



REQUEST FOR COUNCIL ACTION

Presenter: Mark Forsythe (staff) / Randy Smith (applicant)

Meeting Date Requested: 11/4/2020

Department: Community Development

Date Final Action Required: 11/4/2020

Meeting Type: ☐ Work Session ☐ Public Hearing ☒ Business Item ☐ Other

Action Requested: ☒ Provide Information ☐ Request Feedback ☒ Decision ☐ Other

Time Requested: Total Time: 30 Minutes (Presentation Time:15 Council Discussion: 15)

Signatures:

Submitter: Mark Forsythe

Dept. Head: Scott Langford
Scott Langford (Oct 30, 2020 15:58 MDT)

Reviewed as to Form: Duncan Murray
Duncan Murray (Oct 30, 2020 15:55 MDT)

Executive: [Signature]

Council Office: [Signature]

Council Committee: _____

AGENDA SUBJECT (Name of the item as it should appear on the formal agenda)

Council will receive input and make a decision concerning Ordinance No. 20-30 approving the Master Development Agreement and Preliminary Development Plan for Jordan Fields.

PURPOSE FOR COUNCIL TIME (What specifically is needed from the council, i.e. specific questions to be answered)

To make a decision on the Jordan Fields Master Development Agreement and Preliminary Development Plan.

SUMMARY (Brief synopsis of the of the issue)

Make a final decision concerning the Master Development Agreement and Preliminary Development Plan for Jordan Fields, which is a 240-unit transit-oriented apartment complex within the P-C(ZC) zone and a Transit Station Overlay District. Density will be 40.68 dwelling units per acre.

TIME SENSITIVITY / URGENCY (Explain any deadlines, and the impact of those deadlines)

There is no specific time sensitivity or urgency

BUDGET IMPACT (Estimated cost and source of funding)

No anticipated budget impact.

STAFF RECOMMENDATION

To approve the Master Development Agreement and Preliminary Development Plan for Jordan Fields, with a total of 240 units at 40.68 dwelling units per acre.

PLANNING COMMISSION RECOMMENDATION (If Applicable)

Positive recommendation by unanimous vote.

MOTION RECOMMENDED (If Applicable)

"I move to approve Ordinance No. 20-30 approving the Master Development Agreement and Preliminary Development Plan for Jordan Fields, located at 8759 South Jordan Valley Way in a P-C(ZC) zone and a Transit Station Overlay District, with an overall density of 240 multi-family residential units at 40.68 dwelling units per acre."

MAYOR RECOMMENDATION (if applicable)

N/A

PACKET ATTACHMENT(S)

1. Ordinance No. 20-30
2. Jordan Fields Master Development Agreement (MDA)
3. Jordan Fields MDA Attachments:
 - Exhibit A – Aerial Map
 - Exhibit B – Zoning & Future Land Use Map
 - Exhibit C – Preliminary Subdivision Plat
 - Exhibit D - [Preliminary Development Plan](#) (embedded link)
 - Exhibit E – Legal Description of the Property
4. Staff Report
5. Meeting Minutes

Ordinance No. 20-30

**AN ORDINANCE APPROVING THE MASTER DEVELOPMENT AGREEMENT AND
PRELIMINARY DEVELOPMENT PLAN FOR JORDAN FIELDS, LOCATED AT 8759
SOUTH JORDAN VALLEY WAY IN A P-C(ZC) ZONE AND A TRANSIT STATION
OVERLAY DISTRICT, WITH AN OVERALL DENSITY OF 240 MULTI-FAMILY
RESIDENTIAL UNITS AT 40.68 DWELLING UNITS PER ACRE**

WHEREAS, the City of West Jordan (“City”) adopted the West Jordan City Code (“City Code”) in 2009, which provides for developments in the Transit Station Overlay District (“TSOD”); and

WHEREAS, an application (“Application”) was submitted to the West Jordan Community Development Department by Fieldstone GK West Jordan concerning the Jordan Fields development, in the TSOD, of a 240-unit transit-oriented apartment complex (240 multi-family residential units) on 5.9 acres of property, at an overall density of 40.68 dwelling units per acre, located at 8759 South Jordan Valley Way (“Jordan Fields”);

WHEREAS, on July 21, 2020 the West Jordan Planning Commission forwarded a positive recommendation of approval to the West Jordan City Council (“City Council”) in a unanimous vote concerning the Preliminary Development Plan for Jordan Fields (“PDP”);

WHEREAS, a work session, public meeting, and public hearing regarding the Jordan Fields Master Development Agreement (“MDA”) and PDP were held before the City Council on August 26, 2020, with additional meetings held on September 30, 2020, October 14, 2020, and November 4, 2020; and

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

Section 1. Section 1. Findings Regarding Modification of Open Space Requirements. The City Code provides for the modification (“Modification”) of certain requirements in small infill developments in the TSOD (“Requirements”). The City Council finds that the Modification of the Requirements for Jordan Fields and the resulting anticipated benefits flowing therefrom to the City (“Benefits”), as specifically provided in the MDP and the MDA and generally summarized as follows, are in the best interests of the City of West Jordan:

- a. The Modifications in the MDA, as specifically described and depicted in the Preliminary Development Plan, include the following:
 - i. Changes to the normally required pedestrian circulation systems;
 - ii. Allowing three of the four main buildings in the Project, and the main entrances to these buildings, to face the pedestrian walkways and the parking lot and traffic flow areas, instead of facing a street;
 - iii. Allowing for the proposed driving lane and parking lot locations and configurations due to the odd shape of the Property;

- iv. Allowing the increase of private amenities to compensate for the lack of public amenities or public open space;
 - v. Changes to fenestration requirements;
 - vi. Changes to the architectural façade elements that define the entrances to the four main buildings; and
 - vii. Changes to other miscellaneous features, as specifically described and depicted in the Preliminary Development Plan.
- b. The Benefits anticipated as a result of the Modification include:
- i. The Project has four significant private amenities (instead of the minimum of two required by the City Code); namely, a dog park, a swimming pool, a club house, and a playground, thus reducing the potential use of other City parks and recreation facilities by residents of the Project;
 - ii. The Project is configured in a way that encourages Utah Transit Authority ridership, as well as walkability, pedestrian travel, and the use of the nearby City trail system;
 - iii. The Project has buildings which face pedestrian walkways to create better aesthetics and safety, including traffic calming, which make the best use of the odd shape and small size of the Property; and
 - iv. The Project allows for the highest amount of parking allowed by the City Code.

Section 2. Approval and Applicability. The MDA and PDP for Jordan Fields are hereby approved, as shown and attached in Attachment 1 to this Ordinance. The Mayor is authorized to sign the Master Development Agreement.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law if any of the following occur:

- a. The Mayor signs the Ordinance as provided by law; or
- b. The Mayor vetoes the Ordinance as provided by law and at the City Council's next meeting following the Mayor's veto the City Council passes the Ordinance over the Mayor's veto by an affirmative vote of at least five (5) City Council members; or
- c. The Mayor fails to sign the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF WEST JORDAN, UTAH, THIS 30th DAY OF SEPTEMBER 2020.

(continued on the following page)

CITY OF WEST JORDAN

By: _____
Christopher McConnehey
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

Council Member Kelvin Green

☐☐

Council Member Zach Jacob

☐☐

Council Member Chad R. Lamb

☐☐

Council Chair Chris McConnehey

☐☐

Council Member David Pack

☐☐

Council Member Kayleen Whitelock

☐☐

Council Member Melissa Worthen

☐☐

PRESENTED BY THE CITY COUNCIL TO THE MAYOR ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Dirk Burton, Mayor

Date

ATTEST: [SEAL]

Tangee Sloan
City Recorder

(continued on the following page)

STATEMENT OF APPROVAL OR PASSAGE (check one)

_____ The City Council passed Ordinance No. 20-30 with the approval of the Mayor.

_____ The City Council passed Ordinance No. 20-30 on _____ (date) over the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 20-30 became effective without the approval or disapproval of the Mayor.

Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that the foregoing Ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2020 pursuant to Utah Code Annotated, 10-3-711.

[SEAL]

Tangee Sloan
City Recorder

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Attachment 1

[to ORDINANCE NO. 20-30

AN ORDINANCE APPROVING THE MASTER DEVELOPMENT AGREEMENT AND
PRELIMINARY DEVELOPMENT PLAN FOR JORDAN FIELDS, LOCATED AT 8759
SOUTH JORDAN VALLEY WAY IN A P-C(ZC) ZONE AND A TRANSIT STATION
OVERLAY DISTRICT, WITH AN OVERALL DENSITY OF 240
MULTI-FAMILY RESIDENTIAL UNITS AT 40.68 DWELLING UNITS PER ACRE]

***Recording Requested By and
When Recorded Return to:***

City of West Jordan
Attention: City Recorder
8000 South Redwood Road, 3rd Floor
West Jordan, Utah 84088

For Recording Purposes Do
Not Write Above This Line

**MASTER DEVELOPMENT AGREEMENT
(for the Jordan Fields Project)**

The City of West Jordan, a Utah municipal corporation (the “**City**”) and Fieldstone GK West Jordan, LLC, a Utah Limited Liability Company (“**Master Developer**”), enter into this Master Development Agreement (this “**Agreement**”) as of the date the City’s mayor signs this Agreement, and agree as set forth below. The City and the Master Developer are jointly referred to as the “**Parties**”. Each party may be referred to as a “**Party**”.

RECITALS

1. Master Developer has entered into an agreement or agreements for the purchase of approximately 5.9 acres of certain real property, located at approximately 8785 South Jordan Valley Way and identified as **Assessor’s** Parcel Numbers 27-05-204-014, 27-05-204-008, 27-05-204-009, 27-05-204-004, and 27-05-204-010 (the “**Property**”). See the Aerial Map attached as **Exhibit A**, the Preliminary Subdivision Plat attached as **Exhibit C**, the Site Plans attached as part of **Exhibit D**, and the Legal Description attached as **Exhibit E**. The Property is located as approximately shown in the maps in the “**Preliminary Development Plan**,” which is attached as **Exhibit D**, and which is incorporated herein by reference. The development identified in the Preliminary Development Plan is referred to herein as the “**Project**” or the “**Development**”.
2. The Property is currently located in an existing P-C(ZC) zone with a TSOD overlay (“**Current Zone**”), subject to the terms and conditions of this Master Development Agreement. See the “**Zoning & Future Land Use Map**” attached as **Exhibit B**.
3. Master Developer has sufficient resources to develop the Project in its entirety.
4. This Project is a transit-oriented apartment complex within the Current Zone. The Preliminary Development Plan is for four apartment buildings totaling 240 dwelling units, with an overall density of 40.68 dwelling units per acre.
5. Master Developer may develop the Property in multiple phases and has contracted with the property owners to purchase and develop the Property in a manner that is consistent with this Agreement.
6. The Property will be developed in accordance with the Preliminary Development Plan as

updated by any Final Development Plan subsequently approved by the City, the City Code, and as further refined by this Agreement.

7. The following Exhibits are attached hereto and incorporated herein by reference:

Exhibit A – Aerial Map

Exhibit B – Zoning & Future Land Use Map

Exhibit C – Preliminary Subdivision Plat

Exhibit D – Preliminary Development Plan, which includes, among other things, the following:
Site Plans, Building Elevations, Clubhouse Elevations, and Landscape Plans

Exhibit E – Legal Description of the Property

8. The Parties acknowledge that the development and improvement of the Property pursuant to this Agreement will add value for the property owners and the Master Developer and will provide certainty useful to all Parties in ongoing and future dealings and relations among the Parties.

9. The City has determined that the proposed development contains features that advance the policies, goals, and objectives of the West Jordan City General Plan, preserve and maintain the open and sustainable atmosphere desired by the citizens of the City, and contribute to capital improvements, which substantially benefit the City and will result in planning and economic benefits (“**Benefits**”) to the City and its residents, including, but not limited to the following:

- a. The Project has four significant private amenities (instead of the minimum of two required by the City Code); namely, a dog park, a swimming pool, a club house, and a playground, thus reducing the potential use of other City parks and recreation facilities by residents of the Project;
- b. The Project is configured in a way that encourages Utah Transit Authority ridership, as well as walkability, pedestrian travel, and the use of the nearby City trail system;
- c. The Project has buildings which face pedestrian walkways to create better aesthetics and safety, including traffic calming, which make the best use of the odd shape and small size of the Property; and
- d. The Project allows for the highest amount of parking allowed by the City Code.

10. The City has determined that the following modifications to title 13, chapter 6, article G (“**Modifications**”) allow and provide for the Benefits described above, as specifically described and depicted in the Preliminary Development Plan:

- a. Changes to the normally required pedestrian circulation systems;
- b. Allowing three of the four main buildings in the Project, and the main entrances to these buildings, to face the pedestrian walkways and the parking lot and traffic flow areas, instead of facing a street;
- c. Allowing for the proposed driving lane and parking lot locations and configurations due to the odd shape of the Property;

- d. Allowing the increase of private amenities to compensate for the lack of public amenities or public open space;
- e. Changes to fenestration requirements;
- f. Changes to the architectural façade elements that define the entrances to the four main buildings; and
- g. Changes to other miscellaneous features, as specifically described and depicted in the Preliminary Development Plan.

NOW THEREFORE, based upon the foregoing recitals and in consideration of the mutual covenants and promises contained set forth herein, the Parties agree as follows:

TERMS

A. Recitals; Definitions. The Recitals and Exhibits are incorporated herein by this reference. Any capitalized term used but not otherwise defined in this Agreement shall have the meaning ascribed to such term in the City’s Land Use Regulations.

