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MINUTES TO BE APPROVED

MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, December 2, 2015
6:00 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088

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

STAFF: Mark Palesh, City Manager; Darien Alcorn, Acting City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Dave Zobell, City Treasurer; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Scott Langford, City Planner; Larry Gardner, Senior Planner; Jeremy Olsen, Economic and Development Assistance Supervisor; Robert Thorup, Deputy City Attorney; Dave Clemence, Real Property Agent; Dave Murphy, CIP Engineering Manager, and Tim Heyrend, Utilities Engineer.

CALL TO ORDER
Mayor Rolfe called the meeting to order at 5:00 p.m.

I. CLOSED SESSION
DISCUSSION OF THE CHARACTER PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AND STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

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

STAFF: Mark R. Palesh, City Manager; Darien Alcorn, Acting City Attorney; Paul Todd, Civil Litigator, and Tracy Cowdell, Contract Attorney.

MOTION: **Councilmember Hansen moved to go into a Closed Session to discuss the character professional competence, or physical or mental health of an individual; Strategy Session to discuss pending or reasonably imminent litigation, and a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares. The motion was seconded by Councilmember Rice.**

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Councilmember McConnehey requested that Councilmember Haaga recuse himself from the Closed Session since he had pending litigation against the City of West Jordan.

Councilmember Haaga called a point of order; he said he was an Elected Official and had a right to participate in the meeting.

Councilmember McConnehey voiced his concerns regarding the participation of a Councilmember who had stated that they were an 'adverse' party to the City, participating in sensitive conversations and deliberations.

Councilmember Southworth concurred with Councilmember McConnehey's concerns.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

The Council convened into a Closed Session to discuss the character professional competence or physical or mental health of an individual; Strategy Session to discuss pending or reasonably imminent litigation, and a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares at 5:03 p.m.

The Council recessed the Closed Session at 5:55 p.m.

The meeting reconvened at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Elect Dirk Burton.

III. PRESENTATION

PRESENTATION TO SMITH'S FOOD & DRUGS STORES "IN APPRECIATION FOR ITS CONTINUED INVESTMENT IN THE CITY OF WEST JORDAN"

The Mayor and City Council recognized Steve Sorensen, Vice President of Smiths Corporation, with a 'Key to the City.'

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Mayor Rolfe commented on the recent investment of approximately $45 million in West Jordan by the Smith's Corporation.

The Council expressed their appreciation to Steve Sorensen and 'Smith's Food & Drugs Store.'

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

STAFF COMMENTS/REPORTS

Mark Palesh –

- Recognized Police Chief Doug Diamond for receiving his Master's Degree.

Brian Clegg –

- Calsense Central Irrigation Project moving forward with twenty controllers installed.

Wendell Rigby –

- Reported the first of a two-day audit was completed by the State of Utah for the storm water prevent.

Marc McElreath –

- The order had been placed for two (2) new ambulances; delivery should be February 1, 2016.

Doug Diamond –

- Police Department would be fully staffed with 111 Police Officers as of Monday, December 7, 2015.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Rice –

- Commented on the Island Park neighborhood, which had been targeted for miscellaneous crimes. She reported that a neighborhood Facebook page had been set up to combat the problems. In addition, one resident took it upon himself to perform night watches, notifying the Police Department and residents of any suspicious activity. Now, other residents of this neighborhood were joining in to assist in making the neighborhood safe.

Councilmember Southworth –

- Gave 'Thanks' to all for their service, time, and friendship.

Councilmember Nichols –

- Commented on the recent oil spill in the Provo River. He provided an update regarding what the Jordan Valley Water Conservancy District did to protect the

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City's water supply. He stated a quote from the Jordan Valley Water Conservancy District: "No crude entered the drinking water system and no service interruptions occurred."

Councilmember Haaga –

- Expressed his appreciation to Darien Alcorn for addressing his concerns regarding the Code Violation process.
- Reported that the rumor that he had sued his own City was not true. He said he did make a Notice of Claim, regarding a complaint filed by the Mayor to the District Attorney on the same fact. But as of today, through legal counsel, my Counsel advised me, and mainly from my own heart because I would never, ever, sue my own City, I have lived here for going on almost 40 years, and I had a document drawn up by my Attorney and I delivered it to our City Clerk, which she certified, so just publicly, I wanted to announce that. The Council knows why.
- Suggested that during the Strategic Planning Retreat having a professional provide training on parliamentarian process.

Mayor Rolfe –

- Reported that next Wednesday interviews for Planning Commission would be held.

V. CITIZEN COMMENTS

Alexandra Eframo, West Jordan resident, asked for a moment to reflect upon the common goals of the business of the City Council meeting.

She commented on the following items:

- She reported that she was still waiting for an apology since April 29, 2015, from one specific Councilmember to the Mayor, City Council, and West Jordan residents. She commented on several actions that had previously taken place on the dais, the throwing of a pencil, and calling a person a liar.

Councilmember Rice called for a point of order. She stated that the comments being made were not true, and were personal attacks.

Councilmember Haaga said Alexandra Eframo should continue speaking. He said she had the constitutional right to address the City Council.

Alexandra Eframo stated that she was present during the April 29, 2015, City Council meeting, where a pencil was thrown, allegations were made against Mayor Rolfe, and interruptions were made. She said that she would continue to wait for an apology from the Councilmember.

- She complimented Councilmember Nichols on his brief report regarding his meeting with the Jordan Valley Conservancy District.

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MOTION: Councilmember Haaga moved to suspend the rules to allow citizen comments during Business Item 8.a. The motion was seconded by Councilmember Southworth.

Councilmember McConnehey spoke against the motion. He said citizens were allowed to speak on all business items during the Citizen Comment section of the meeting.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**No**
Councilmember McConnehey	**No**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 5-2.

Paxton Guymon, Legal Counsel for applicant on Business Item 8.a., asked if he would be allowed to speak during Business Item 8.a.

He was told yes.

Dirk Burton, Council Member Elect, commented on the good job performed by the Public Works personnel regarding City parks. However, he opposed placing a fee on City resident's water bills; if residents were already struggling to pay their bill an additional fee could be detrimental. He suggested taking money from property taxes and earmarking it for parks.

Steve Jones, West Jordan resident, objected to suspending the rules to allow specific people to speak during business items. He felt special treatment was being provided to certain people.

Councilmember Southworth appreciated Steve Jones comments. He said business items were also important. Public comment might be considered in the future; however, this could be a problem regarding conducting City business, and for the length of City Council meetings.

Dave Murphy, former West Jordan resident, spoke in favor of finding funding for the perpetual maintenance of parks, trails, and open space, Business Item 8.b. He commented on invasive species, and fallen trees. He asked the Council to take pride in the City and find a funding mechanism to maintain the parks, trails and open space.

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Zach Jacobs, Council Member Elect, was concerned that if an Enterprise Fund was opened for parks, how would that balance with General Fund money already earmarked for parks. He felt the City should have one or the other, not two funds.

There was no one else who desired to speak.

VI. CONSENT ITEMS

a. Approve the minutes of November 17, 2015 as presented

b. Approve Resolution 15-211, setting the 2016 Annual Meeting Schedule for the City Council, Planning and Zoning Commission and other City Boards and Committees

c. Approve Resolution 15-212, authorizing the Mayor to execute Amendment No. 5 to the Professional Service Agreement with Stanley Consultants, Inc. for the 7000 S Phase 1 final utility design, in an amount not to exceed $11,779.00

d. Approve Resolution 15-213, authorizing the Mayor to execute an Agreement with Landmark Design for design services for the renovation of the Leathers Playground, in an amount not to exceed $11,600.00

e. Approve Resolution 15-214, authorizing the Mayor to execute the Professional Services Agreement Amendment No. 3 with Bowen Collins & Associates, Inc. for additional hours of Construction Management Services for the Zone 6 Highway Junction 3.0 MG Water Storage Reservoir, in an amount not to exceed $8,853.00

f. Approve Resolution 15-215, authorizing the Mayor to execute an agreement with Stanley Consultants, Inc. to complete environmental clearance for road widening and reconstruction at the intersections of 1300 West 7800 South and 4000 West 9000 South; and 5600 West from 7800 South to 8600 South, an amount not to exceed $36,160.00

MOTION: Councilmember Southworth moved to approve all the Consent Items 6.a. through 6.f. The motion was seconded by Councilmember Rice.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**

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Councilmember Southworth **Yes**
Mayor Rolfe **Yes**

The motion passed 7-0.

