the opponents and some Members of the Council believed that the project should be denied because of alleged traffic impacts on 1300 West and its intersection with 7800 South. As noted by City staff, improvements are on their way to the intersection and should be in place before or contemporaneously with the actual construction of our project. Also, we provided the City a traffic study dated March 12, 2014 by Ryan Hales of Hales Engineering (one of the most respected traffic engineers in the State of Utah) explaining that there are no impacts from our project that would justify a denial of the project. It is a shame that it appears that many people have not taken the time or made the effort to actually read that study. Our project, which is fully compliant with applicable zoning, cannot be held hostage to the future development of streets that we do not control.

Zoning/“50 Acres”. Several opponents claimed that because our project was not, itself, on 50 acres it could not be considered as an PC project. That proposition fundamentally misunderstands the process of development. Taken to its logical extreme it would require that every acre of an PC project greater than 50 acres would have to be planned and developed at the same time. (If the opponents are claiming that the entirety of Gardner Village is less than 50 acres and thus should not have qualified at all for PC status that decision was made by the City long ago; Gardner Village and each portion thereof are zoned PC and entitled to both the benefits and the burdens of that zoning.)

Mixed Uses – Overall Gardner Village. As noted in more detail above, the opponents seem to be claiming that each individual parcel of the overall Gardner Village development, however small or large and at whatever stage of the development of the entire site, has to contain every type of use and facility envisioned as possible or “encouraged” by the PC Zone. That, again, ignores the reality of development and how it proceeds in phases. The development of the existing portions of Gardner Village is almost exclusively commercial/retail. If the opponents’ claims made any sense than the current development was inappropriate under PC (which it clearly was not). Simply put, the Council cannot ignore the facts of the prior development that exist on the ground and the potential future developments within the Gardner Village area in determining whether any particular phase of the development constitutes mixed use.

Mixed Use – “Horizontal” v “Vertical”. At the meeting where the prior iteration of our plan was denied we were criticized by many opponents for talking about the mixed use nature of our project and as a part of the overall Gardner Village in the context of “horizontal” mixed use (i.e., the multiple uses not being in the same vertical; building but being spread out among several other building across the entire development). Based on that concern the new design of the project includes “vertical” mixed use (i.e., commercial/retail uses on the ground floor and residential uses in the upper levels of the same building). One Council Member wisely pointed out that no one really knows if “vertical” mixed use is a good option for development at this location. Our professional advisers think that it will work and, after all, all development is simple trying to figure out what works (or will work in the future) in the marketplace. That fundamental freedom to decide within some reasonable limits, put simply, is what the principles of free market in America is all about. We welcome that kind of positive input and the freedom that came along with its expression to do what we think is best with our property.

View. The opponents claimed that our project would impair their views of the Wasatch Mountains. Given the setbacks on the west side of our project that simply is not true. More importantly, however, there is no legal right to view protection recognized under Utah law nor should there be. Every new development impacts the view in some way of the adjoining properties.

Properties Between our Project and 1300 West. To soften the impact of our project on the properties between us and 1300 West (approximately 3 acres in 5 parcels) we have moved our buildings mostly further eastward, improved the design of the elevations and provided in our plan essentially the maximum amount of landscaping that can be reasonably accommodated (trees, when fully grown, can only be so close together). Per your code we will provide additional detail during the development plan. Also, either now or when future development plans are being preliminarily discussed for some or all of those properties, the appropriate type of zoning can be considered by the City.

North Bridge. We are working closely with Joe Long of Gardner Village on the details and timing of the bridge on the north of our project that will connect to Gardner Village. As you know, such a bridge is not cheap and neither we nor Mr. Long want to put it in before it becomes necessary for either or both of our projects. Given that we think it may take a few years (even after approval of our project) to have actual residents and it may take a similar amount of time for any future development on the remaining Gardner Village property we have time to work those details out in a way that minimizes any traffic impact outside our project and maximizes the connectivity with the existing Gardner Village. You should also be aware that because this bridge crosses a canal that is active most of the year there is only a narrow window in April of each year to build the bridge. That construction will not occur in 2015 (and neither will our project) and may not occur until 2016. We will be happy to work with the City staff on the exact timing of the construction of the north bridge.

Pedestrian Bridge to TRAX. Our design shows a pedestrian bridge connection from our project to the TRAX station on the south side of 7800 West. It is important to note that this design is conceptual in nature and was created precisely to show the connectivity so important to a transit-oriented development. The design was not intended to exclude any potential

Mayor Rolfe and Members of the West Jordan City Council

September 17, 2014

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connectivity to the existing Gardner Village development. Please remember that this pedestrian bridge to TRAX was suggested by the Mayor and City Council just before the Council considered the prior iteration of our design. In connection with that design we agreed, as did Mr. Long, to support the creation of a CDA to help fund the bridge with tax increment financing. This bridge would be ultimately be designed and built by the City. We stand ready to work with the City to coordinate the design and construction of the bridge in a manner that provides maximum benefits to the City, its residents in general, Gardner Village as a whole and the future residents of our project.

Torturing the Developer. One opponent seemed to think that it was appropriate to suggest that the City Council try to find the absolute minimum number of units that the developer would “accept” and enforce that number as the “maximum” number of units in the project. That philosophy is morally repugnant to me as a Utahn and an American. It shows, again, the depths that the opponents of our project will go to. I do not believe, and I trust that you agree, that it is not the role of government to try to minimize the amount of money a private landowner can make by exercising what the Utah Supreme Court has held to be essentially a sacred right to use his or her private property. One opponent quoted, completely out of context, a recent editorial in the *Deseret News* by former Lieutenant Governor Greg Bell. Here is the link to that editorial and I respectfully request that you read it because it says precisely the opposite of the proposition that it was misquoted for.

<http://www.deseretnews.com/article/865610243/Utahns-revere-the-Constitution-2-except-in-zoning.html>

In conclusion, had we been allowed to present a rebuttal at the hearing on September 10th we would have raised the points above. The Gardner Station project clearly meets all of the City’s applicable codes. All future building of the project will similarly comply with all applicable codes. The project will be a safe and wonderful addition to West Jordan City. We ask you to disregard the falsities and public clamor and give us the approval to which we are legally entitled.

Sincerely,

Joe Colosimo

cc: Tom Burdett
Jeff Robinson
Ray Whitchurch
Bruce R. Baird
Joe Long