B. Condition(s) Precedent. As a condition precedent to the obligations of the Parties:

1. Failure to Close on the Property Transactions. The rights and authority of Master Developer to develop the Property pursuant to the terms of this Agreement are contingent upon and shall only come into being as Master Developer closes on each portion of the purchase of the Property (“Closing”).

C. Governing Regulations; and Conflicting Provisions. The Property, if developed, shall be developed in accordance and consistent with the “**Governing Regulations**”, in the following hierarchy of levels of documents: (i) first (highest level), the provisions of this Agreement, including the Preliminary Development Plan (as updated by any Final Development Plan subsequently approved by the City) and all the other Exhibits, and (ii) second, the requirements and benefits provided for in relation to the Current Zone under the City’s Land Use Regulations. Any conflicting provisions shall be resolved in favor of the higher level of document.

D. Development Obligations.

1. Preliminary Development Plan. In addition to the Master Developer complying with the provisions of the Governing Regulations, development of the Property by the Master Developer shall be in accordance with the Preliminary Development Plan, as updated by any Final Development Plan subsequently approved by the City. The approval of a Final Development Plan shall not be unreasonably withheld by the City.

2. Provision of Municipal Services. The Project shall connect to utility connections with the City, subject to the availability of the City’s utility connections and capacity. The City does not guarantee any specific degree or amount of connections or capacity of utility infrastructure other than what is currently available and what becomes available, in the City’s absolute discretion.

3. Special Issues. The following special issues exist regarding the Project:

- a. If the Master Developer is entitled, pursuant to West Jordan City Code Section 3-7-14, to an adjustment, credit, or exemption regarding impact fees for: (i) dedicating additional right of way for the existing 3400 West bridge; or (2) not discharging any (or having a reduced level of discharging) storm water from the Project to the City's storm drain system; then the Master Developer may petition the City Council according to the terms of said Section; and
- b. The Master Developer shall comply with Section 2.0, Design Criteria 11 of the City's Road and Bridge Standards and the City's other Land Use Regulations to adequately provide safeguards for fencing and/or other materials for pedestrian safety on the Property directly adjacent to the existing irrigation canal.

E. Development Rights; and Reserved Legislative Powers.

1. Development Rights. Master Developer shall have the right to develop and construct the Project in accordance with the terms and conditions of this Agreement and the City Code. For purposes of this Agreement, the term "Substantial Construction" means completion of at least twenty-five percent (25%) of the value of all the public and nonpublic improvements in each phase of the Project, as determined by the city engineer or his designee. If from the Effective Date of this Agreement either (i) no Substantial Construction has occurred within two (2) years or (ii) any part of the Project has not been completed within ten (10) years, the City may unilaterally terminate this Agreement.

2. Reserved Legislative Powers. The Master Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all police powers that cannot be so limited.

F. Term of this Agreement. The obligations of the Parties of under this Agreement shall take effect as of the date the City's mayor signs this Agreement, shall run with the land, and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised. Unless the Parties mutually agree to extend the term by written agreement, this Agreement shall not extend beyond a period of ten (10) years from its date of recordation in the office of the Salt Lake County Recorder. If the Property has not been fully developed consistent with this Agreement prior to its termination, the undeveloped Property may not be developed until one of the following occurs: (i) a new written agreement has been negotiated and executed by the Parties or successors in interest, governing development of the Property; or (ii) Master Developer or its successor in interest applies to the City for zoning and the City Council, in its sole legislative discretion approves either the requested or different zoning.

G. General Provisions.

1. Notices. All Notices, filings, consents, approvals, and other communication provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified U.S. Postal Service mail, return receipt requested, postage prepaid to the addresses noted below or to such other addresses as either party may from time to time designate in writing and deliver in like manner. Any such change of address shall be given at least 10 days before the date on which the change is to become effective:

If to City: ATTN: City Recorder
 City of West Jordan
 8000 South Redwood Road, 3rd Floor
 West Jordan City, UT 84088

If to Master Developer: ATTN: Randy Smith
 Fieldstone GK West Jordan, LLC
 12896 S. Pony Express Rd., Ste. 400
 Draper, UT 84020

2. Mailing Effective. Notices given by mail shall be deemed delivered seventy-two (72) hours following deposit with the U.S. Postal Service in the manner set forth above.

3. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce any other provision. The provisions may be waived only in writing by the Party intended to be benefited by the provisions, and a waiver by a Party of a breach hereunder by the other Party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

4. Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

5. Authority. The Parties represent to one another that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. Master Developer represents and warrants it is fully formed and validly existing under the laws of the State of Utah, and that it is duly qualified to do business in the State of Utah and is in good standing under applicable state laws. The Parties warrant to one another that the individuals executing this Agreement on behalf of their respective parties are authorized and empowered to bind the Parties on whose behalf each individual is signing. Before signature of this Agreement, all trustees of any trust who are acting on behalf of the trust as a party to this Agreement or subsequent agreements must produce proof to the City's satisfaction that the signatory signing this Agreement is indeed the legally authorized trustee of the trust. The Master Developer represents to the City that by entering into this Agreement, Master Developer has bound all persons and entities having a legal or equitable interest in the Property to the terms of this Agreement as of the Effective Date.

6. Entire Agreement. This Agreement, including exhibits to this Agreement and all other documents referred to in this Agreement, contains the entire agreement of the Parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the Parties which are not contained in such agreements, regulatory approvals and related conditions.

7. Amendment. This Agreement may be amended in whole or in part with respect to all or any portion of the Property by the mutual written consent of the Parties to this Agreement. Any such amendment of this Agreement shall be recorded in the official records of the Salt Lake County Recorder's Office. Moreover, any amendment to this Agreement not recorded in the Salt Lake County Recorder's Office shall be void *ab initio*.

8. Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement. This Agreement shall otherwise remain in full force and effect provided the fundamental purpose of this Agreement and Master Developer's ability to complete the development of the Property is not defeated by such severance.

9. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of the Agreement. The Parties agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Salt Lake County, Utah. The Parties hereby expressly waive any right to object to such choice of law or venue.

10. Default.

a. If Master Developer or the City fail to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a default has occurred shall provide notice to the other party as provided herein. If the City believes that the default has been committed by a third party, then the City shall also provide a courtesy copy of the notice to Master Developer. The Notice of Default shall:

(1) Specify the claimed event of default by identifying with particularity specific provisions of this Agreement, and any applicable law, rule, or regulation that the Party is claimed to be in default;

(2) Identify why the default is claimed to be material; and

(3) If a party chooses, in its discretion, propose a method and time for curing the default which shall be of no less than sixty (60) days duration.

b. Upon the issuance of a Notice of Default, the Parties shall meet within ten (10) business days and confer in an attempt to resolve the issues that are the subject matter of the Notice of Default.

11. Remedies. If, after meeting and conferring, the Parties are not able to resolve an alleged default, then the Parties may have the following remedies:

a. The rights and remedies available at law and in equity, including, but not limited to injunctive relief, specific performance and termination;

b. The right to draw on any security posted or provided in connection with the Project and relating to remedying a default; and

c. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project on those properties owned by the defaulting party.

12. Emergency Defaults. Anything in this Agreement notwithstanding, if the Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City then the City may impose the remedies of Section 11 without meeting the requirements of Section 12. The City

shall give Notice to Master Developer and/or any applicable successor or assign of record, of any public meeting at which an emergency default is to be considered and the allegedly defaulting party shall be allowed to address the Council at that meeting regarding the claimed emergency default.

13. Extended Cure Period. If any default cannot be reasonably cured within sixty (60) days then such cure period may be extended as needed, by written agreement of the Parties for good cause shown, so long as the defaulting party is pursuing a cure with reasonable diligence.

14. Cumulative Rights. The rights and remedies set forth herein shall be cumulative.

15. Force Majeure. All time period imposed or permitted pursuant to this Agreement shall automatically be extended and tolled for: (a) period of any and all moratoria imposed by the City or other governmental authorities in any respect that materially affects the development of the Project; or (b) by events reasonably beyond the control of Master Developer including, without limitation, inclement weather, war, strikes, unavailability of materials at commercially reasonable prices, and acts of God, but which does not include financial condition of the Master Developer or its successors.

16. Attorney's Fee and Costs. If any party brings legal action either because of a breach of the Agreement or to enforce a provision of the Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

17. Binding Effect. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, legal representatives, successors in interest and assigns. This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in the Property.

18. No Third-Party Rights. The obligations of the signatories of this Agreement and the City, set forth in this Agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.

19. Assignment. Master Developer shall not assign, delegate, or transfer its interest in this Agreement without prior written approval by the City; provided, however, Master Developer may freely assign its interest in this Agreement (without approval from the City) to (i) an entity that is owned or controlled by Master Developer or its affiliates or subsidiaries or (ii) any joint venture partner of Master Developer or its affiliates or subsidiaries so long as Master Developer gives written notice of such assignment to the City and the successor party agrees to assume Master Developer's obligations set forth in this Agreement. Except as set forth in the preceding sentence, any attempt to assign, delegate, or transfer without the City's prior written approval will be void *ab initio*, and Master Developer will remain liable for the performance of each and every obligation of Master Developer in this Agreement. If an assignment, delegation, or transfer is held not to be void, the parties intend that this Agreement will be binding on the assignee, delegatee, or transferee, as applicable. Any such request for assignment may be made by letter addressed to the City as provided herein, and the prior written consent of the City may be evidenced by letter from the City to Master Developer or its successors or assigns. The assignment of one or more phases of the Project shall require the assignee to sign a form of acknowledgement and consent, as designated by the City, and in the sole and absolute discretion of the City, agreeing to be bound by the terms of the Land Use Regulations and this Agreement.

20. No Agency Created. Nothing contained in the Agreement shall create any partnership, joint venture, or agency relationship between the Combined Parties.

21. Third-Party Challenge. In the event of a third-party legal challenge, Master Developer shall at Master Developer's sole expense, defend, indemnify, and hold harmless the City ("City" includes the City's officials and employees), from and against any claims, losses, or liabilities, including any award of attorney's fees against the City, assessed or awarded against the City by way of judgment, settlement, or stipulation. City shall have the right to approve counsel that the Master Developer retains to represent the City, which approval shall not be unreasonably withheld.

22. Non-Liability of Officials or Employees. No officer, representative, agent, or employee of the City, or the Master Developer, shall be personally liable to the defaulting party, or any successor-in-interest or assignee of defaulting Party, in the event of any default or breach by either Party or for any amount which may become due to defaulting Party, or its successors or assignees, for any obligation arising out of the terms of this Agreement.

23. Representation Regarding Ethical Standards. The Master Developer represents that it has not knowingly influenced, and hereby promises that it will not knowingly influence, a current or former City officer or employee to breach any of the ethical standards set forth in the City Ethics Ordinance codified in Title 1, Chapter 11 (including Article A) of the West Jordan City Code.

24. Public Information. The Parties understand and agree that all documents related to this agreement will be public documents, as provided in UTAH CODE ANN. § 63G-2-101, *et seq.*

25. Counterparts. This Agreement may be executed in multiple counterparts which shall constitute one and the same document

IN WITNESS WHEREOF, the Parties have executed this Agreement, having been approved by the City of West Jordan pursuant to the Ordinance authorizing such execution, and by a duly authorized representative of Master Developer.

CITY OF WEST JORDAN
a Utah municipal corporation

By: _____
Dirk Burton, Mayor

ATTEST:

City Recorder

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Salt Lake)

On this ____ day of _____, 2020, before the undersigned notary public in and for the said state, personally appeared Dirk Burton, known or identified to me to be the Mayor of the City of West Jordan, and _____, the City Recorder of the City of West Jordan, and the persons who executed the foregoing instrument on behalf of said City and acknowledged to me that said City executed the same.

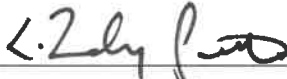
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Utah

APPROVED AS TO FORM

City Attorney's Office

FIELDSTONE GK WEST JORDAN, LLC, a Utah
Limited Liability Company
(**"Master Developer"**)

By: 
Its: Assistant Secretary

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Utah)

On this 30 day of October, 2020, before the undersigned notary public in and for the said state, personally appeared Kent Randall Smith, known or identified to me to be the Assistant Secretary of **Fieldstone GK West Jordan, LLC**, a Utah limited liability company, and the person who executed the foregoing instrument and acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.