VII. PUBLIC HEARINGS

CONTINUED FROM NOVEMBER 4, 2015 - RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-33, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 13, 'ZONING REGULATIONS,' ADDING 13-8-24 'MURAL OR WALL ART,' CITY OF WEST JORDAN, APPLICANT

David Oka said the amendments as proposed were included in the Council's Agenda packet in the form of a proposed Ordinance and legislative format. The proposed amendments were self-explanatory and would not be repeated here. The foregoing background would suffice as discussion and analysis.

FINDINGS OF FACT:
Section 13-7D-7(B) provide findings for the amendment of the Zoning Title.

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

Discussion: One of the goals of the General Plan was to "promote the public interest, the interest of the community at large, rather than the interests of individuals or special interest groups within the community." Another goal was to "inject long range considerations into the determination of short range actions." The proposed amendments are clearly intended to meet both of these goals by avoiding politically charged enforcement efforts under the sign code and providing clear policy and legal guidance to property owners who may desire to allow or encourage wall art.

Finding: The proposed amendments conform to the general plan and are consistent with the adopted goals, objectives and policies described therein.

Criteria 2: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to these titles.

Discussion: As noted earlier in this report, political problems arose when a property owner agreed to allow substantially all of his building to be covered with Hispanic-culturally Chemed wall art. Efforts to use the current sign code when confronted with complaints exacerbated the political problems for the City. Rather than attempt to regulate murals and wall art as "signs," with the attendant political and legal issues associated with sign regulation, a new proposed regulatory scheme within the zoning code

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provisions provides clear guidance to a property owner contemplating wall art while at the same time permitting wall art without permit or restriction other than basic level controls.

Finding: The proposed amendments are appropriate given the context and there is sufficient justification for a modification of these titles.

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

Discussion: These amendments eliminate current problems in Code enforcement, all in a well-coordinated effort to eliminate confusion and problem.

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

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

Discussion: These amendments are part of a citywide effort to provide a City Code which can be effectively used and searched.

Finding: The proposed amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and the proposed amendments make necessary modifications to these titles in the light of correction and expansion of public policy.

In conclusion, the proposed amendments met all of the criteria for City Code amendments set forth above. They make valuable and important improvements to the existing "Zoning" title of the 2009 City Code.

Staff recommended approval of the proposed Ordinance and 2009 City Code amendments. By a vote of 3-2, the Planning Commission forwarded a positive recommendation for approval of the Code amendments.

Mayor Rolfe opened the public hearing.

Kelvin Green, West Jordan resident, spoke in opposition of the wording regarding this ordinance. He believed West Jordan needed a 'Wall Art Mural' ordinance. He felt the proposed ordinance was presumptively unconstitutional. He shared comments from the US Supreme Court case (Reed v. Town of Gilbert). He believed if West Jordan passed the proposed ordinance as written, they would face litigation. He suggested reviewing the

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Portland, Oregon, ordinance. He quoted the following from the US Supreme Court: "a municipal government vested with state authority, 'has no power to restrict expression because of its message, its ideas, its subject matter, or its content.'" He asked the Council to reject the wording of the proposed ordinance, and find something better.

Alexandra Eframo, West Jordan resident, commented on the mural painted on the side of a restaurant in West Jordan. She said the people in the mural did represent political power. She felt the mural could have been placed on the inside of the building. She commented on other murals in Salt Lake City. She felt this item should be tabled.

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

Councilmember Haaga commented on his attendance at a rally regarding a mural in West Jordan. He said Salt Lake City had a cultural committee that determined what was appropriate for different cultures. He felt West Jordan should revisit this issue.

Councilmember Hansen voiced her concerns with the proposed ordinance.

- No limit of number of walls, percentages should be addressed
- Not political

She agreed this should be revisited.

Councilmember McConnehey agreed with Kelvin Green. He felt this was not just a cultural issue; it was also an art issue. He voiced his concerns regarding the permitting questions.

Councilmember Rice felt this was an art issue, not cultural.

MOTION: Councilmember Rice moved to take this item back to the Planning Commission for reconsideration. The motion was seconded by Councilmember Haaga.

Councilmember Southworth reported that Portland, Oregon, solved their issues regarding wall murals by commissioning artists to create murals.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

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The motion passed 7-0.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-34, APPROVING A REZONE AND LAND USE MAP AMENDMENT; FOR THE MAVERICK CONVENIENCE STORE, LOCATED AT NE CORNER OF 7800 SOUTH 1300 WEST; FUTURE LAND USE MAP AMENDMENT FOR 1.955 ACRES FROM CITY CENTER/NEIGHBORHOOD TSOD CENTER TO NEIGHBORHOOD COMMERCIAL AND REZONE FROM P-C (PLANNED COMMUNITY) (TSOD) ZONE TO SC-1 (NEIGHBORHOOD SHOPPING CENTER) ZONE; BETTER CITY/MALORI BRASK, APPLICANT

David Oka said the applicant was proposing to amend the Future Land Use Map from City Center/Neighborhood TSOD Center to Neighborhood Commercial and amend the Zoning Map from PC (Planned Community) to SC-1 (Neighborhood Shopping Center) and also remove the Transit Station Overlay from 1.955 acres of property located at 7800 South 1300 West. The amendments were in preparation for development of the site into a gasoline service station/convenience store. The property was currently vacant. In the past there were two single-family dwellings on the property. The 12-acres east of the proposed site would be the location of Gardner Station apartments and mixed use project that was preliminarily approved in 2015. The site was located on the corner of 7800 south, an arterial street, and 1300 west a busy collector street. This location had seen interest in establishing uses more aligned with retail/commercial than transit-oriented uses largely because of its location. Regardless of whether the development occurs the intersection of 1300 west would undergo intersection improvements by widening and the addition of right turn lanes on 1300 West to alleviate congestion in the area. These improvements would also help alleviate any traffic impact created by the addition of a retail use on the corner of 7800 South 1300 West streets.

GENERAL INFORMATION & ANALYSIS

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

	Future Land Use	**Zoning**	**Existing Land Use**
North	Low Density Residential	RR-.5	Questar gas line access yard and single family home
South	Parks and Open Land and Neighborhood Commercial	PF and CM	City Cemetery and Gas Station/Convenience Store
West	Community Commercial	CG	Car Dealership and one single family home
East	Transit Oriented Development	PC	Vacant (Future Gardner Station Mixed Use)

The use the applicant was proposing, a gasoline service station/convenience store, is not a use permitted in the PC zone or TSOD overlay thus the reason for the amendment request. The applicant was requesting to amend the Land Use Map to Neighborhood Commercial,

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remove the TSOD overlay designation and amend the zoning map from PC to SC-1 on 1.955 acres of property located at 7800 South 1300 West. TSOD was an overlay over the base zone, PC in this case, which grants additional uses and imposed additional requirements.

FINDINGS OF FACT
Section 13-7C-6: Amendments to the Land Use Map
Prior to approving a General Plan Future Land Use Map amendment, the City Council shall make the following findings:

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

Discussion: The applicant was proposing to amend the Future Land Use Map from Transit Oriented Development to Neighborhood Commercial. The General Plan states:

> *"The Neighborhood Commercial designation is applied to areas in which the primary use of the land is for commercial and service functions that serve the daily convenience needs of a surrounding residential neighborhood. The services provided in these districts will normally serve a trade area population up to 10,000 people. This type of commercial use is intended to be located near or within neighborhoods and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum impact on surrounding residential development. Each neighborhood shopping node shall be relatively small in size and may include such uses as small convenience grocery stores, variety stores, bakeries, professional service shops, restaurants, self-service laundries, and barber or beauty shops."*

Commercial Goal 2, Policy 1 states, *"Continue to implement the policy of limiting commercial centers to "nodes" located at the intersections of major arterial streets..."*

Amending the Future Land Use Map to Neighborhood Commercial is consistent with the General Plan. The location is located at a "node" intersection and is on the corner of two busy streets. Neither of the streets are neighborhood streets and amending the map to a commercial use will not create additional traffic through neighborhoods nor are the uses anticipated in a Neighborhood Commercial designation considered destination uses rather the new use will be providing a service to people already in the area.