NOTARY PUBLIC



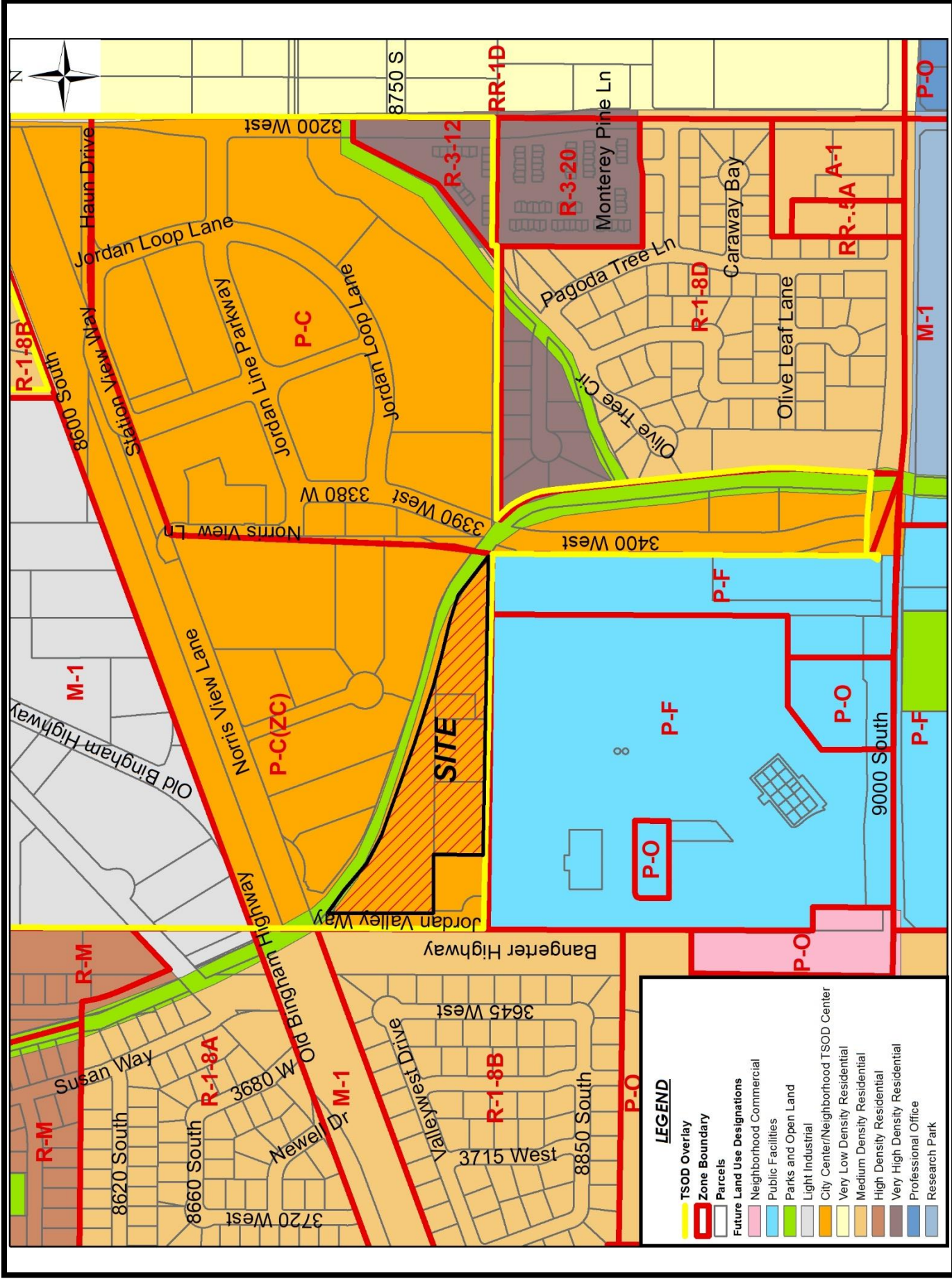


Exhibit B Zoning & Future Land Use Map

[Preliminary Development Plan - Jordan Fields](#) (embedded link)

Jordan Fields Subdivision
Final Plat – Property Description

BEGINNING AT A POINT WHICH IS SOUTH 0°10'11"EAST 822.35 FEET AND NORTH 89°49'49" EAST 51.01 FEET FROM THE FOUND 3" BRASS CAP MONUMENT AT THE NORTH QUARTER CORNER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 79°10'11" EAST 27.57 FEET; THENCE SOUTHEASTERLY 18.11 FEET ALONG THE ARC OF A 120.22 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 8°37'56" AND A LONG CHORD OF (SOUTH 74°51'13" EAST 18.10 FEET); TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE UTAH LAKE DISTRIBUTION CANAL, THENCE ALONG SAID SOUGHERLY RIGHT OF WAY THE FOLLOWING SEVERN (7) CALLS: 1)THENCE SOUTH 51°40'57" EAST 92.14 FEET; 2) THENCE SOUTHEASTERLY 230.65 FEET ALONG THE ARC OF A 686.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 19°15'01" AND A LONG CHORD OF (SOUTH 61°18'27" EAST 229.57 FEET); 3) THENCE SOUTH 70°55'57" EAST 375.82 FEET; 4) THENCE SOUTHEASTERLY 111.13 FEET ALONG THE ARC OF A 1186.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 5°21'59" AND A LONG CHORD OF (SOUTH 73°36'57" EAST 111.09 FEET); 5) THENCE SOUTH 76°17'57" EAST 169.68 FEET; 6) THENCE SOUTHEASTERLY 154.99 FEET ALONG THE ARC OF A 406.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 21°50'44" AND A LONG CHORD OF (SOUTH 65°19'19" EAST 154.05 FEET); 7) THENCE SOUTH 54°23'57" EAST 137.33 FEET TO A POINT ON THE NORTH LINE OF THE JORDAN VALLEY TOD SUBDIVISION PHASE 1B; THENCE NORTH 89°36'31" WEST 1003.97 FEET ALONG THE NORTH LINE OF SAID JORDAN VALLEY TOD SUBDIVISION PHASE 1B, THE NORTH LINE OF PARCEL NO. 27-05-251-005, AND THE NORTH LINE OF JORDAN VALLEY MEDICAL CENTER SUBDIVISION; THENCE NORTH 0°10'11" WEST 179.96 FEET; THENCE NORTH 89°35'57" WEST 191.04 FEET; THENCE NORTH 0°10'11" WEST 327.65 FEET TO THE POINT OF BEGINNING.

CONTAINS 257,567 S.F. OR 5.913 AC.

STAFF REPORT

I. BACKGROUND:

The subject site is located directly north of the Jordan Valley Medical Center and south of the Utah Lake Distributing Canal, and includes 5 existing parcels that total 6.04 acres. These parcels are not part of any recorded subdivision, and have mostly remained vacant. The northwestern parcel has been used for construction equipment storage since 1979. The properties were originally zoned for light industrial and residential, until they were included in the rezone of the larger surrounding area to a P-C(ZC) zone as part of the now-expired South Station planned development. The current TSOD overlay was established in 2007 as a result of the TSOD ordinances that were adopted in 2005. These parcels were not included in the boundaries of the Jordan Valley TOD, but they are located within the boundaries of the TSOD overlay and P-C(ZC) zone.

Most of the parcels were previously owned by the Dimond brothers until they were recently sold to Fieldstone Homes. One of the smaller landlocked parcels was owned by the current City Engineer, who has recused himself from this project for obvious reasons.

On May 20, 2020, the Design Review Committee finished their review of the proposed site plan and preliminary development plan, and provided a few comments. Since these comments were simply provided to staff via email, rather than through a face-to-face meeting, staff will address the comments below each one:

- *The plans make it look like the entrance on 3400 West will require a redirect of the canal. Does this require any special permitting?*

The applicant will need to coordinate piping/bridging of the canal with the Utah Lake Distributing Canal Company and meet all Engineering requirements. This bridge will not be an extension of the Jordan Fields property, but will rather be an access easement crossing the canal right-of-way. The new bridge, piping and culverts will be reviewed extensively by the Engineering Department and the Utah Lake Distributing Canal Company during final reviews. An Encroachment Permit will also be required by the Engineering Department for access onto 3400 West.

- *I do not know the city density plan for this area, but 240 units that are meant to hold 300-400 individuals seems like a lot for that area. Something that (Planning Commission) should look at.*

The purpose of the Transit Station Overlay District is to concentrate higher density around TRAX stations in order to encourage mass transit use in efforts to mitigate traffic impacts. With this in mind, the TSOD ordinances were written specifically to allow higher density. The maximum permitted density for a project in the TSOD surrounding the Jordan Valley TRAX Station is 75 dwelling units per acre, while the minimum required density is 30 dwelling units per acre. The applicant is proposing a density that is near the lower end of the density range, which is 40.68 dwelling units per acre.

- *The overall plane looks nice, not a lot of open space (for the) number of units being proposed. It would be nice to see more.*

The minimum required amount of open space in the TSOD is 10% of the total development site. The applicant is proposing 10,750 square feet of active open space, 20,127 square feet of passive open space and 33,007 square feet of landscaped open space. Overall, the total amount of open space will occupy 24.9% of the total area of the Jordan Fields development, which is more than double the amount mandated by the minimum open space requirements.

On July 21, 2020, the Planning Commission held a public hearing to consider approval of the Preliminary Site Plan and Preliminary Subdivision Plat, and to consider forwarding a positive recommendation of the Preliminary Development Plan to the City Council. Following staff presentations and no comments from the public, the Planning Commission forwarded a positive recommendation of the Jordan Fields Preliminary Development Plan to the City Council in a unanimous vote. The Preliminary Site Plan and Preliminary Subdivision Plat were also approved in a unanimous vote with the following conditions. Since that time, the applicant has responded to these conditions, which are provided below each condition:

Preliminary Site Plan

1. *Preliminary Site Plan and Preliminary Major Subdivision approval is contingent upon ratification of the Preliminary Development Plan and the overall density by the City Council.*

Acknowledged by the applicant.

2. *Address all Engineering, Fire, GIS, Real Property Administration and any other City Departmental redline comments.*

Acknowledged by the applicant. These City departments will review the final construction plans during Final Site Plan review and all redline comments issued will be fully resolved by the applicant to the satisfaction of the corresponding City department prior to final approvals.

3. *Provide a 6' metal picket-style fence along the entire length of the northern property line that borders the canal.*

A 6' metal picket-style fence is specifically called out on the latest updates to the Site Plan and is explained in detail on the Preliminary Development Plan.

4. *The canal culverts and canal vehicle accesses near the northwest and northeast corners of the development will need to implement a fencing or railing solution, subject to reaching an agreement between the City of West Jordan, the Utah Lake Distribution Canal Company, and the Utah Transit Authority.*

The fencing solution is still under discussion between the canal company, the applicant and City staff. Potential solutions are now provided in the appendix section of the Preliminary Development Plan, and will be finalized during Final Site Plan review.

5. *A safe route to school shall be provided from the edge of the new sidewalk to the intersection of Jordan Valley Way and Norris View Lane. All necessary permits and easements from the Utah Transit Authority, The City of West Jordan and/or the Utah Lake Distribution Canal Company concerning this path shall be granted prior to final approvals.*

Potential safe route to school solutions are now provided in the appendix section of the Preliminary Development Plan, and will be finalized during Final Site Plan review.

6. *Incorporate an acceleration lane or similar traffic-mitigation solution, to the satisfaction of the Traffic Engineer, on the east access onto 3400 West.*

This solution involves expanding the street width along 3400 West to provide room for future turn lanes, if determined necessary by the City at a future date. This solution was suggested by the City Traffic Engineer and accepted by the applicant. This solution is now included in the appendix of the Preliminary Development Plan.

7. *Provide an enhanced stamped concrete pedestrian crossing across the northwest vehicle access on Jordan Valley Way.*

A stamped concrete pedestrian crossing has been added to the northwest vehicle access, as shown on the latest update to the site plan.

8. *All existing and new utility lines must be buried underground.*

Acknowledged by the applicant. Notes stating this requirement are included on the site plan.

9. *All dumpster gates must be solid metal.*

The dumpster enclosure cross-section drawings on the site plan have been updated with notes specifying metal gates on the enclosure.

10. *The indoor bicycle parking areas shall be equipped with permanently-installed wall-mounted bike racks, ground-mounted bike racks or metal lockers to prevent theft and to facilitate convenient storage.*

Acknowledged by the applicant. Information on bike racks and their locations is now included in the “Building, Structures and Design” and “Internal Drives and Parking” sections of the Preliminary Development Plan. Specifications and other detailed information will be reviewed during Final Site Plan review.

11. *Street lights shall be designed in accordance with the West Jordan Street Lighting Design and Construction Standards.*

Street light specs are provided in the “Lighting” section of the Preliminary Development Plan. These specs precisely match the West Jordan Street Lighting Design and Construction Standards.

12. *Finalize the Master Development Agreement prior to adoption of the Preliminary Development Plan.*

The applicant has worked closely with the City attorneys to finalize the Master Development Agreement, which is now fully complete.

Preliminary Major Subdivision Plat

1. *Address all Engineering, Fire, GIS, Real Property Administration and any other City Departmental redline comments.*

Acknowledged by the applicant. These City departments will review the final construction plans during Final Subdivision Plat review and all redline comments issued will be fully resolved by the applicant to the satisfaction of the corresponding City department prior to final approvals.

2. *The subdivision plat shall comply with all applicable zoning ordinances.*

Acknowledged by the applicant. The proposed lot currently conforms to all applicable zoning and subdivision ordinances.

3. *Off-site improvement dedications shall be subject to City approval based on the form of dedication.*

Acknowledged by the applicant. Off-site improvements and agreements with adjoining property owners will be finalized during Final Subdivision review and will be reviewed by the City’s Real Property Administration prior to final approvals.

4. *Pending approval, the preliminary subdivision plat shall remain valid for 1 year following the date of approval.*

Acknowledged by the applicant.