The General Plan Goal 1 Policy 2 Implementation measure (3) states:

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"Maintain established minimum distances from intersections for driveway locations on all city streets."

The intersections into the future commercial development of the property, as shown on the conceptual plan set, have been evaluated at a pre-application meeting and meet the current City Standards.

The General Plan Goal 1 Policy 3 states: "*Maintain a minimum level of service "C" on collector streets and a level of service "D" on arterial streets."*

Development of the site could alter the level of service on 7800 South and/or 1300 West. The uses in a Neighborhood Commercial area are generally not destination uses and should not bring large amounts of additional traffic into the area but the location of drive approaches for traffic in and out of the site could alter traffic flow and service levels. The site will be designed meeting current City Standards that will minimize traffic interruption. A traffic impact study will be required during the site plan process to help minimize any negative impacts.

The General Plan discusses establishing Transit Oriented Development within proximity of ¼ to ½ mile from a transit station as an acceptable distance to construct higher density and more compact developments. The proposed site is a little more than 1/3 mile from the Gardner Station TRAX Stop. A convenience store/gas station is compatible with the needs of people in the area. Also, it is reasonable that the use as a convenience store will be more compatible with the surrounding area than office or multi-family development would be, based on the location at the intersection of 7800 South 1300 West. The distance suggestion in the General Plan is for the establishment of Transit Oriented Development (TOD) but does not mean that other uses and/or zones could not be considered within that area. The City Council has the authority to determine whether the proposed land use is appropriate for this area. Staff does not feel that the proposed amendment is in conflict with the General Plan.

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

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

Discussion: The Neighborhood Commercial designation was commonly found at the intersections of arterial and collector roads. Commercial is a

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better use on a busy corner than residential use would be. Neighborhood Commercial is not currently found at this intersection. There were also limited "node" corners that have not been developed in this part of the City. In the area between Redwood Road and the Jordan River, from 9000 South to 7000 South there are limited if no areas for commercial expansion. The Land Use Map is dominated in this area by residential, office, transit and industrial designations. Changing the use designation in this area is appropriate and will not be contrary to the plan.

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

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

Discussion: The Neighborhood Commercial land use was designed to provide compatible commercial services to adjacent and nearby residential land uses. Placing two acres of Neighborhood Commercial on the corner of two higher capacity roads will provide convenient commercial services to existing and future residential developments planned for the area. The Gardner Station mixed use development would be located directly east of the proposed convenience store and would have a shared access to 1300 West, north of the commercial site. The commercial use will be compatible with and could be seen as a buffer between the Gardner Station project and the more intense commercial uses along 7800 South. Through appropriate installations of outdoor lighting and outdoor eating areas and through compatible treatments in the site planning process, the commercial use can be sufficiently mitigated to lessen the impacts to all residential uses in the area.

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

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

Discussion: The applicant would directly benefit from approval of the proposed amendment; however, the amendment allows for a better use of property that will be located at the intersection of two high volume roads. The strategic placement of additional needed commercial uses, close to residents and businesses in the area, will lessen unnecessary travel trips lessening fuel waste and reducing air pollution.

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

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

Discussion: The site was on the corner of 7800 South 1300 West that is currently under design for widening and improvements by adding right turn lanes. The land use amendments will not result in additional traffic through existing neighborhoods and the intersection improvements will reduce greatly the congestion in the intersection.

The General Plan Goal 1 Policy 2 Implementation measure (3) states: *"Maintain established minimum distances from intersections for driveway locations on all city streets."*

The General Plan Goal 1 Policy 3 states: "*Maintain a minimum level of service "C" on collector streets and a level of service "D" on arterial streets."*

Please refer to "Finding A" which addresses both issues.

It was determined at the pre-application meeting that the existing public safety, sewer, water and storm water facilities are adequate to handle the installation of 1.95 acres of commercial development without requiring the addition of expensive improvements. Any improvements for this site use will be the responsibility of the developer.

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

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

Discussion: The amendment was reviewed for consistency against the City's General Plan, the zoning ordinance and adopted street design

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standards.

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

Section 13-7D-7(A): Amendments to the Zoning Map
Prior to approving a Zoning Map amendment, the City Council shall make the following findings:

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

Discussion: See Future Land Use Map amendment Finding A and Finding E.

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

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

Discussion: The rezone to SC-1 was a compatible land use for the corner of 7800 South 1300 West. Using this corner for commercial purposes will keep commercial uses from establishing closer to residential areas. The use as a convenience store will be buffered from the existing residential uses to the north by the Questar line maintenance facility, the residents to the west by landscaping and 1300 West Street. The residential uses to the east will be buffered by landscaping and a parking lot. Other impacts will be mitigated as discussed in Future Land Use Map amendment Finding A, C and E.

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

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

Discussion: The proposed conceptual use associated with this request would use a vacant and undeveloped piece of property on the corner of a busy intersection. The use would enhance the commercial interests of the city and will be designed to mitigate negative impacts such as traffic, noise, drainage, parking etc. The removal of the TSOD Overlay will also remove any additional uses associated with the TSOD. Rezoning the property to SC-1 on this corner is compatible with the existing zones and uses found in

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surrounding neighborhoods and would not harm the public health, safety or welfare of the city as a whole.

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

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

Discussion: See Future Land Use Map amendment Finding E.

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

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

Discussion: The TSOD overlay zone was proposed to be removed from the property.

Finding: This criterion does not apply.

In conclusion, staff supported the proposed Future Land Use Map and Zoning Map amendments associated with this request, believing that the map amendments removal of the TSOD from the property would result in a compatible situation with adjoining land uses and with near-by neighborhoods.

Based on the analysis and findings contained in the staff report, staff recommended that the City Council amend the Future Land Use map from City Center/Neighborhood TSOD Center to Neighborhood Commercial and Rezone from P-C (TSOD) Zone to SC-1 (Neighborhood Shopping Center) Zone on property generally located at 7800 South 1300 West.

Also, on November 3, 2015, the Planning Commission in a unanimous vote recommended that the City Council amend the Future Land Use map from City Center/Neighborhood TSOD Center to Neighborhood Commercial and Rezone from P-C (TSOD) Zone to SC-1 (Neighborhood Shopping Center) Zone on property generally located at 7800 South 1300 West.

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Malori Brask, Better City, Applicant, reported that Maverick was under contract to purchase the land on the northeast corner of 7800 South 1300 West. They would like to construct a Maverick convenience store and gas station. She provided background information including the new store design and amenities. She requested that the TSOD be changed to the SC-1 zoning.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Kelvin Green, West Jordan resident, spoke in favor of the rezone and land use change.

Chad Lamb, West Jordan resident, asked the Council to find a way to improve the traffic flow on 1300 West, by the car dealership.

Councilmember Southworth said the intersection on 1300 West was being addressed.

Mayor Rolfe reported that Wasatch Front Regional Council had approved $9 million for the widening of 1300 West through three (3) cities.

JayLynn Thomas, West Jordan resident, also voiced her concerns regarding the traffic on 1300 West. She was in favor of the proposed rezone. She would like the property owner or developer have someone check to see if Mormon artifacts were buried under this site.

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

MOTION: Councilmember Nichols moved that the City Council approve Ordinance 15-34, amending the Future Land Use map from City Center/Neighborhood TSOD Center to Neighborhood Commercial and Rezone from P-C (TSOD) Zone to SC-1 (Neighborhood Shopping Center) Zone on property generally located at 7800 South 1300 West. The motion was seconded by Councilmember McConnehey.