On August 26, 2020, the Jordan Fields Preliminary Development Plan was presented to, and discussed by, the City Council in a public hearing. During this meeting, Ryan Wright, who is the owner of the existing medical building to the west of Jordan Fields, expressed a few general concerns. A few of the council members also expressed some concerns. All of these comments, along with the applicant’s response and staff’s input concerning these comments, are outlined in the table below:

Category	Comment	Response
Public Open Space	Each project must have a public open space	This comment refers to Section 13-6G-14D, which requires public open space, but does not require it to be open to the general public. As long as the open space is available "for residents, employees and other users of the site", it meets this requirement. All open space in Jordan Fields is available to residents, employees and invited guests. The applicant has provided several open space areas that will have the following 3 features required by this section; natural light of at least four (4) hours of exposure, sitting areas, and furniture.
On-Site Parking	Doesn't meet 13-6G-9 (parking requirements)	Section 13-6G-9 requires a minimum of 1 parking space for every dwelling unit, plus ½ parking space for each additional bedroom. It also requires a minimum of 1 space for every 4 units for guest parking. This section also limits parking to a maximum of 1½ parking spaces for each unit. Jordan Fields will have (120) 1-bedroom units, (104) 2-bedroom units and (16) 3-bedroom units, which yields a minimum of 308 spaces. Combined with the minimum guest parking, which at 240 units requires 60 stalls, a total minimum of 368 parking stalls would be required. This minimum parking requirement exceeds the maximum limit of 1½ parking spaces for each unit, which at 240 units is 360 parking stalls. The ordinance does not make sense because the minimum parking exceeds the maximum limit on parking. The minimum parking of 420 spaces referred to comes from combining the maximum parking (360) with the minimum guest parking requirements (60). It does not make sense to add a minimum requirement on top of a maximum limit, since the maximum limit is intended to be a "do not exceed" cap on parking. To offer a middle ground solution, the applicant has added 11 parking stalls to bring the parking to the maximum limit of 360 parking stalls. Fences will also be installed fully along the common property lines in order to separate the properties and prevent residents from parking in the neighbor's parking lot and walking to their unit.
	Guest parking was not factored into the minimum required parking	
	Minimum parking is 420	
	Wants the applicant to provide the maximum amount of parking	
Street Parking	TSOD encourages on-street parking. There is no street.	The TSOD encourages on-street parking, but does not require it. In order to assuage concerns regarding on-street parking from the City Traffic Engineer and some of the City Council members, the applicant has included "No Parking" signs along the entire Jordan Valley Way frontage.
	Concerned about on-street parking due to lack of on-site parking spaces	
	On street parking blocks visibility and is more dangerous for pedestrians crossing a street	
Public Street	The ordinance infers that a street is required to run through the development	The development does not intend to have a public street run through the development, since there is no master planned road in this area and the ordinance implies that if a street is provided, it must meet Title 8 standards. The ordinances do not specifically state that a road must be provided. In the case of Jordan Fields, the right-of-way dedication and street improvements along the public street will meet the standards of Title 8 as has been reviewed and approved by the City Engineering staff. The preliminary development plan has been updated to indicate internal drives / alleys to provide vehicular circulations through the development.
	Streets must be built to the standards of Title 8. The parking lot does not count as a street	
	The development states that all streets within Jordan Fields are private. A parking lot is not a street.	
Building Orientation & Entrances	13-6G-12 requires buildings to be placed on a street. The buildings are not placed on a street.	Section 13-6G-7 states that buildings should be oriented to a street where possible, and Section 13-6G-12 states that buildings should face a public or private right-of-way, unless an alternative design is approved pursuant to the development plan. Both of these ordinances encourage buildings to face a street where possible, but allow for alternative designs depending on circumstances. The development fronts only one public street and the building is fully oriented to the street per code. Since there are no other street frontages on the property and the development is landlocked on three sides and narrows to a point on the east side, it would be very difficult and detrimental to the pedestrian-oriented environment to punch a road through the development. As an alternative, the applicant has pushed all buildings up to the

Building Orientation & Entrances (Cont.)	13-6G-7 implies that all buildings must be oriented to a street. The Jordan Fields buildings surround 1 big parking lot, which does not meet the intent of the ordinance	internal pedestrian walkways, which are the same width as a public sidewalk, to meet the pedestrian-oriented intent of the ordinance. The building along Jordan Valley Way hides the parking from the public street and all buildings have 4-sided architecture, which enhances the aesthetic of the pedestrian environment.
	13-6G-11 requires the main entrance of a building to face a street leading to the transit station.	Section 13-6G-11 technically states that all buildings should face a public street and not be oriented to a parking lot. However, this ordinance is worded poorly, and the intent of the ordinance is really to orient buildings to a street sidewalk that currently exists or to a sidewalk that is part of a new road required by the Master Transportation Plan. The other intent of this ordinance is to ensure that when a building faces a street and a parking lot, the main entrance of said building should be oriented to pedestrians using the sidewalk that leads directly to the transit station rather than to a parking lot that may be less favorable to pedestrians. This ordinance was not intended to arbitrarily require a new street simply to put a building entrance on a street. Section 13-6G-9A-5,6 further reinforces this intent by providing diagrams of what is desired and what is not. Although 3 of the buildings in Jordan Fields face a parking lot, the main entrances are placed directly on 5'-6' wide pedestrian paths that connect to the Jordan Valley TRAX station in the most efficient way possible. Although this solution does not precisely meet the letter of the law, it does meet the spirit of the law, which is to ensure that the primary entrance of a building have direct access to a pedestrian sidewalk that leads to a transit station. It is more desirable that the purpose of the ordinance be followed, as requiring every building to face a street would be detrimental for the following reasons:
	The building entrances are non-descript.	1. Unnecessary: What does the City, future residents or the applicant have to gain from putting in a road that serves no purpose and is not required by the Master Transportation Plan? The road would provide a sidewalk, but this sidewalk would be directly adjacent to a 20-MPH road, rather than a 5-MPH speed-controlled parking lot with pedestrian paths that are the same width as a street sidewalk. 2. Increase in Traffic and Vehicle Speeds: Adding a new road would create a 20-MPH street connecting Jordan Valley Way and 3400 West, which would be open to residents of Jordan Fields and the general public. So instead of only getting traffic from Jordan Fields, the project would now be getting additional traffic from the general public using this unnecessary street as a shortcut. The proposed parking lot solution would likely prevent cut through traffic due to the proposed 90-degree turns, which would not be possible on a public street. 3. Increase in Maintenance Responsibility for the City: If a new street is punched through Jordan Fields, that would be a 1,300' road that the City would need to maintain, which would increase costs for the City. 4. Reduce the Amount of Land Available for Parking and Open Space: The Jordan Fields site is a triangular-shaped piece that is landlocked on 3 sides, which makes space rather limited. Adding a road with a 50' right-of-way would occupy roughly 65,000 square feet of space, which would need to be subtracted from the current open space and parking areas. Furthermore, the Station at Gardner Mill, which is also located in a P-C zone with a TSOD overlay and also has several buildings facing a parking lot with no street nearby, was approved by the Planning Commission and City Council, so why should Jordan Fields be treated differently for utilizing the same overall design? The main entrance to each building has been enhanced with recessed fenestration and/or a contemporary-style awning. These features meet the architectural requirements of the TSOD ordinance.
Safe Route To School	Safe routes to school are not there	There are multiple solutions for the safe route to school and the applicant has been working with the City Engineers, the City's Risk Manager, the City's Real Property Administrator, the City's Land Use Attorney and all other public and private stakeholders for the past 4 months to finalize those details. The applicant is willing to construct offsite improvements (including a permanent sidewalk over the canal, a temporary sidewalk leading from the canal sidewalk to the crosswalk and fence) to aid in the safe route to school. An alternative would be to construct a crosswalk on Jordan Valley Way to the existing sidewalk on the west side, away from the canal. These are potential solutions, but the final solution will need to be agreed upon by all affected parties and worked out during final review.
	Want a safe route to school across the canal	
Pedestrian Paths/Connec	Well-connected pedestrian paths and open space that is	Section 13-6G-8 requires that pedestrian circulation systems be provided throughout the development, sidewalks on public streets be at least 5' wide, pedestrian pathways be raised above the parking lot, and pathways must connect buildings and transit

	connected to other land uses isn't there	stops. The project has well connected internal paths which are raised 6 inches above the parking lot and connect buildings to parking and amenities. The internal pedestrian paths also connect to existing public sidewalks on both the sides of the development and includes a connection to the regional trail system to the east. The project abuts a public street (Jordan Valley Way), which will be improved with a 5' landscaped parkstrip and a 5' sidewalk, per city engineering standards and Section 13-6G-8. Once the safe route to schools is completed, the project will be continuously linked to the TRAX station via the sidewalks on Norris View Lane and the existing sidewalks on 3400 West.
	The development is not connected to other areas in the TSOD.	
	Doesn't meet 13-6G-8 (sidewalks & pedestrian circulation)	
Open Space	Drainage basin should be converted to active open space with turf grass and/or xeriscaping	The applicant has improved the detention basin by incorporating a gradual slope on the east side of the detention basin for general access and has landscaped the bottom of the basin with sod to potentially be used as a small dog park. The perimeter of the detention basin will be xeriscaped with a plant/mulch mix and will feature minor amenities such as a waste receptacle and bike wash station. However, it should be noted that the detention basin is rather narrow and is several feet deep with retaining walls and steep slopes on 3 sides, which may or may not be ideal for active open space. Regardless if this space is used or not, it will now provide more aesthetic appeal than native grass seeding. The detention pond area has been updated to include sod and xeriscaped landscaping. 13-6G-14B requires a minimum of 10% of the total development area to be open space. The applicant has dedicated a large portion of its active open space to the pool deck and play area, this being the most widely used open space within the development; the dog park being a close second. A playground near the clubhouse and a dog run space in the center of the development is also provided. Overall, 24.9% of Jordan Fields (not including the detention basin) is more than double the amount required by ordinance.
	Does not want native grasses in the detention basin	
	Lack of active open space	
Setbacks	Setbacks and distance between buildings	Setbacks have not been "negotiated" with the applicant, but were determined by the City Engineering staff based on the public utility easement needs for the site. The setback ordinances for the TSOD do not require any minimum setback from the side and rear property lines, but buildings are not allowed to encroach on an easement. The public utility easements establish the minimum setback for the buildings. The plans as submitted meet the requirements of the City Engineering Department and the ordinance. In the specific case where there is a building adjacent to the neighbors building, the applicant has gone above and beyond to the extent possible to create about 25' of space with active landscaping.
	Height differential between his building and the 4-5 story buildings	
	Concerned that setbacks were negotiated with the developer and did not include the neighbor. Wants to re-look at setbacks based on the neighbor's concerns.	
Land Use Subcommittee	The land use subcommittee made recommendations. These recommendations were not incorporated into the Development Plan	The applicant wishes to express his apologies, as this was unintentional. Due to misunderstanding, the comments did not reach the applicant and the City Council meeting was the first time that the applicant was presented the comments.
Traffic	Concerned about adding traffic to 9000 South	The applicant has hired a professional traffic engineering consultant to provide a traffic impact study for the development. This study has been reviewed by the City Traffic Engineer (Bill Baranowski) and other city staff and found to be in compliance and acceptable.
Bike Parking	Possibly meets 13-6G-10? (bicycle parking and bike lanes)	Bicycle parking is met with secured bike areas within parking garages, as encouraged by the ordinance, and a bike rack in front of the clubhouse.
UTA Parking Garage	Concerned that Trish Hatch was told that the UTA parking garage was near Jordan Fields. She argues it is far away, and could not feasibly be used as overflow parking.	The proximity to the light rail station has been discussed, but there was no reference to the residents using the parking structures at the light rail.

Co-Habitation	Concerned about potential co-habitation, which may have 2 cars instead of 1, which would create more demand for parking.	The applicant has added additional parking stalls to the site plan to hit the zone's regulated maximum parking count of 1½ stalls per unit. Beyond increasing the parking, the applicant has very little control over the family sizes and vehicle choices of future tenants.
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Following the August 26th meeting, the applicant made a few changes to the plans. These include the addition of 11 parking stalls to bring the total on-site parking up to the maximum permitted parking of 360 spaces and the full landscaping of the detention pond with sod grass, xeriscaping and trees. On September 30th, the applicant brought the Preliminary Development Plan back to the City Council for action. Due to some serious code compliance concerns and a response letter from the applicant's attorney that was disseminated shortly before the meeting that was not reviewed by the City Council, a decision was made to table the item to the October 14th meeting to give the Council time to read the response letter and to find ways to work with the applicant to either meet the code as written or amend the code to provide necessary flexibility. Since that time, the Land Use Subcommittee has proposed an amendment to the TSOD ordinances that would allow the flexibility in the code to move the project forward. This ordinance amendment was discussed during the Work Session on October 14th, and the Council recommended a few modifications. These modifications have been worked in to the final version of the ordinance amendment, which reads as follows:

13-6G-18: TRANSIT OVERLAY INFILL PROJECTS:

- A. *Applicable Developments: In any infill transit-oriented project comprising seven (7) acres or less, any one or more provisions of this article may be waived by the city council, with or without a planning commission recommendation, based upon specific findings and appropriate justification.*
- B. *Prohibited Developments: An infill transit-oriented development under this section shall not include any of the following:*
 - 1. *One or more phases associated with a development that is larger than seven (7) acres;*
 - 2. *A lot or parcel that is subdivided from a larger property containing larger than seven (7) acres of vacant land; and*
 - 3. *Any other change in the property or property lines intended to circumvent the purpose of this section.*
- C. *No Precedential Effect: Any provisions of this article that are waived or modified by the city council cannot be used as precedent for any future project or development.*
- D. *Required Inclusion with MDA: Modifications of the provisions of this article shall be listed in the Master Development Agreement.*

On October 20, 2020, the Planning Commission reviewed this ordinance amendment in a public hearing and forwarded a positive recommendation to the City Council in a 6-1 vote. This item is currently scheduled for a public hearing and business item for the City Council meeting on November 4, 2020 and will need to be approved prior to approval of the Preliminary Development Plan and Master Development Plan for Jordan Fields.

II. GENERAL INFORMATION & ANALYSIS

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

	Future Land Use	Zoning	Existing Land Use
North	Neighborhood TSOD Center	P-C/TSOD Overlay	Utah Lake Distribution Canal, Itineris Early College High School, L.K.L Associates, Alside Supply Center, Vacant Land
South	Public Facilities	P-F	Jordan Valley Medical Center
West	Neighborhood TSOD Center	P-C/TSOD Overlay	Medical Services (Sleep & Breathe Specialists, Jordan Valley Pulmonary Rehab, Sunrise Family Practice)
East	Neighborhood TSOD Center	P-C/TSOD Overlay	Jordan Valley TOD (currently-undeveloped phases)

Fieldstone Homes is requesting approval of a Preliminary Site Plan, Preliminary Major Subdivision plat and a Preliminary Development Plan in order to develop a transit-oriented apartment complex on 6 acres of mostly-vacant property located at 8785 South Jordan Valley Way. The proposed development will consist of 4 multi-story apartment buildings, underground and surface parking, a clubhouse and various open space amenities. A major subdivision plat is required for this development by City and State laws due to necessary road dedication of the northwest corner of the property on Jordan Valley Way. This plat will also consolidate all 5 remnant parcels into a single buildable lot.

The proposed development will be located within an existing P-C(ZC) zone with a Transit Station Overlay District (TSOD) designation. No changes to the West Jordan Zoning Map or the Future Land Use Map of the West Jordan General Plan are proposed or required.

The overall density of Jordan Fields will include 240 apartment dwelling units. A breakdown of the type of apartments is provided below:

BEDROOM UNIT COUNT	QUANTITY
1 bedroom units	94
2 bedroom units	104
3 bedroom units	16
Studio units	26

The total acreage of the Jordan Fields development will be 5.9 acres, which will result in an overall density of 40.68 dwelling units per acre. The TSOD overlay in which the proposed density will be located mandates a maximum density of 75 dwelling units per acre and a minimum of 30 dwelling units per acre. The proposed density is well within this range.

III. PRELIMINARY DEVELOPMENT PLAN

Ratification of a Preliminary Development Plan by the City Council, with a recommendation from the Planning Commission, is required in the TSOD prior to development for the primary purposes of establishing density, amenities and general design of the development.

Although there are no specific findings of fact for Preliminary Development Plans, the proposed plan meets the requirements of 13-6G-17, 13-5C-7 and 13-5J-10 of West Jordan Municipal Code. In order to provide a more comprehensive context concerning the proposed Preliminary Development Plan, as well as to provide further insight into the comments provided at the August 26, 2020 City Council meeting, the findings of fact for the preliminary site plan and the preliminary subdivision plat are provided below.

IV. PRELIMINARY SITE PLAN FINDINGS OF FACT

Prior to approving a Preliminary Site Plan, the Planning Commission shall make findings on the following criteria and shall have the duty and power to approve, disapprove, and/or require modifications as deemed necessary.

Criteria 1: *The proposed site 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 site is located.*

Discussion: The proposed apartment complex will be located within one of the few areas of the city that are designated as a Neighborhood TSOD Center, as specified on the General Plan's Future Land Use Map. Concerning this land use designation, the General Plan has several goals and policies related to placing high density development near mass transit, walkability, safe design, and high-quality urban design that apply to development within this area. These goals and policies are listed below, with further analysis provided under each individual goal:

GOAL 1. INCORPORATE TOD CONCEPTS INTO FUTURE DEVELOPMENT AND REDEVELOPMENT ALONG MAJOR TRANSIT CORRIDORS.

Policy 1. Encourage the development of mixed-use projects at appropriate locations within a ¼ to ½ mile of light rail and bus rapid transit (BRT) stations to create a livable, walkable urban environment.

Implementation Measures

2. Provide a mix of medium to high density housing and commercial uses within ¼ to ½ miles of transit station sites to provide a resident population in the area.

All apartment buildings within Jordan fields will be within a ¼ mile to a ½ mile walking distance of the Jordan Valley TRAX station located to the northeast of the development.

6. Encourage redevelopment of lands around transit stations which are underutilized or inconsistent with the City's long-term vision.

The 5 parcels that will be developed are currently vacant or are being used for non-conforming warehouse storage and outdoor storage of construction equipment and vehicles. This existing use is not appropriate for an area designated for transit-oriented development, and will be completely removed upon development of Jordan Fields. A high-density apartment complex near the TRAX station is consistent with the City's vision for this area.

Policy 2. Encourage increased transit ridership to help reduce automobile use in the city.

Implementation Measures

4. Locate transit facilities adjacent to work, residential areas, shopping, and recreational facilities to encourage pedestrian trips and provide convenient access to the transit stop.

An apartment complex at this location will increase the availability of housing near a mass transit station and the proposed pedestrian walkways and sidewalks will enhance the walkability to the nearby TRAX station and bus routes along 3400 West and 9000 South.

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

Implementation Measures

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

While the City has not established a formally-adopted Design Guideline Manual, the architecture and urban form of the Jordan Fields development will be very similar to the Jordan Valley TOD apartments that have been constructed.

2. Provide secured environments for pedestrians, within both the public and private areas, including sidewalks, walkways, parking areas and open spaces.

A network of sidewalks within the development will connect buildings and amenities, while providing continuous connection to public sidewalks along 3400 West and Jordan Valley Way. These sidewalks will be grade separated and crosswalks across driveways will be enhanced.

GOAL 1. PROMOTE AND FOSTER GOOD URBAN DESIGN AT THE COMMUNITY, NEIGHBORHOOD, AND INDIVIDUAL PROJECT LEVELS.

Policy 2. Through the development review and site plan approval processes, require quality developments that improve the livability of the city for its residents.

Jordan Fields will incorporate a high level of architectural and urban design that will provide a quality character for its tenants and the surrounding neighborhood. Several unique amenities, such as swimming pools and parks, will also be provided to enhance the quality of life for the tenants.

GOAL 4. ESTABLISH A COMPREHENSIVE URBAN OPEN SPACE SYSTEM IN THE CITY.

Policy 1. Provide a wide range of public spaces with a network of pedestrian linkages.

The proposed development will provide more open space than the minimum requirements, which will be fully usable and serve a recreational purpose. These areas will be linked to the buildings and surrounding area by grade separated pathways.

The Jordan Fields development will be located within a P-C(ZC) zone with a TSOD overlay. The primary purpose of the P-C zone is to establish large, high-quality master planned developments in a manner that combines flexibility with strong form-based design standards and provides ample recreational open space and pedestrian/vehicle circulation. The TSOD overlay has a very similar purpose, with the key differences being that the TSOD more strongly promotes walkability and higher densities around mass transit stations. Jordan Fields will be compatible with these purposes by providing a planned high-density apartment complex that incorporates a superior level of design with several active open space amenities, contemporary architecture and pedestrian paths that connect to sidewalks that lead to the nearby TRAX station.

The P-C(ZC) zone was initially established with specific zoning conditions when it was approved by the City Council on November 1, 2005:

1. *Area “F” is included in the High Density Residential land use designation (5.6 to 10.0 dwelling units per acre).*
2. *Area “F” must have a minimum home size living area of 1,700 square feet or greater.*

“Area F” refers to the area around Bingham Creek, which is located to the east of 3400 West and is adjacent to the single-family residential neighborhoods. This off-site area is now part of the Jordan Valley TOD development, which superseded these conditions with the ratification of the Jordan Valley TOD Master Plan on August 25, 2010. Therefore, the zoning conditions of this zone do not apply to the Jordan Fields development.

Finding: The proposed site 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 site is located.

Criteria 2: *The proposed site development plan's building heights, building locations, access points, topography, and parking areas will not negatively impact adjacent properties or the surrounding neighborhood.*

Discussion: Jordan Fields will fully develop 5 unimproved parcels that currently have 3 dilapidated storage buildings and several dozen vehicles that have been stored on a dirt surface for decades. The redevelopment of this area will greatly improve the character, accessibility, walkability and viability of this area of the city, which is greatly needed around mass transit stations.

The Jordan Valley Hospital campus is located directly south of Jordan Fields, and is clearly more intense than the proposed apartment complex. Existing roads that provide access to the hospital will be unaffected and there will be no direct access to the hospital from the apartment complex.

The small building to the east is currently occupied by 3 medical offices, which will be unaffected by a nearby apartment complex. The Jordan Fields development will provide no direct access to this neighboring site and the apartment buildings are set back 40-50 feet away, which should provide sufficient “breathing room” for the smaller building. More specifically, 2 apartment buildings will be near this medical office building: The apartment building to the north will be situated directly north of the parking lot, and will have no direct impact on the existing building. This building will be 50 feet away from the existing building and will be buffered by landscaping and 6’ metal fencing. The apartment building to the east will be angled away from the existing medical building, with the closest point being 40 feet away. The area between these buildings will be fully landscaped active open space and metal fencing, which will provide a sufficient buffer.

The Utah Lake Distribution Canal is located along the north boundary of the proposed development, and will also be unaffected. A 6-foot tall steel picket-style fence will run along the north property line, which will keep people out of the canal while providing a clean and durable border for the complex. The private school and the industrial businesses on the opposite side of the canal are more intensive than the proposed apartment complex and will be unaffected.

The on-site detention basin will be located adjacent to the canal, and will be landscaped with sod and xeriscaping to serve as an active open space area. At least 3 sides of this basin will have steep slopes, but the east side will have a gradual slope that will allow residents to use the basin during the dry seasons. The basin will have a single drain into it, which will need to be reviewed by the Engineering Department during final reviews to ensure that the canal can handle the anticipated discharge and that no chemicals are dumped into the canal.

The future phases of the Jordan Valley TOD are located to the east of Jordan Fields, on the opposite side of 3400 West. These phases are also planned for transit-oriented residential development and will mesh well with Jordan Fields once they

are constructed. The eastern access onto 3400 West will have a sidewalk along the north side, which will seamlessly tie into the sidewalk along 3400 West and to a pedestrian crossing that connects to a trail along the Bingham Creek wash. These connections will tie Jordan Fields into the Jordan Valley TOD and will contribute to the larger vision of a regional transit-oriented community in this area.

The overall topography of the site, as well as the surrounding area, is relatively flat. The proposed development will have a gradual overall slope of 3%, which will slope in a northeast direction towards the canal. To safeguard the canal from excess run-off, the site will have an apartment building, a rock retaining wall, a clubhouse and a detention basin in addition to driveway curbs, storm drains and 8-foot wide landscaping buffers. A geotechnical/soils report will be provided during final reviews, and is not required for preliminary approval.

Finding: The proposed site development plan's building heights, building locations, access points, topography, and parking areas will not negatively impact adjacent properties or the surrounding neighborhood;

Criteria 3: *The proposed development promotes a functional relationship of structures to one another, both on the site and in the surrounding neighborhood.*

Discussion: The Jordan Fields apartment complex will consist of 4 multi-story apartment buildings and a single-story clubhouse. The apartment buildings will be concentrated on the west end and the middle of the development, while the clubhouse will be located on the east end. The buildings have been designed for a moderate density in the TSOD, and by building up, they create more space for open space, parking and other amenities. The buildings will be spread out evenly, with an average separation of 105 feet. The 2 apartment buildings on the west end of the development may clash a bit with the existing building to the west in terms of setback, height and architecture, but these conditions are reasonable when considering the generous potential building height and setback standards allowed in the TSOD and the fact that the existing neighboring building is used for medical services and not residential or other use that would be adversely impacted by large apartment buildings. The applicant did offer to buy the neighboring property and include it in the Jordan Fields development, but the offer was declined.

All of the buildings and amenities within Jordan Fields will be linked to each other via a network of 6-foot wide sidewalks. The sidewalk crossings through drive aisles will be enhanced with stamped concrete to promote walkability and safety. These private sidewalks will connect to the public sidewalks along 3400 West and Jordan Valley Way, which will lead to the Jordan Valley TRAX station to the northeast. Once completed, any pedestrians traveling from Jordan Fields to the TRAX station will walk ¼ - mile to ½ - mile. Initially, a bridge spanning the canal and linking Jordan Fields and the Itineris private school was considered, but the pedestrian travel distance was not much shorter and would sit idle until the property to the north develops. A trail along the canal is also required by the Trails Master Plan, but it was agreed during the Pre-Application meeting for Jordan Fields that the trail

would run along the maintenance road on the opposite side of the canal. Therefore, the trail construction would need to occur when the L.K.L Associates property to the north is re-developed.

Jordan Fields will provide a few amenities, which are primarily intended for its residents and are listed as follows:

- *Swimming Pool w/ the following secondary amenities:*
 - *Hot Tub*
 - *Sunbathing Lawn*
 - *Barbecue Pits*
 - *Lounge Seating*
 - *Trellis Shade Area*
 - *Outdoor Dining Areas*
 - *Bike Wash Station (Outside)*
- *Clubhouse*
- *Tot Lot Playground*
- *Dog Park*
- *Dog Run*

Each of these amenities will be located in central locations and will not be concentrated in any lone area of the complex. The TSOD Overlay does not require a minimum number of amenities, but the P-C zone does require amenities based on the total number of dwelling units. At 240 dwelling units, Jordan Fields is required to have at least 2 amenities in addition to the open space requirements. The project will have a total of 5 qualifying amenities, which exceeds the minimum requirements.