Councilmember McConnehey encouraged the developer to be cautious of any historic artifacts.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**

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Mayor Rolfe **Yes**

The motion passed 7-0.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-35, APPROVING A REZONE FOR PINNACLE COVE LOCATED AT 8891 SOUTH 1030 WEST; REZONE 3.46 ACRES FROM R-1-10E (SINGLE-FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOTS) TO PRD (3.77) (PLANNED RESIDENTIAL DEVELOPMENT WITH 3.77 UNITS PER ACRE DENSITY); HCH DEVELOPMENT GROUP, LLC, APPLICANT

Larry Gardner noted that the applicant had changed the PRD to (3.46) 12 homes instead of 13 homes.

He reported that the Planning Commission felt that the proposed zone change from R-1-10 to PRD did not meet the following criteria of 13-7D-7(A):

Criteria 2: The proposed amendment will not result in a compatible land use relationship and does adversely affect the adjacent properties.
Criteria 3: The proposed amendment does not further the public health.
Criteria 4: The proposed amendment will unduly impact the adequacy of public services and facilities intended to serve the zoning area.

Based on this the Planning Commission had given a negative recommendation to the City Council regarding the zone change application.

The minutes from the Planning Commission meeting were included in the Council's agenda packet. The applicant had made modifications to their concept plan which reflected some of the concerns expressed at the Planning Commission Meeting. The new concept was included in the Council's agenda packet.

Larry Gardner provided the following background information. He said the subject property was rezoned in 2013 from Agricultural to R-1-10 to facilitate a single-family development on the site. It was determine during the subdivision process that due to land slopes of over 30% that nearly half of the property could not be developed using traditional zoning parameters (2009 City Code does not allow development of sites with greater than 30% slope). The applicant was proposing to rezone 3.45 acres of property located at 8891 South 1030 West from R-1-10E (Single Family Residential 10,000 square foot lot minimum, house size E) to PRD (Planned Residential Development). The PRD zone allowed for clustering of homes and reduced setbacks maintaining the density established on the Future Land Use Map while preserving and protecting sensitive hillside areas. The site was designated as Medium Density Residential on the Future Land Use Map which supported PRD zoning, so a corresponding change to the land use map would not be needed. The zone change application was in preparation for a subdivision application.

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GENERAL INFORMATION & ANALYSIS

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

	Future Land Use	Zoning	Existing Land Use
North	Medium- Density Residential	R-1-10 and A-5	Single Family Homes
South	Medium-Density Residential	R-1-10	Single home
West	Medium-Density Residential	R-1-8	Church and Single Family Residential
East	Low-Density Residential and Professional Office	R-1-12 and PO	Single Family Homes and Office Complex

The Medium-Density Residential Land Use designation had a net density range of 3.1 to 5.0 units per acre. The concept plan as provided (Exhibit C) included in the Council's agenda packet, illustrated the proposed roadway design and lot configurations. The applicant was proposing 12-homes on 3.45 acres for a gross density of 3.47 single-family dwellings per acre which complied with the density range of the Medium Density designation. The actual lot sizes would be determined with the subdivision application.

Prior to approval of a zone change to a PRD designation, the City Council, after first receiving a recommendation from the Planning Commission, shall find that the proposed zone and associated conceptual plan is consistent with the purpose and intent outlined in section 13-5C-1 of this article.

> *"13-5C-1: PURPOSE AND INTENT:*
> *A. Planned Residential Development Zone: The purpose of the planned residential development (PRD) zone is to encourage imaginative, creative and efficient utilization of land by establishing development standards that provide design flexibility, allow integration of mutually compatible residential uses, and encourage consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than may be possible under the procedures and regulations of conventional zoning classifications. A planned residential development should also incorporate a common architectural design theme throughout the project that provides variety and architectural compatibility, as opposed to a development of individual, unrelated buildings located on separate, unrelated lots."*

The site the applicant was proposing to construct homes upon was constrained by severe slopes. The PRD zone would allow for clustering of homes that would preserve the sensitive slope area. With the clustering of homes utility infrastructure needs would be reduced and will not encounter difficult terrain issues. The hillside would also be preserved and would be more aesthetically pleasing. The applicant's intent was to design and build homes that were common in architectural design and that follow a common theme. A few of the homes were illustrated in the concept plan.

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C. 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. The intent of planned developments (PC or PRD) is to:

1. Create more attractive and more desirable environments in the city;
The PRD zone will allow the applicant to design and build a development that is single family, high quality and preserve sensitive hillsides.

2. Allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects;
The applicant intends to construct single family dwellings in a clustered design.

3. Provide flexibility in the location of buildings on the land;
The PRD zoning allows the applicant to construct with varying setbacks and yard areas that will result in a clustered design and in preservation of open area.

4. Facilitate and encourage social and community interaction and activity among those who live within a neighborhood;
The development will not be gated and will be connected to the existing residential neighborhood to the west.

5. Encourage the creation of a distinctive visual character and identity for each planned development;
The applicant builds a unique housing product that will differ from the existing homes.

6. Produce a balanced and coordinated mixture of uses and related public and private facilities;
The applicant will be installing a public road and private streets. Because of the small size of the development a mixture of public services, i.e., parks, trails etc. is not practical.

7. Encourage a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types;
At this time because of the cap and grade ordinance the applicant can only build single family detached dwellings.

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8. Preserve and take the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimize the amount of grading necessary for construction of a development;
The primary reason for using the PRD zoning is to preserve the existing hillside.

9. Encourage and provide for open land for the general benefit of the community and public at large as places for recreation and social activity;
The applicant will be providing 1.5 acres of open space that will remain in the natural form.

10. Achieve physical and aesthetic integration of uses and activities within each development;
The new homes will be unique to the area and will complement the existing homes while maintaining distinguishable identity.

11. Encourage and provide for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation;
The development will be connected to the existing development to the west with sidewalks and roadways.

12. Since many of the purposes for planned development zones can best be realized in large scale developments, development on a large, planned scale is encouraged;
This development is small in area. The PRD zone is being proposed to preserve a sensitive hillside.

13. Achieve safety, convenience and amenity for the residents of each planned residential development and the residents of neighboring areas;
The project will be designed in a manner that is safe, accessible and connected to the existing neighborhood. The sloped area will act as a natural open area that will be preserved in perpetuity.

14. Assure compatibility and coordination of each development with existing and proposed surrounding land uses.
The development of single family homes on this property will be compatible with the neighboring uses.

FINDINGS OF FACT
Section 13-7D-7(A): Amendments to the Zoning Map
Prior to making a positive recommendation to the City Council for an amendment to the Zoning Map, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives,*

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and policies of the City's General Plan.

Discussion: The subject property was located within the Medium-Density Residential land use designation. This designation was created for those residential uses which fall between 3.1 and 5.0 dwelling units per acre. The applicant was proposing to change the zoning designation on 3.45 acres of land currently zoned as R-1-10E to PRD (Planned Residential Development). The submitted concept plan showed a residential density of 3.47 single family units per acre which is consistent with the Medium Density Land Use designation of the General Plan.

Furthermore, Goal 4 Policy 2 states: "Single-family housing should be the primary residential development type in the city." The applicant's intent is to subdivide the property and construct thirteen single family homes. The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the General Plan.

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

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

Discussion: The concept plan shown to the Planning Commission showed thirteen single-family lots in a clustered development pattern. The applicant had revised the concept plan to twelve lots and has conceptually shown a widened road, additional off-street parking and a garbage collection area. The Planning Commission and the public at the public hearing were focusing heavily on design issues of the concept plan. The concept plan was used to show conceptual use, in this case single family, and basic access points and general conceptual layout to determine if the intent of the PRD zone was being met. The application before the City Council was for a zone change. Design issues such as road widths, road types (public or private) drainage, sidewalks, curbing, refuse collection, utilities, fire protection etc. would all be addressed during the subdivision process. Furthermore, all design related components would have to meet current City and engineering standards. The clustering of lots on the concept plan was to show preservation of the steep slope as required by City code. The development would be compatible in density at 3.47 units per acre with much of the surrounding housing. The office development and single family housing located to the east would not be connected to this development.