Finding: The proposed development promotes a functional relationship of structures to one another, both on the site and in the surrounding neighborhood.

Criteria 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/open space, is appropriate to the development, the neighborhood, and the community.*

Discussion: The apartment buildings within Jordan Fields will be 4-5 stories tall, which will range from 48 feet to 62 feet. Buildings within the TSOD overlay may be as tall as 75 feet, and the proposed buildings will be within this range. This height is comparable to the building heights of the nearby Jordan Valley Medical Center, which range from 35 feet to 60 feet. The Jordan Valley TOD has similar building heights, which are roughly 50-60 feet.

The TSOD overlay district has no minimum setback requirements, other than established easements. Concerning easements, the subdivision ordinances require a 10-foot public utility easement along the front property line and subdivision

boundaries, as well as a 7½-foot public utility easement along the rear property line. Easements along the side property lines are left to the discretion of the Engineering Department. Due to the restrictive shape of the lot, the size and proportions of the development and the proximity of the canal, the Planning and Engineering Departments have worked out a 5-foot public utility easement with the applicant. Although the subdivision boundaries technically run along all property lines, staff feels that a 5-foot easement is appropriate considering it is only a 1-lot subdivision that is adjacent to a canal, rather than a multi-lot subdivision in a residential area. Despite the leniency of the TSOD setbacks, this overlay district does limit front setbacks to no more than 20 feet in order to facilitate a uniform urban “street wall”. This applies only on the frontage along Jordan Valley Way, in which the adjacent apartment building is set back from the sidewalk by 10 feet.

As discussed previously in the Background section of this report, Jordan Fields will provide 10,750 square feet of active open space, 20,127 square feet of passive open space and 33,007 square feet of landscaped open space for a combined total of 63,884 square feet of overall open space. The overall development is 5.9 acres, which equates to 24.9% of the total land area being devoted to open space. The TSOD overlay ordinances require a minimum of 10% open space, which the proposed development clearly exceeds. Most of the active open space and the detention basin will be landscaped with sod grass, while the passive areas will be xeriscaped with a plant/mulch mix. The parkstrip along Jordan Valley Way will also be xeriscaped in accordance with landscaping ordinances, and will have street trees spaced every 25 feet. The surface parking lots will be broken up with xeriscaped landscape islands comprising 10.7% of the parking lot area, and will be surrounded by 8-foot wide landscape buffers. This parking lot landscaping complies with the parking lot landscaping ordinances.

At least 1 commercial-grade dumpster will be provided for each apartment building and the clubhouse, and are placed in appropriate locations away from heavily-travelled pedestrian areas that also allow for convenient access by residents and sanitation workers. Each dumpster will be surrounded by a 6-foot tall CMU masonry walls. The gates on these enclosures will need to be solid metal in order to satisfy screening requirements.

Finding: The height, location, materials, color, texture, area, setbacks and mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping/open space, is appropriate to the development, the neighborhood, and the community.

Criteria 5: *Ingress, egress, internal and external pedestrian and traffic circulation, off street parking facilities, loading and service areas, and pedestrianways is designed to promote safety and convenience.*

Discussion: The primary frontage for the Jordan Fields development will be along Jordan Valley Way on the west end, and a 2nd access on the east end that will cross the Utah Lake Distribution Canal and connect to 3400 West. The western frontage will be improved with 5-foot wide sidewalks that are buffered from the street with 5-foot wide landscaped parkstrips. These sidewalks will need to continue off-site to connect with the intersection to the north in order to provide a continuous safe route to the Terra Linda Elementary School further to the north, as recommended by the Traffic Study, the City Traffic Engineer and the City Risk Manager. This route will cross a 3'-4" path across a canal box culvert, which is currently used by the canal company for cleaning the culvert grates. Since this section is accessed by canal company vehicles, and will also be used by pedestrians as a result of the proposed development, a fence or railing solution will need to be worked out between the applicant, the canal company and the City during final reviews to ensure safe pedestrian crossing and access for the canal company. The eastern driveway that connects to 3400 West will have a 6-foot wide sidewalk along the north side. Due to the narrow width of the allotted crossing easement, this sidewalk will be adjacent to the drive aisle with no parkstrip buffer. The existing culvert will be removed and replaced with a new box culvert that will be reviewed in detail by the Engineering Department during final review. Both ingress/egress driveways will be 26 feet wide, which is appropriate for residential traffic. In efforts to slow down internal traffic, the drive aisles in Jordan Fields have been designed with 90° angle turns. They have also incorporated speed tables and enhanced pedestrian crossings as additional traffic-calming measures.

The developer has provided a Traffic Study for Jordan Fields that was performed by a certified engineer. This study concluded that the turn-lane queue level of service at most of the intersections in the surrounding area, particularly during afternoon rush hour, are rated B or C (minimal to moderate queue length). With this in mind, it was further concluded that the Jordan Fields development would generate 1,306 vehicle trips per day, which is not sufficiently significant to change the anticipated levels of service in the surrounding area. As such, no street widening improvements will be required. However, the City Traffic Engineer has recommended that an acceleration lane or similar solution be incorporated into this development in order to mitigate the traffic impact of Jordan Fields combined with future traffic impact generated by future development within the Jordan Valley TOD.

The parking requirements of the TSOD overlay district are somewhat unique, provided that they dictate a minimum and a maximum amount of parking. For multi-family residential developments, the TSOD requires a minimum of 1 parking space for every dwelling unit, plus ½ parking space for each additional bedroom and a maximum of 1½ spaces per dwelling unit. Based on the unit numbers outlined in Section III of this report, a minimum of 308 and a maximum of 360 parking stalls are required. Jordan Fields will provide a total of 349 parking stalls, which meets these requirements. Handicap parking is also provided and will comply with Federal ADA standards. In regards to bicycle parking, the TSOD overlay requires 1 space for every 3 dwelling units, which equates to 80 bike parking spaces. Jordan

Fields will provide an 8-spaces bike rack near the clubhouse, but the remaining 72 bike parking spaces will be concentrated on the ground floor parking garages within the 2 central apartment buildings. These areas will need to be equipped with permanently-installed wall-mounted bike racks, ground-mounted bike racks or metal lockers in order to prevent bike theft and to provide convenient storage for residents and visitors.

Finding: Ingress, egress, internal and external pedestrian and traffic circulation, off street parking facilities, loading and service areas, and pedestrianways is designed to promote safety and convenience.

Criteria 6: *The architectural character of the proposed structures is in harmony with and compatible to structures in the neighboring environment and the architectural character desired for the city, avoiding excessive variety or monotonous repetition.*

Discussion: The Transit Station Overlay District has numerous standards concerning architectural design, which include unique and compatible styling, high-quality materials, main entrances facing the street, a variety of architectural features, visual distinction and fenestration at the pedestrian level, and the incorporation of awnings or recessed entries. The building elevations show multi-level apartment buildings that incorporate a contemporary-style design that is similar to the apartment buildings within the nearby Jordan Valley TOD. This style utilizes a mix of brick, fiber cement board, stucco and board & batten around all sides of the building to differentiate the ground floor levels from the upper levels and to accent main entrances and balconies. All of the main entrances and balconies will be recessed and accented by dark steel railings and trimmed windows. All entryways will have direct access to a pedestrian walkway or public sidewalk. Building colors will include dark brown, tan, gray and white colors, which are sufficiently neutral and is consistent with building colors found in the vicinity. Building form is required to have variety and to be broken up with wall breaks every 50 feet along any given façade. The proposed building elevations incorporate mostly-full-height breaks in the exterior wall every 12-25 feet on all 4 sides, which meets this requirement.

Each vehicular entrance into the Jordan Fields apartment complex will feature a monument sign identifying the development and serving as a “gateway” feature for the complex. Both monument signs meet height and size requirements, and will be composed of stucco and wood siding with metal lettering. These materials are consistent with the materials found in Jordan Fields, the Jordan Valley TOD and the Jordan Valley Medical Center.

Finding: The architectural character of the proposed structures is in harmony with and compatible to structures in the neighboring environment and the architectural character desired for the city, avoiding excessive variety or monotonous repetition.

Criteria 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, stormwater drainage systems, water supplies, wastewater, power and refuse collection are adequate to serve the site.*

Discussion: The Jordan Fields development will be adequately serviced by public utilities and the proposed utility improvements have been reviewed by the West Jordan Public Works department for serviceability. For clarity, each utility is explained further below:

- **Water:** The developer will install 8-inch water lines that will tie into the existing 12-inch water main along 3400 West and the 8-inch water main along Jordan Valley Way.
- **Sewer:** The developer will install 12-inch sewer lines that will link the main sewer line on the east side of the development with the existing sewer lines that currently service the small medical building to the west.
- **Storm Drainage:** Storm drain will be provided at key locations throughout the parking lot, which will drain via 12-inch and 18-inch pipes to a detention basin. This detention basin will drain into the adjacent canal with a peak discharge of 0.2 cubic feet per second per acre. The applicant is working closely with the Utah Lake Distribution Canal Company on the design and agreement of this distribution system. Final agreements will be drafted and signed during final reviews.
- **Power and Telecom:** There are 2 existing power and telecom lines near the Jordan Fields development: the buried power lines along the west side of 3400 West and the overhead lines that run along the southern boundary of the Jordan Fields property. The overhead lines, as well as any new lines, will need to be buried underground as required by Section 8-2-4 of the West Jordan Municipal Code.
- **Garbage Collection:** All garbage and recycling will be arranged by the HOA through a private agency and contract. City garbage collection services will not be applicable.
- **Police/Fire:** The nearest fire station is located at 7950 South Redwood Road, which is 2.6 miles from the Jordan Fields development. The nearest police station is also located near West Jordan City Hall and is also 2.6 miles from the apartment complex. Both services will have a response time of 5-6 minutes, which is adequate. The Fire Department has reviewed the proposed plans for serviceability, hose coverage and turnaround requirements, and has no major concerns, but the applicant will need to show fire lines on the final plans.

- **Schools:** The nearest schools that will serve Jordan Fields are Terra Linda Elementary (½ mile to the north), Joel P. Jensen Middle School (1 mile to the northeast), and West Jordan High School (2 miles to the northeast). Most of the walking routes to these schools are already complete and safe, but a small section to the northwest of Jordan Fields will need to be improved with a paved asphalt temporary walking path. The applicant will need to add this off-site improvement to the plans and obtain permission from UTA during final reviews.

Finding: 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, stormwater drainage systems, water supplies, wastewater, power and refuse collection are adequate to serve the site.

V. PRELIMINARY MAJOR SUBDIVISION FINDINGS OF FACT

Section 14-3-7: FINDINGS FOR APPROVAL:

Prior to approving a preliminary subdivision plat, the Planning Commission shall make the following findings:

Criteria A: *The proposed plat conforms to, and is consistent with, the adopted goals, objectives and policies as set forth in the city general plan;*

Discussion: The General Plan has several goals and policies that are applicable to the subdivision plat for the Jordan Fields development. These goals are outlined as follows, with their associated analysis:

GOAL 1. PROVIDE A SAFE AND HEALTHY LIVING ENVIRONMENT FOR ALL CITIZENS OF THE CITY.

Policy 1. Ensure safety, accessibility, and walkability within and between neighborhoods.

Implementation Measures

1. Implement street design standards for residential subdivisions that provide an interconnected street system, greater distribution of traffic and route flexibility, and traffic calming measures where appropriate. Street systems should eliminate dead-end roads, hammerheads, and cul-de-sacs except in areas where there is no alternative for connectivity.

The proposed subdivision plat will combine several parcels into a single buildable lot that will facilitate development of a planned apartment complex that will provide good pedestrian connectivity and limited vehicular connectivity between Jordan Valley Way and 3400 West that does not currently exist. This connectivity has been designed to incorporate 90-degree turns, landscaped parking lot peninsulas and speed tables to slow down traffic throughout the development.

3. Require that the design of new subdivisions incorporate block sizes at a pedestrian scale. Require new subdivisions to provide pedestrian connections, including pedestrian crossing and sidewalk systems between neighborhoods within the development and existing or future neighborhoods surrounding the development.

The primary frontage of the proposed lot will be along Jordan Valley Way, which will be enhanced by landscaped parkstrip, sidewalks and main entrances that are directly connected to each sidewalk and pedestrian walkway. The block size along this frontage will be 322 feet, which is within the limits of the block sizes mandated by the subdivision ordinances.

GOAL 2. ESTABLISH COMMUNITY PRIDE THROUGH CREATION OF ATTRACTIVE, WELL-DESIGNED, AND MAINTAINED NEIGHBORHOODS.

Policy 1. Develop and implement standards and policies to promote, develop, and maintain attractive residential areas.

Implementation Measures

8. Require the underground placement of all utility lines throughout new residential developments.

Burying all utility lines, whether existing or new, is required by City ordinances. The applicant has been made aware of this and has provided notes to that effect on the subdivision plat and its associated construction drawings.

GOAL 3. MANAGE GROWTH OCCURRING WITHIN THE CITY.

Policy 1. Plan and support an efficient residential development pattern that enhances established neighborhoods and creates new neighborhoods in identified (infill) growth areas.

Implementation Measures

3. Require developers to prepare small area plans showing the relationship of proposed subdivisions to the neighborhood of which they will be a part. These plans should illustrate, among other things: access to the general street system, connections to adjacent neighborhoods and properties, schools, recreation sites, and other facilities and services.

As part of the development review process for projects within the TSOD, a Preliminary Development Plan must be approved by the City Council, and the Final Development Plan must be approved by staff. The applicant has submitted a comprehensive development plan that shows the overall plan, amenities, recreation sites, and other features. The preliminary subdivision plat shows basic existing locations and adjacent properties. Any effect on these neighboring parcels, such as easements and road dedication, have been shown and noted on the proposed subdivision plat.

Finding: The proposed plat conforms to, and is consistent with, the adopted goals, objectives and policies as set forth in the city general plan.

Criteria B: *The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that proposed vehicular and pedestrian circulation is adequate to permit movement in a manner which is safe and efficient;*

Discussion: The Jordan Fields subdivision will have direct access onto Jordan Valley Way. Most of this road is owned fee simple by the City, but a portion of the applicant's property currently juts out into the road. This section will need to be dedicated to the City. The Jordan Valley Way right-of-way that is owned by the City currently ends at the street curb along the east side of said road, and the applicant will need to dedicate roughly 10 feet of frontage for sidewalks and parkstrip. Both of these dedication areas are clearly shown on the plat.

The proposed apartment complex will have driveway access onto 3400 West, which will run across the Utah Lake Distribution Canal Company property via an access easement. The details and agreements of this easement will be worked out between the applicant and the canal company during final reviews.

All other street, traffic, and vehicle and pedestrian circulation considerations have been analyzed previously in Criteria 5 of the Preliminary Site Plan findings of fact.

Finding: The proposed single-family residential subdivision has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that proposed vehicular and pedestrian circulation is adequate to permit movement in a manner which is safe and efficient.

Criteria C: *Public facilities and services intended to serve the subject development, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, power, and refuse collection, are adequate to serve the site;*

Discussion: Public utilities will be provided along several easements within the boundaries of the subdivision. Water and sewer lines will run through the central parking lot of the development along a new 10-foot wide water easement, as specified on the plat. Electrical and telecom lines are anticipated to run primarily along the 5-foot wide public utility easement on the south and north boundaries of the lot. A 10-foot wide public utility easement will also be provided along the frontage on Jordan Valley Way. These easements will also effectively double as building setbacks.

The specific public utilities and services that will be installed or affected by the proposed apartment complex have already been analyzed in Criteria 7 of the Preliminary Site Plan findings of fact.

Finding: Public facilities and services intended to serve the proposed subdivision, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, power, and refuse collection, are adequate to serve the site.

Criteria D: *The proposed plat complies with all provisions of this title, the zoning ordinance and other development standards of the city.*

Discussion: The proposed subdivision will consist of a single 5.9-acre lot. There is no required minimum lot size or minimum lot width for lots within the P-C zone or the TSOD; the lot size and width is determined by the City Council based on the density and the physical layout of the project. The lot will conform to the boundaries of the subdivision and no remainder parcels will be created as a result. The lot will not technically be a double-fronting lot, but will have an access at each end for convenience and compliance with Fire codes. Both of these characteristics will also comply with the subdivision ordinances. The proposed subdivision plat will meet all applicable standards pertaining to subdivision plats found in the zoning ordinance, and complies with all subdivision ordinances.

Finding: The proposed plat will comply with all provisions of this title, the zoning ordinance and other development standards of the city.

VII. CONCLUSION:

The proposed transit-oriented apartment complex meets all of the requirements for approval of the Preliminary Development Plan, as explained in this report.

**MINUTES OF THE REGULAR MEETING (ELECTRONIC) OF THE WEST JORDAN
PLANNING AND ZONING COMMISSION HELD REMOTELY ON JULY 21, 2020**

PRESENT: Matt Quinney, Kent Shelton, Jay Thomas, Trish Hatch, Corbin England, and Ammon Allen.

STAFF: Larry Gardner, Duncan Murray, Scott Langford, David Cottle, Mark Forsythe, Kent Page, and Julie Davis

OTHERS: Alan A, Marcus Patterson, Paul Spiers, David Anderson, Jared Mitchell, Randy Smith, Nicole Renner, Mayor Burton, Rachel O’Crowley

*** ~JORDAN FIELDS EXCERPT~**

3. Jordan Fields; 8759 South Jordan Valley Way; Preliminary Site Plan, Preliminary Subdivision Plat, and Preliminary Development Plan; P-C Zone; Fieldstone GK West Jordan, LLC/K. Randy Smith (applicant) [#21108, 21106, 21109; parcels 27-05-204-010, 009, 008, 004, 014]

Randy Smith, applicant, Fieldstone Homes, said staff had been very responsive and helpful during this process. The project is located north of Jordan Valley Medical Center and near the Jordan Valley Trax Station. He showed the preliminary site plan. They will be dedicating right-of-way on Jordan Valley Way and constructing a new access to 3400 West on the east and connecting the streets with a Class A market-rate apartment community. The project has four residential buildings with a total of 240 one, two, and three-bedroom apartment homes. The buildings are strategically located to maximize views, encourage walkability, and provide visual variety. Each building is four residential stories, and two of them have a first level, secured parking garage. Amenities include a clubhouse/leasing office, fitness room, business center, game room, group gathering center, etc. There is a nice pool deck area, fire pits, barbecues, fenced dog park, bike repair stations and more. He explained the amenities that also include children’s play structures east of the clubhouse. There is a dog park/run in the center of the project. The green strip around building C is open area that include dog clean up stations. Sidewalks and pedestrian paths run through the development and connect on the east to the city’s trail system on 3400 West. Building heights are two at 48’ 1” and two at 64’ 2”. The clubhouse is 21’.

Mark Forsythe said the property is in the P-C zone within the Transit Station Overlay District. The purpose of this district is to establish an overall development in a way that incorporates form-based principles, provides quality open space and amenities and pedestrian walkability. Staff felt that the proposed product meets those purposes. There is no rezone or land use map amendment required. Because this is in the TSOD, the preliminary development plan must be approved by the city council to establish the final density and amenities. The proposed density is 240 units on 5.9 acres, which is 40.68 du/ac. The maximum density is 75 du/ac and the minimum is 30 du/ac. He pointed out the pedestrian trails and pathways that will link the amenities and create a walkable space to encourage people to use the transit station. Staff has been working extensively with the applicant on safe routes to school. He showed the route of travel to Terra Linda elementary school. The sidewalks are in place with the exception of a corner owned by UTA. Staff has been working with applicant, canal company, and UTA to find a solution for the safe path to school. Those sidewalk improvements are anticipated to be added when UTA develops the property. Many of those details will be worked out at final approval, and the condition of approval is open-ended so that all affected parties can work together to find an agreeable solution.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Site Plan and the Preliminary Major Subdivision for Jordan Fields, located at 8785 South Jordan Valley Way in a P-C(ZC) zone with a TSOD overlay, with the conditions of approval listed below. Staff also recommended that the Planning Commission forward a positive recommendation to the City Council concerning the Preliminary Development Plan for Jordan Fields, with a density of 40.68 dwelling units per acre.

Preliminary Site Plan

1. Preliminary Site Plan and Preliminary Major Subdivision approval is contingent upon ratification of the Preliminary Development Plan and the overall density by the City Council.
2. Address all Engineering, Fire, GIS, Real Property Administration and any other City Departmental redline comments.
3. Provide a 6' steel picket-style fence along the entire length of the northern property line that borders the canal.
4. The canal culverts and canal vehicle accesses near the northwest and northeast corners of the development will need to implement a fencing or railing solution, subject to reaching an agreement between the City of West Jordan, the Utah Lake Distribution Canal Company, and the Utah Transit Authority.
5. A safe route to school shall be provided from the edge of the new sidewalk to the intersection of Jordan Valley Way and Norris View Lane. All necessary permits and easements from the Utah Transit Authority, The City of West Jordan and/or the Utah Lake Distribution Canal Company concerning this path shall be granted prior to final approvals.
6. Incorporate an acceleration lane or similar traffic-mitigation solution, to the satisfaction of the Traffic Engineer, on the east access onto 3400 West.
7. Provide an enhanced stamped concrete pedestrian crossing across the northwest vehicle access on Jordan Valley Way.
8. All existing and new utility lines must be buried underground.
9. All dumpster gates must be solid metal.
10. The indoor bicycle parking areas should be equipped with permanently installed wall-mounted bike racks, ground-mounted bike racks or metal lockers to prevent theft and to facilitate convenient storage.
11. Streetlights shall be designed in accordance with the West Jordan Street Lighting Design and Construction Standards.
12. Finalize the Master Development Agreement prior to adoption of the Preliminary Development Plan.

Preliminary Major Subdivision Plat

1. Address all Engineering, Fire, GIS, Real Property Administration and any other City Departmental redline comments.
2. The subdivision plat shall comply with all applicable zoning ordinances.
3. Off-site improvement dedications shall be subject to City approval based on the form of dedication.
4. Pending approval, the preliminary subdivision plat shall remain valid for 1 year following the date of approval.

Matt Quinney asked why a picket-style fence is being used along the canal rather than a masonry wall.

Mark Forsythe said a picket-style fence is not climbable and is tall enough that it can't be jumped, it needs to be durable with high aesthetics and for safety/visibility next to the road for crime prevention. He explained that road improvements across the canal and those items along with the easement will be worked out with staff. The traffic impact study was reviewed by the Traffic Engineer. The intersections, with the new development, would be either considered B or C level of service. The Traffic Engineer provided suggestions that involve moving the street curb closer to the sidewalk on the west side of 3400 West to make room for left turn lanes. The City would add the turn lanes at a later time. Other safety measures include speed tables at the two entrances and stamped concrete at the pedestrian crossings as required in the TSOD. There are 273 surface parking stalls and 38 stalls per parking structure for a total of 349 stalls, which falls within the minimum and maximum range in the TSOD. Bike parking stalls are at the clubhouse and on the ground floor of the parking structures. A condition of approval is to either provide lockers or racks to help increase security and convenience. He showed the fencing types. He is asking that condition #3 be amended to allow for 'metal' picket style fencing instead of 'steel' in order to provide flexibility for the developer to use something comparable.

There was a brief discussion regarding parking requirements, typically there are two cars per apartment unit. In the TSOD there is a minimum and maximum. The proposal is just shy of 1 ½ spaces per unit.

Jay Thomas asked what will happen if UTA chooses not to install the sidewalk for the safe walking route.

David Cottle said even though the property is owned by UTA, staff believes that West Jordan has an easement specifically for right-of-way such as curb and sidewalk. That is being clarified.

Duncan Murray explained that this area is not a regular dedicated street and they are offsite improvements.

Randy Smith said they would like to help out and do right by constructing the sidewalk on a property they don't own, but only if the City shows them that they have the legal right to do so and they wouldn't own it.

David Cottle said the condition is intentionally left vague in the event that the City is not able to complete the path then they could have options to get another crosswalk as a backup plan.

Other possible crossings were discussed. The canal is open, and the City Risk Manager has concerns about liability and maintenance and would probably not require one.

Matt Quinney opened the public hearing.

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

Corbin England said that staff is on top of the safe route requirements so it is adequate to have the condition that the applicant provide the safe route and they can work with staff. He is fine with changing the fence condition to metal. He had some concerns with parking, but the proposal falls within the TSOD standards.

Trish Hatch asked what the distance is to the Trax station and how much parking is provided there.

Mark Forsythe displayed the map and said it is ¼ to ½ mile to the Trax platform. Two public parking garages provide 350 stalls.

Ammon Allen referred to condition #10 and felt that the wording should be changed from 'should' to 'shall'.

There was additional discussion regarding types of 'metal' fencing and if it would be secure and strong enough to replace 'steel' in the conditions. The facility will be professionally managed on site at all times to address maintenance issues. Anodized aluminum is used as an industrial standard.

With regards to preserving access for the canal company, David Cottle said there is an access road to the north, which won't be affected. Staff will be meeting with the canal company next week to talk about the potential sidewalk and access.

MOTION: Ammon Allen moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Site Plan and Preliminary Subdivision Plat for Jordan Fields; 8759 South Jordan Valley Way; Fieldstone GK West Jordan, LLC/K. Randy Smith (applicant) with the conditions of approval 1 through 12 and 1 through 4 as listed in the staff report, amending:

3. Provide a 6' metal picket-style fence along the entire length of the northern property line that borders the canal.
10. The indoor bicycle parking areas shall be equipped with permanently installed wall-mounted bike racks, ground-mounted bike racks or metal lockers to prevent theft and to facilitate convenient storage.

The motion was seconded by Trish Hatch and passed 6-0 in favor.

MOTION: Ammon Allen moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to City Council for the Preliminary Development Plan for Jordan Fields; 8759 South Jordan Valley Way; Fieldstone GK West Jordan, LLC/K. Randy Smith (applicant) with a density of 40.68 du/ac. The motion was seconded by Trish Hatch and passed 6-0 in favor.