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The City Engineering Department had indicated that the City does have the ability to service the concept project. Water and sanitary sewer connections would be made to the existing lines in 8925 South.

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

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

Discussion: The PRD zoning district had specific standards which would be met when the property was subdivided and developed. The PRD zone and the applicant's concept plan was compatible with the existing zones and housing densities found in surrounding neighborhoods and will not harm the public health, safety or welfare of the city as a whole. This project created additional housing in this area.

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

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

Discussion: The Engineering Department had determined that the City had the ability to service the development with water, sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat approval. The Fire Department would review the proposed development at the time of subdivision application to ensure full serviceability. The addition of thirteen single family homes would not excessively impact public services.

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

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

Discussion: The property was not located within any overlay zone.

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Finding: This criterion does not apply.

Staff recommended that the City Council approve Ordinance 15-35, rezoning the property generally located at 8891 South 1030 West from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to PRD (Planned Residential Development).

Larry Gardner said the Planning Commission met on November 3, 2015, and in a 3 to 2 vote forwarded a ***negative*** recommendation to the City Council concerning the rezoning of property located at 8891 South 1030 West from R-1-10 to PRD (Planned Residential Development).

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Mary Kiesel, West Jordan resident, provided the following information:
"She was glad to see the developer had a new concept plan, but there were still concerns. Her main concern was the density. The total property acreage was 3.456 and of that approximately 1.5 acres of the property had a greater than 30% slope. Since the City would not allow building on the 1.5 acres of slope, then 1.5 acres needed to be discounted. This left 1.956 acres to be developed in housing. If the 1.5 acres of slope could not be used, then the '2' acres on top was all that was available. If 3.47 lots or "single-family homes" was the guideline per acre, then there could only be 7.94 or 8 lots or homes, which could be developed on flat land above the slope. She felt if the top of the density range, 5.0 was used, only 10 lots or homes could be developed. She opposed the rezone due to the density."

Randy McDougal, West Jordan resident, provided the following statement:
"I am very opposed to the Pinnacle Cove Rezone request that will be presented to you tonight by HCH Development Group. I know that you are short on time to be able to review this letter prior to the meeting so I will make my comments brief. However, please know that there are many, many crucial details which are missing from the proposal which will directly and negatively impact the existing residents as well as the community as a whole. While some will say that these issues are not important and can be addressed during latter approvals, I strongly believe that these issues relate directly to the ability of this subject property to handle this much more intense land use without severe negative impacts. It is a disservice to the existing home owners and to the developer to simply kick the can down the road further before considering these items.

During the previous Planning Commission hearing, the developer stated the reasons why he was pursuing such a high density was due to the following factors:

- The purchase price of the land was such that he must have very high density to make a profit.

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- The City would not allow him to build apartments or townhomes. Therefore, he decided to separate the living units by making them very close single-family homes instead. Essentially the same thing.

These factors should not be used to justify forcing high density into an area that cannot support it!

SOME OF THE CRUCIAL CONCERNS I HAVE ARE:

- Private lane
  - The private lane, which is part of the subject property and will be controlled by the Home Owners Association (HOA), is an old country lane that was not well-developed. The lane was initially constructed in the mid-1800s and has simply had a thin layer of asphalt placed over it with insufficient road base.

  - Under the thin asphalt is an irrigation ditch with a concrete tile cover. This ditch cannot sustain significant weight from large trucks (moving trucks, garbage trucks, construction trucks, etc.). If damage occurs to the ditch and private lane after completion of the development, the cost burden would be on the HOA. However, it is unlikely that the new home owners (likely young families) would have the funds to repair the ditch and road. They would likely petition the city to help repair the road as a community crisis.

- Garbage Collection
  - The conceptual site plan does not provide for a location for garbage can collection. I would assume that this means that the developer plans to place the garbage cans in front of the home for collection.
    - However, there are several critical problems with this:
      - The road (with the ditch under it) cannot support the weight of the truck.
      - Garbage trucks cannot make the turn onto the very narrow private lane (19.75 feet wide).
      - Cars cannot pass a garbage truck or any other vehicle on the private lane with garbage cans sitting at the curb.

- Severe Slope(Open Space)
  - The developer stated that there would be over 1.5 acres of open space for recreation. However, this was a farce. The open space is on an extremely steep slope with a canal at the bottom. It is not unusable space for any purpose nor could a sidewalk be added to gain access due to the severe slope. This land is more of a liability than an asset to the community. Therefore, it should not be considered as part of the density calculation.
  - The slope has been moving for many years. This is evidenced by the landslides and water which has been surfacing on the land just to the north.

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- Space Between Homes
    - After some reluctance, the developer stated in the Planning and Zoning hearing that the homes would be placed 6 feet apart (not to the lot line but rather to the next house). This is simply TOO close!! Considering they are planning to build 2-story homes with only 6 feet apart grass and other vegetation will not grow thereby leaving this space as nothing more than dirt and garbage collection.
    - With only 6 feet between homes, this will greatly increase the hazard of fires spreading from home to home.

I do feel that this land should be developed. However, we must be wise in how it is done. I STRONGLY RECOMMEND KEEPING THE CURRENT ZONING OF R-1-10E. This zoning is exactly what the land can actually support. We should not try to force something that doesn't fit just because the land owner wants to sell and the developer wants to make a profit. If we sit for too long trying to figure out a way to barely get something to work, it is a sign that it is a bad idea to begin with!

Sincerely,
Randy McDougal"

Michael Dover, West Jordan resident, felt the property was currently an eyesore and should be developed. He said the conceptual development plan for a Planned Residential Development (PRD) was not complete, and did not meet most of the requirements for this type of zoning. He felt the home spacing was inadequate. He asked the Council to deny the proposed rezone.

Karleen Logan, West Jordan resident, voiced her concerns with this being a small piece of land situated around larger homes. She said the 12 homes proposed in this area could not be maintained like a PRD. She also felt the home spacing was inadequate. She opposed this rezone and asked the Council to deny the proposed rezone.

Tim Williams, West Jordan resident, commented on the numbers of homes being proposed on this site and how the number had continued to decrease. He said the developer was trying to place homes on less than one-quarter acre lots. He said many of the concerns of the Planning Commission had not been addressed, along with others. He suggested:

- Sub-dividing the property
- Rezoning the entire street of 1030 West to R-1-6 or 1/8 acre lots.

Due to these concerns and others, he asked the Council to deny the proposed rezone.

Kelvin Green, West Jordan resident, said this property did not work for the proposed PRD zone. He said the City might consider an in-fill zoning ordinance to address appropriate ways to deal with small in-fill areas.

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Zach Jacobs, Council Member Elect, spoke against the proposed rezone.

Von Vicchrilli, West Jordan resident, voiced his concerns regarding the two roads, sewer line, canal, and drain water.

Tim Alders, applicant, said they built communities. Projects like this had been built in the past. He said they tried to address all of the concerns of the Planning Commission. The homes being proposed would be top end $300,000 to $400,000 homes.

Matt Robinson, applicant, said they had been working on this project for approximately six-months. The revisions were many. He reviewed some of concerns they had addressed:

- Private lane
- Guess parking
- Trash
- Fire truck access
- Side yard set-back
- Slopes
- Amenities

They were open to direction from the City.

Rick Logan, West Jordan resident, reported that the land below this area might be for sale. He asked whether the land below could be included, making this a better alternative.

Todd Watson, Realtor for Tommy Vicchrilli, said for the last four years, the neighbors were against any type change proposed development for this property. He said these homes should raise the nearby property values. He commented on the price point of the homes and who might purchase the homes. He felt this needed to come to a resolve.

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

Mayor Rolfe felt this hillside was great real estate property. This land could be sub-divided into 10,000 square foot lots with an (E) size homes. He spoke against the proposed rezone.

MOTION: Councilmember Southworth moved to deny Ordinance 15-35, rezoning the property generally located at 8891 South 1030 West from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to PRD (Planned Residential Development). The motion was seconded by Councilmember McConnehey.

Councilmember Nichols appreciated the effort of the developer. He agreed with the comments of Mayor Rolfe.

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Councilmember Southworth said the motion was based on current codes, ordinances, and the guidelines of the General Plan.

Councilmember Haaga opposed the motion.

Councilmember Rice agreed with the comments made by Mayor Rolfe, Councilmembers Southworth and Nichols. She also agreed with the concerns of the Planning Commission.

A roll call vote was taken

Councilmember Haaga	**No**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 6-1.

MOTION: Councilmember Nichols moved to take a short recess. The motion was seconded by Councilmember Haaga and passed 7-0 in favor.

The Council recessed at 8:06 p.m. and reconvened at 8:12 p.m.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-216, REGARDING THE 2015 DRINKING WATER SYSTEM MASTER PLAN UPDATE

Wendell Rigby said the City's Master Drinking Water System Plan was last updated in 2007, which included the assessment and recommendations for future water reservoirs, pipelines, pump stations, pressure reducing stations, system modeling, and a capital projects list. Since that time, the City contracted with Hansen, Allen, and Luce, Inc., to complete a new Drinking Water System Master Plan.

The new Drinking Water System Plan used water modeling software to evaluate the City's infrastructure. The Master Plan recommended new reservoirs and pumping stations as the City expanded to the West. A cost analysis study was completed to determine if building water storage reservoirs in the Zone 5 pressure area, instead of pumping up to Zone 6 and trickling down was a cost-effective proposal. The study was included in the appendix of the master plan and showed that it would save the City millions of dollars over a 20-year and 50-year period to build the proposed Zone 5 reservoirs. A study of the City's supervisory control and data acquisition (SCADA) remote communication system was conducted with recommendations to upgrade some of the electronic equipment. The Capital Improvement Plan was shown in Chapter 8, Table 8-1 and Figure 5-4. The total

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cost for the Drinking Water System improvements was $117,073,000 of which $80,091,000 was eligible for impact fee reimbursement.

The City held a public open house on November 12, 2015, to discuss the proposed Master Plan. Only one comment was received, and that comment was to have more water conservation in the City during April and May. This study showed that on average the household indoor water use per day was 223 gallons per home, and the outdoor water use was 835 gallons per day per home.

Staff recommended the City Council adopt the 2015 Drinking Water System Master Plan.

Marv Allen, with Hansen, Allen, & Luce, Inc., provided the following information:

WEST JORDAN
UTAH
DRINKING WATER SYSTEM
MASTER PLAN UPDATE

Master Plan Addresses:

1. Growth Projections
2. Source
3. Storage
4. Distribution System
   a. Optimization
5. Water Quality
6. SCADA System
7. Capital Improvements Plan

Drinking Water Master Plan Future System Map

Project Cost Organized by Type

Project Type	Total Cost	Future Cost	% Future
Source	$13,191,000	$13,056,000	99.0%
Storage	$55,404,000	$33,318,000	60.1%
Asbestos-Cement Pipe	$3,898,000	$0	0.0%
Fire Flow	$705,000	$30,500	4.3%
Distribution	$43,504,000	$33,686,450	77.4%
SCADA	$371,000	$0	0.0%
Sum	$117,073,000	$80,090,950	68.4%

Project Costs Organized by Priority

Priority	Total Cost	Future Cost	% Future
1	$1,009,000	$30,500	3.0%
2	$14,013,000	$2,308,500	16.5%

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3	$43,487,000	$24,606,950	56.6%
4	$7,189,000	$6,784,000	94.4%
5	$51,375,000	$46,361,000	90.2%
Sum	$117,073,000	$80,090,950	68.4%

The Council and staff discussed clarifying questions.

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

MOTION: Councilmember Nichols moved to adopt Resolution 15-216, to adopt the 2015 Drinking Water System Master Plan and to have staff prepare an updated Drinking Water System Capital Facility Plan. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga **Yes**
Councilmember Hansen **Yes**
Councilmember McConnehey **Yes**
Councilmember Nichols **Yes**
Councilmember Rice **Yes**
Councilmember Southworth **Yes**
Mayor Rolfe **Yes**

The motion passed 7-0.

The Council brought Business Item 8.c. forward.

VIII. BUSINESS ITEM

BUSINESS ITEM 8.C.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-218, AUTHORIZING THE ISSUANCE OF UP TO $7.2 MILLION OF STORM DRAIN REVENUE BONDS; AND RELATED MATTERS

Dave Zobell said the parameters resolution, prepared by Farnsworth Johnson LLP, authorizing the issuance and sale of up to $7,200,000 of storm drain revenue bonds needed to be passed so that staff could begin the bond process. These bonds were being issued so that the City could finance the costs of replacing pipe from 3200 West to the Jordan River, lowering of the detention pond in Constitution Park, and rehabilitating pipe on sections of 7800 South. The City Council along with staff, discussed the possibility of issuing these bonds for over a year.

He said it was now time to pass the parameters resolution for the bonds. The parameters resolution needed to be passed so that we can begin the process to issue Storm Drain Revenue Bonds. Over the next several weeks, the City along with our Bond Counsel

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(Farnsworth Johnson LLP) and Financial Advisor (George K Baum & Company), would be working to get all of the required paperwork complete, notices sent to the paper, decide on the structure of the bonds, and finally City Council would hold a public hearing to receive input from the public with respect to the issuance of the Series 2016 Bonds and the potential economic impact that the improvement would have on the private sector. The public hearing would be scheduled for January 13, 2016.

Fiscal and/or Asset Impact:
The City would sell approximately $7,200,000 worth of sales tax revenue bonds. The bonds would be paid back with proceeds from storm drain revenue over the next 10 years.

MOTION: Councilmember Haaga moved to approve Resolution 15-218, authorizing the issuance and sale of storm drain revenue bonds, directing the publication of a notice of bonds to be issued; expressing official intent regarding certain capital expenditures to be reimbursed from the proceeds of such revenue bonds; fixing the parameters for the bonds; providing for the holding of a public hearing; authorizing the execution and delivery of a master trust indenture and a supplemental indenture and other documents required in connection therewith; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this resolution. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-30, RATIFICATION OF THE PLANNING COMMISSION APPROVAL OF PRELIMINARY DEVELOPMENT PLAN ESTABLISHING A DENSITY OF 8.5 UNITS PER ACRE IN THE MFR ZONE AND 16.7 UNITS PER ACRE IN THE HFR ZONE FOR THE VIEW AT 5600 WEST, LOCATED AT 5600 WEST 8200 SOUTH, UINTA LAND COMPANY, APPLICANT

Larry Gardner said this item was continued at the October 14, 2015 City Council meeting. Members of the Council addressed items related to the site plan and design of the project and wanted the applicant to redesign certain portions of the project. A review of the

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provisions of the 2009 City Code containing the West Side Planning Area regulations clarified that the City Council's role was only to ratify the density previously approved by the Planning Commission:

2009 CITY CODE REVIEW

13-5J-5(I.) Granting Of Density In WSPA: Final density shall be determined by the planning commission with ratification by the city council at the time of master development plan or preliminary subarea development plan approval.

Excluding items directly related to a density buy up; the site plan, site design, building design and subdivision are administrative and have been delegated to the Planning Commission for preliminary approval. All density bonuses granted to this project meet the intent of the WSPA provisions of the 2009 City Code.

The City Council's approval was to:

1. Ratify the Planning Commission's determination and approval of the density. Section 13-5J-5(I.) States:

   Density in the WSPA is directly tied to the weighted percentage values expected for installed improvements as listed in the WSPA standards and incentive chart. Dwelling unit density shall never exceed the maximum for the development's applicable zoning district regardless of the amount of density bonus awards granted.

   Density bonus shall be determined as directed by following Article 5-J of the 2009 City Code *"West Side Planning Area Zones."* The City Council should analyze the amenities against the City Code and determine if the appropriate density buy-up was granted by the Planning Commission and ratify the decision; **or**

2. If the Council does not agree that the approval meets the intent of the City Code concerning the density buy-up as approved by the Planning Commission, remand the item back to the Planning Commission for further discussion and review of the density buy-ups and density granted for the project.

PLANNING COMMISSION RECOMMENDED CONDITIONS OF APPROVAL

Larry Gardner said on September 1, 2015, the Planning Commission granted preliminary approval of the development plan for The View at 5600 located at 8200 South 5600 West in the MFR Zone, 51 units on 6.01 acres with a residential density of 8.50 units per acre, and in the HFR Zone, 480 units on 28.79 acres with a residential density of 16.7 units per acre, subject to the following conditions:

1. The Final Development Plan shall be updated to reflect the buy up points and densities approved by the Planning Commission and City Council.
2. The Final Development Plan shall be updated to show all other requirements as approved by the Planning Commission.

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3. Approval of the Preliminary Subdivision plan and Preliminary Site Plan shall be subject to City Council Approval of the Preliminary Development Plan. The project density shall be approved by the City Council as part of the Preliminary Development Plan approval.
4. Update the Final Development Plan to address all existing and future planning, engineering, fire, Design Review Committee, and all other City redline corrections pertaining to The View at 5600 Development Plan.
5. Before the final plat, site plan and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
6. The development shall be designed according to City Standards and shall have the approval of the City Engineer before final approval is granted; notwithstanding the design concepts as shown in the preliminary development plan.
7. A HAWK signal shall be required at the location where the trail crosses 5600 West to protect the health, safety and welfare of residents.

BACKGROUND

The View at 5600 was a large multi-family development located in the Highlands Master Planned area ("the Highlands") at approximately 5600 West 8200 South. The Highlands was a 418-acre planned development which contained a mix of single family dwellings, multifamily dwellings and commercial uses. The Highlands was governed by the West Side Planning Area (WSPA) provisions of the 2009 City Code. The property where The View at 5600 would be developed was vacant.

GENERAL INFORMATION AND ANALYSIS

Larry Gardner said the applicant was requesting approval of the sub-area development plan and ratification of the density established by the Planning Commission for a proposed 531 unit multifamily residential development located at approximately 5600 West 8200 South. The property was west of the Island Park subdivision, north of Ascent Academy School and east of the Mountain View Corridor Aerial Map (Exhibit A) included in the Council's agenda packet. The property was currently vacant but had been used for agricultural purposes in the past.

The View would consist of 531 multi-family dwelling units as well as a number of amenities. The development would be constructed in 5 phases. The number and type of dwelling units for each phase was as follows:

Phase	Building type	Units	1BR	2BR	3BR
Phase 1	Three - 3 Story Multi-Family Dwellings, Clubhouse, Pool, 7 carports	51	12	24	15
Phase 2	Five - 3 Story Multi-Family Dwellings, 20 Garages, 21 carports	141	36	72	33
Phase 3	Four - 3 Story Multi-family Dwellings, 23 carports	111	48	24	39
Phase 4	Four - 3 Story Multi-family Dwellings, 60 Garages,11 Carports	111	48	48	15

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Phase 5	Three - 3 Story Multi-family Dwellings, 66 Garages,18 Carports	117	36	72	9
	Totals	**531**	**180**	**240**	**111**

The development would be under single ownership and would be managed as such. The site consisted of 34.80 acres of land. 6.01 acres was located in the MFR (Medium Density Multi- Family Residential Zone) and 28.79 acres was located in the HFR (High Density Multi-Family Residential Zone). The densities in the MFR and HFR zones, assuming all proposed buy ups are granted would be 8.5 units per acre in the MFR zone and 16.7 units per acre in the HFR zone. A total of 17.72 acres (51%) would be common open space and landscaping which included six "active recreation areas" a large open walking/recreation/Parkour course area, two basketball courts, a club house, swimming pool and lazy river. Clay Hollow Wash would be piped and used for a combination storm water detention area and active open space. A regional trail would also be constructed through the wash and be connected to existing trails to the east and west.

FINDINGS OF FACT PRELIMINARY DEVELOPMENT PLAN

There are no specific findings of fact for development plans; however, there are other code requirements applicable to this request that need consideration by the City Council.

The WSPA zoning districts allow density increases subject to providing certain required amenities or design elements that are intended to improve the overall project. The density range in the MFR zoning district is between 4.51 and 9.0 dwelling units per acre. In this zone, applicants are entitled to 4.51 dwelling units per acre (which is considered the base density) but can 'buy up" to 9.0 dwelling units per acre if all optional bonus density elements are provided and integrated into the development. The density range in the HFR zoning district is between 9.01 and 18 dwelling units per acre. In this zone, applicants are entitled to 9.01 dwelling units per acre (which is considered the base density) but can 'buy up" to 18.0 dwelling units per acre if all optional bonus density elements are provided and integrated into the development. The density 'buy up" is determined using the table contained in the 2009 City Code, Section 13-5J-5C and Section 13-5J-6 which further clarifies how percentage points are achieved.

Table 1.0 was derived from the table in Section 13-5J-5C. It contains both the applicant's and staff's analysis of total percentage points earned.

WSPA STANDARDS AND INCENTIVE CHART

Table 1.0

Amenity/Improvement	Weighted Value	Required vs. Optional	Applicant Score	Staff Score
Trails and open space:				

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Improvement: *Dedication of open space, trail (drainage) corridors or "in lieu fees" and installation of trails in accordance with the comprehensive general plan and the "Parks, Recreation, Trails And Open Space Handbook"*		Required	0%	0%
Discussion: The area along Clay Hollow wash will be a dedicated open space area that will remain open and usable to residents and non-residents of The View. The open area will be installed and maintained by the developments owners through a development agreement. The two open space areas along the wash will be connected by a trail and bridge and will appear as one large open area when constructed. The applicant will dedicate an open space easement to the City through the wash area and will then maintain the open space. The applicant will also install a trail through the open space area and a bridge across the wash.				
Improvement: *Installation of enhanced open space/recreational amenities and/or landscaping/irrigation in excess of that required per city standards.*	Up to 22%	Optional	22%	22%
Discussion: Swimming Pool (2%) Lazy River (1%) Two Basketball Courts (2%) Three playgrounds with equipment (2%) Three Tot Lots (2%) Forecourts with seating (2%) Fitness Center (2%) Parkour Course (2%) Multiple Playing Fields (4%) Picnic area (2%) Common Greens (1%) Courtyard (1%) Landscape Buffers (2%) Landscaped Tree Colonnade (2%) Forecourts w/o seating (1%)				
Improvement: *Improvement of trail corridors and installation of trail amenities in excess of that required per city standards.*	Up to 15%	Optional	15%	15%
Discussion: The plan shows the installation of 1.81 acres of active open space (5%) and the installation of benches and trash receptacles every 1000 feet (4%). The installation of fences along the trail corridor (4%) and the installation of landscaping and irrigation along the trail corridor (4%).				
Improvement: *Dedication of additional property for trails beyond that required per city standards along creeks/washes.*	Up to 15%	Optional	15%	15%
Discussion: The code requires a minimum 100 feet of dedicated open space (50 feet open space dedication on both sides of drainage corridors.) The applicant will also be piping the wash to make the area usable and to be able to install landscaping. The open area beyond the wash averages 60 feet. This would give additional common open area for 800 feet. (entire length of the wash) The applicant will also construct the trail system through the project that will connect to the City's trail system.				
Street design:				
Improvement: *Pedestrian scale development and consistent, architectural street lighting*		Required	0%	0%
Discussion: All street lights will conform to West Jordan City standards for residential street lights.				

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The street lights will be no taller than 12 feet tall with aluminum shaft with fluted finish direct burial pole with 3 inch tenon top and will be consistent with other lighting throughout the Highlands. The lighting within the project will be installed to provide safety for the residents. The lighting will be an attractive theme base design for the development.				
Traffic calming		Required	0%	0%
Discussion: Traffic calming measures will be incorporated into the project and will be reviewed during the final subdivision and site plan review.				
Street design		Required	0%	0%
Discussion: *The project has internal private driveways that serve garages. This configuration must be approved by the Engineering and Fire Departments.*				
Improvement: *Entryway monument or gateway feature.*	Up to 10%	Optional	10%	10%
Discussion: The development plan shows three entryway monuments.				
Improvement: *Provision of a landscape buffer on major rights of way*	Up to 22%	Optional	8%	8%
Discussion: The development will have a 32 foot wide 800 foot landscape buffer along 5600 West and will incorporate berms, plantings and a 3 foot split rail fence.				
Smart growth:				
Improvement: *Pedestrian friendly and walkable neighborhood design.*		Required	0%	0%
Discussion: Five foot sidewalks are placed along all exterior streets and adjacent to buildings. There will also be three trail connections for pedestrian access.				
Improvement: *Alternative load garage configuration (if single-family)*	Up to 18%	Optional	4%	0%
Discussion: Not applicable to this design.				
Improvement: *Clustered subdivision design*	Up to 10%	Optional	0%	0%
Discussion: Not applicable to this design.				
Building design:				
Improvement: *Attractive, theme based and*		Required	0%	0%

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	consistent architecture on all structures.				
	Discussion: The Design Review Committee recommends approval of building architecture. (See attached minutes of meeting)				
	Improvement: *Installation of covered porches throughout 50% of subdivision*	Up to 14%	Optional	14%	0%
	Discussion: Not applicable to this design.				
	Improvement: *Enhanced door, window, eave and roofing treatment*	Up to 12%	Optional	12%	12%
	Discussion: The applicant has installed enhanced door and window and roof treatments throughout.				
	Improvement: *Equal dispersion and use of high quality building materials*	Up to 12%	Optional	12%	12%
	Discussion: The development will incorporate stucco, stone, brick, composite board siding and shingles and other high grade materials. Interior upgrades include 9 foot ceilings, granite counter tops, stainless steel appliances, high quality windows and doors.				
	Improvement: *Discretionary buy up*	Up to 12%	Optional	0%	4%
	Discussion: The installation of 144 detached garages will be included in the development.				
			Total	**112%**	**98%**

Based on the total percentage in the table above, the following calculation was used to find out the maximum allowed density of a project: [(Base Density) x (Bonus Density Percent)] + (Base Density) = Max Allowed Net Density

As staff calculated the maximum allowed net density in the MFR zone, (4.51 x .98) = 4.42; 4.42 + 4.51 = 8.93 du/ac; therefore, 8.93 dwelling units per net acre are possible. The proposed development included 51 units on 6.01 acres for a proposed residential density of 8.48 dwelling units per acre (gross). This compares to a maximum net density of 6.01acres X 9.0 units per acre = 54 units.

The maximum allowed net density in the HFR zone, (9.01 x .98) = 8.83; 8.83 + 9.01 = 17.84 du/ac; therefore, 17.84 dwelling units per net acre were possible. The proposed development included 480 units on 28.79 acres for a proposed residential density of 16.67 dwelling units per acre (gross). *(16.67*28.79=479.929 units rounding up gives 480 units total.)* This compares to a maximum net density of 28.79 acres X 18.0 units per acre = 518 units

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Based on the information submitted and the conditions of approval recommended by staff, The View at 5600 Sub-area Preliminary Development Plan had sufficient amenities to achieve the requested 531 multi-family residential dwelling units.

Larry Gardner said based on the requirements listed in the Zoning Ordinance, staff recommended that the City Council ratify the Planning Commission's approval of The View at 5600 Preliminary Development Plan located at approximately 8200 South 5600 West with a residential density of 8.5 units per acre MFR zone and 16.7 units per acre HFR zone; for a total of 531 multi-family units on 34.8 acres, subject to the conditions of approval.

The Council and staff discussed clarifying questions.

Larry Gardner stated that Council's options were to either approve the ratification or remand this back to the Planning Commission to review the density buy-ups.

Don Moss, West Jordan resident, spoke at the last City Council meeting to voice his concerns, and again at this meeting. He voiced his concerns with placing high-density building in the MRF zone. He asked the Council to remand this item back to the Zoning Commission.

Paxton Guymon, Legal Counsel for the applicant, said this evening there was only one issue for the Council's consideration and that was should you ratify the Planning Commission's density grant for award. He said the West Side Area Plan Ordinance was fairly clear regarding standards for density buy-ups. The developer had given every conceivable amenity possible that would have justified an even higher density. Was something done wrong by the Planning Commission? He agreed with staff that all the density bonuses granted to this project met the intent of the WSPA and the density awards.

Eric Hanna, West Jordan resident, said on the west side 5600 West was an extension of his Island Park neighborhood, which was designed to be a buffer to high-density. The initial plan approximately three-years ago was acceptable. All the complaints this evening were about density. He opposed increasing the density on this property.

Councilmember Haaga said the City needed development of roof-tops in order to have businesses prosper. He wanted the project to move forward.

Councilmember McConnehey was concerned there might be double-dipping regarding open-space/recreational amenities. He felt this item should go back to the Planning Commission.

Councilmember Hansen agreed with Councilmember McConnehey. She said 5600 West was a road, not a buffer. She also wanted this item sent back to the Planning Commission.

MOTION: Councilmember Haaga moved that the City Council ratify through

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Ordinance 15-30, the Planning Commission's approval of The View at 5600 Preliminary Development Plan located at approximately 8200 South 5600 West with a residential density of 8.5 units per acre in the MFR zone and 16.7 units per acre in the HFR zone; for a total of 531 multi-family units on 34.8 acres, subject to the conditions of approval.

The motion died for lack of a second.

Councilmember Southworth asked for clarification as to the City standards for places along washes and open space.

Larry Gardner explained what the developer wanted to accomplish with the washes. He said amenities needed to follow the preliminary development plan. No certificates of occupancies would be issued until all amenities were installed.

MOTION: Councilmember Southworth recommended that the City Council remand this back to the Planning Commission for further review regarding the buy-ups and how the allocations were determined. The motion was seconded by Councilmember Rice.

Councilmember McConnehey wanted an explanation on the buy-up allocations listed on page 5 of the staff report included in the Council's agenda packet for instance:

- Trails
- Swimming pool
- Lazy river
- Parkour Course

A roll call vote was taken

Councilmember Haaga	**No**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 6-1.

Councilmember Rice voiced some of her concerns:

- 5600 West as a buffer
- Piping the ditch (safety concern)

Councilmember Haaga provided the following recommendations:

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- Connections to the various trails
- Soccer
- Recreation for children paid by the Homeowners Association or an assessment

MOTION: Councilmember Nichols moved to continue the meeting to 9:20 p.m. The motion was seconded by Councilmember Hansen.

SUBSTITUTE
MOTION: Councilmember McConnehey moved to continue the rest of the meeting items until the next City Council meeting on December 16, 2015. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**No**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**No**
Councilmember Rice	**Yes**
Councilmember Southworth	**No**
Mayor Rolfe	**Yes**

The motion passed 4-3.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-217, AUTHORIZING THE IMPLEMENTATION OF THE PROPOSED UTILITY FEE SUSTAINABLE FUNDING FOR THE PERPETUAL MAINTENANCE OF PARKS, TRAILS, AND OPEN SPACE

This item was continued to the December 16, 2015 City Council meeting.

DISCUSSION AND POSSIBLE ACTION REGARDING A VIOLATION OF DUTY OF NON-DISCLOSURE OF CONFIDENTIAL DOCUMENTS AND INFORMATION AND POTENTIAL VIOLATION OF THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

This item was continued to the December 16, 2015 City Council meeting.

IX. REMARKS

There were no remarks.

X. ADJOURN

MOTION: Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember Nichols.

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The meeting adjourned at 9:04 p.m.

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

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 16th day of December 2015

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