APPROVED MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, August 26, 2020 - 7:00 p.m.
Approved September 9, 2020

This meeting was held electronically via Zoom and streamed on West Jordan's YouTube channel
Base location at City Hall 8000 S Redwood Road • West Jordan, UT 84088

~JORDAN FIELDS EXCERPT~

6. PUBLIC HEARINGS

a. Master Development Agreement and Preliminary Development Plan for Jordan Fields located at 8759 South Jordan Valley Way; P-C (ZC) zone with TSOD

Assistant Planner Mark Forsythe presented a Master Development Agreement and Preliminary Development Plan for Jordan Fields located at 8759 South Jordan Valley Way in a P-C (ZC) Zone with TSOD. The applicant did not proposed changes to current zoning or the Future Land Use Map. A total of 240 apartment units were proposed for the 5.9 acres, with 40.68 dwelling units per acre. Mr. Forsythe showed proposed circulation and access to the development, stating that traffic flow through the project would be pretty good. Plans were reviewed and approved by the Fire Marshall regarding emergency access. Proposed elevations of apartment buildings were shown, as well as amenities within the development. He said the Planning Commission held a public hearing and voted unanimously to recommend approval of the Preliminary Development Plan on July 21, 2020.

Responding to questions from the Council, Mr. Forsythe said the development would meet all City Code requirements. Randy Smith, applicant, expressed excitement for the project to be located in West Jordan, and thanked Staff for their help through the process.

Council Member Jacob asked if active versus passive open space had been altered since the Council last reviewed the proposal. Mr. Forsythe commented that open space could be addressed during final approval. Council Member Jacob said the Council had felt strongly about the landscaping of open space and said he would want the issue addressed at this point in the process.

Council Member Whitelock said the Land Use Subcommittee had met to discuss the development and recommendations were made that were not reflected in the current proposal before the Council. She expressed frustration, and said she felt the changes should have been addressed.

Council Member Jacob explained that he and Council Members Green and Whitelock, as members of the Council Subcommittee, met with Larry Gardner regarding the development. He agreed with Council Member Whitelock that suggestions made were not reflected in the proposal before the Council. Mr. Smith said he was not present at the Subcommittee meeting and was not familiar with suggestions made during that meeting. He said he wanted the development to meet what the City wanted.

Chair McConnehey opened the public hearing at 7:43 p.m.

Citizen Comments:

Ryan Wright, representing ownership of property adjacent to the west, said he was excited about the development. He asked about parking per unit and setback requirements.

Chair McConnehey closed the public hearing at 7:45 p.m.

Mr. Forsythe explained the development was required by Code to provide one parking space per unit, plus an additional half-space for each bedroom. The TSOD placed a maximum of 1.5 parking spaces per unit.

The applicant proposed a total of 349 parking spaces. He said the TSOD did not have minimum side setback requirements, but buildings were required to be outside any public utility easements (five feet).

Council Member Whitelock shared a few items of concern from the Subcommittee meeting regarding the development. Larry Gardner explained that the Staff Report had already been submitted to the Council Office before the changes were suggested. He said he had not submitted a new Staff Report because it was his understanding that the Council would discuss the application, but that it would be brought back at a future meeting for action.

Council Member Whitelock expressed concern that residents would end up parking on the street because of insufficient parking. She encouraged the applicant to take another look and find a way to provide the maximum number of parking stalls. Council Member Whitelock requested Council dialogue to possibly increase parking requirements for new development in the City. She said the proposed development seemed to be lacking in active-use areas, and commented on the need for the City to address increasing traffic on 9000 South.

Council Member Green disagreed with the comment that the proposed project complied with all aspects of City Code. He said the development plan did not include public open space with specific amenities as required. He read aloud in the Code that one visitor parking spot for every four units was required, and stated that 420 total parking spots were needed for the proposed development. He said the plan did not comply with street requirements in Title 8, and said he did not see connected pathways as required. He listed several other requirements regarding building placement and building facades that he did not consider met, and said he was not sure how the plan received a favorable recommendation from the Planning Commission. Council Member Green said he would not be comfortable voting on the plan as presented.

MOTION: Council Member Green moved to TABLE Ordinance No. 20-30 approving the Master Development Agreement and Preliminary Development Plan for Jordan Fields located at 8759 South Jordan Valley Way; P-C (ZC) zone with TSOD to a date uncertain. Council Member Whitelock seconded the motion.

The vote was recorded as follows:

Council Member Kelvin Green	Yes
Council Member Zach Jacob	Yes
Council Member Chad Lamb	Yes
Council Member David Pack	Yes
Council Member Kayleen Whitelock	Yes
Council Member Melissa Worthen	Yes
Chair Christopher McConnehey	Yes

The motion passed 7-0



MINUTES OF THE CITY OF WEST JORDAN CITY COUNCIL MEETING

Wednesday, September 30, 2020 – 7:00 p.m.

Approved October 14, 2020

This meeting was held electronically via Zoom and streamed on West Jordan's YouTube channel
base location at City Hall 8000 S Redwood Road • West Jordan, UT 84088

~JORDAN FIELDS EXCERPT~

7. **BUSINESS ITEMS**

- a. **Ordinance No. 20-30** regarding the Master Development Agreement and Preliminary Development Plan for Jordan Fields

On August 26, 2020, the Jordan Fields Preliminary Development Plan was presented to and discussed by the City Council. A public hearing was held, and concerns were expressed. Assistant Planner Mark Forsythe updated the Council regarding changes made in response to concerns expressed at the previous meeting. Eleven parking stalls were added to the Preliminary Development Plan, for a total of 360 parking stalls. The detention basin and landscaping plan were also updated.

Randy Smith with Fieldstone Homes, applicant, introduced Bryan Kniep with Goodwin Knight and Brent Bateman, attorney with Durham Jones & Pinegar. Mr. Smith said they were excited about providing a long-lasting, pedestrian-friendly development. He said they worked with Staff to meet City Code and place buildings in a way that would slow traffic.

Responding to a question from Council Member Green, City Attorney Rob Wall stated the Council, acting as a legislative body, needed to follow established standards. In a court situation, interpretation of Code would favor a developer. Council Member Green expressed the opinion that the developer did not want to work with the City Council, and had adopted a take-it-or-leave-it stance with the plan presented, with a threat of filing a law suit if the plan was not approved. Council Member Green emphasized that the proposed infill development did not meet City Code, specifically regarding placement of parking, landscaping associated with parking, requirement to provide lighting along Jordan Valley Way, and open space requirements. He stated the applicant needed to give better evidence of compliance with requirements, and said he would not vote in favor of the application as it was presented. He said he did not believe the application met the intent of a TOD.

Council Member Whitelock said she did not believe the application met City Code. She commented that the proposed development was not connected, and did not include commercial or retail. She stated she did not feel the proposed development was "transit oriented" as claimed, and pointed out with the nearest grocery 0.8 miles away, driving would be necessary for residents. Council Member Whitelock said there had not been time to review the letter sent by the applicant's attorney.

Council Member Jacob questioned how Staff could say the application met Code if Council Member Green found many areas where it did not. He said he did not have a problem with the proposed development, and said he would vote to approve, adding that he believed it would be up to the developer, owner, and landlord to make the development successful long-term.

Council Member Pack said Council Member Green made a compelling argument that the application did not meet Code, but the Staff Report indicated the application did meet Code. He said he was interested in coming together with the Planning Commission and listening to them vet these types of issues. He questioned where the disconnect was, and said he would like a workable solution for the application that would fit and make sense to the City Council. He suggested the conversation continue after the Council members had an opportunity to study and discuss the information newly received.

Council Member Lamb said he agreed with Council Member Jacob, and said it was unclear to him why the Council was discussing what should and should not be developed at the subject location. He agreed there was not a grocery store nearby, but said he did not think one would be built closer in the future. Council Member Lamb said he did not believe postponing would change anyone's mind, and said he was in favor of moving forward with a motion.

Council Member Green said he tended to agree overall with Council Members Jacob and Lamb. He stated the proposed development probably fit the area, but did not fit within City Code. Council Member Green said he did not understand the willingness to wave ordinances for the project. He said he had a problem with the idea that although the proposal did not precisely meet the letter of the law, it met the spirit of the law. Council Member Green emphasized the need to apply Code consistently to avoid the appearance of favoring one developer over another. Either an application met Code or it did not. He stated Staff did not have the authority to wave Code provisions. Council Member Green stated he would vote against a motion to approve.

Council Member Pack asked if approval of the MDA could include conditions to address concerns expressed. City Attorney Rob Wall responded that the Development Agreement could contain any condition the Council and applicant agreed on together. He said the applicant was taking the position that the issues raised were not clear in Code, with the possibility that the issues would be challenged legally.

Responding to a question from Council Member Jacob, Mr. Langford and Assistant City Attorney Duncan Murray explained that density in the TSOD must be ratified by the City Council according to City Code.

Brent Bateman explained that his letter was sent to the City early Monday morning, and said he wished it had been forwarded to the Council prior to the evening of the Council meeting. He said the letter was not intended to come across as hostile, and stated the developer did wish to work with the City. Mr. Bateman stated the developer was willing to accept conditions of approval, and was willing to comply with City Code.

Randy Smith emphasized his desire to work with the City and create a good, solid development. He showed elevation renderings of the proposed development. Mr. Smith said he would be happy to provide street lights on Jordan Valley Way. He said the proposed development would be close to several employers, schools, and public transportation, and said he believed people would want to live in the development because of that proximity. He said in his experience 1.5 parking stalls per unit was a good ratio for multi-family development.

MOTION: Council Member Jacob moved to approve Ordinance No. 20-30 approving the Master Development Agreement and Preliminary Development Plan for Jordan Fields. Council Member Lamb seconded the motion.

Council Member Pack said he would like to see the application move forward, and said he believed specific conditions for approval would be prudent. Council Member Green said he did not believe the applicant would be able to comply with some of his concerns (e.g. buildings not facing parking lots) given the proposed layout.

Council Member Jacob said he was leaning on the expertise of Staff in making the motion, and said he hoped his action did not come across as arbitrary or capricious.

Chair McConnehey spoke in opposition to the motion. He expressed a desire to have time to review the letter from Mr. Bateman, and said he wanted to be able to talk through other options.

Council Member Jacob withdrew his motion.

Council Member Green asked Mr. Langford how long Staff would need to draft language for TOD infill that would give some ability to not be quite as strict with the Ordinance. Mr. Langford responded that the draft and approval process would take at least a couple of months. Amendments to Title 13 would need to be vetted by the Planning Commission.

Council Member Green said he believed a motion to approve would fail at that point. He asked the applicant if they would be willing to delay a couple months to work through a TSOD amendment and get it right.

City Attorney Rob Wall said he could see two issues: the question relative to Code allowances and requirements; and the question of whether or not the Council was satisfied with the development if Code requirements were resolved. He commented that the Council had not had time to review and discuss the letter sent by Mr. Bateman, and added that the developer sounded willing to work with the Council. Speaking to the idea of “spirit of the law”, Mr. Wall stated Code provisions needed to be met and should not be ignored. He recommended the Council table action and discuss with Staff in closed session the reasons for their recommendation, considering the threat of legal action by the applicant. Mr. Wall suggested it would be good to engage with the developer to see what they were willing to do, and stated any conditions agreed on should be memorialized in the Development Agreement. He agreed with Council Member Green that Staff did not have authority to wave Code provisions.

Chair McConnehey suggested the Council meet with the developer in a work session prior to the next Council meeting.

Brent Bateman stated he had received extensive land-use training. He agreed that developers needed to meet City Code, and clarified that the disagreement was whether or not that was happening. He said he knew his client had some time constraints.

Randy Smith said he was grateful for the discussion. He emphasized that time was a concern for the development. He expressed concern with the idea of having Code rewritten while they were in the middle of the application process. Mr. Smith stated street lights would be installed, and explained that the proposed buildings were placed along property lines to hide the parking internally. He said they were happy to work with the City, but expressed concern that the conditions discussed were not clearly defined in Code.

**MOTION: Chair McConnehey moved to table Ordinance No. 20-30 to October 14, 2020 as a work session item and business item on the agenda.
Council Member Whitelock seconded the motion.**

Council Member Whitelock requested discussion in a closed session as well. Council Member Jacob requested time for the City’s legal department to prepare opinions prior to the closed session. Mr. Wall suggested Mr. Langford and Mr. Murray first meet with the applicant to clarify on what issues the applicant and City were in agreement, and what remained to be resolved. Chair McConnehey commented that the Land Use Committee was scheduled to meet on Tuesday, October 6, 2020.

The vote was recorded as follows:

Council Member Kelvin Green	Yes
Council Member Zach Jacob	Yes
Council Member Chad Lamb	Yes
Council Member David Pack	Yes

Council Member Kayleen Whitelock	Yes
Council Member Melissa Worthen	absent
Chair Christopher McConnehey	Yes

The motion passed 6-0



DRAFT MINUTES OF THE CITY OF WEST JORDAN CITY COUNCIL WORK SESSION

Wednesday, October 14, 2020 - 5:30 pm
Approved October 30, 2020

This meeting was held electronically via Zoom and streamed on West Jordan's YouTube channel
base location at City Hall 8000 S Redwood Road • West Jordan, UT 84088

COUNCIL: Christopher McConnehey, Chair; Kelvin Green, Vice-Chair; Zach Jacob, Chad Lamb, David Pack, Kayleen Whitelock, and Melissa Worthen

STAFF: IT Director Robert Allred, Council Office Director Alan R. Anderson, Community Engagement Director Tauni Barker, Police Lieutenant James Bigelow, Economic Development Consultant Weston Blaney, Mayor Dirk Burton, Public Works Director Brian Clegg, Economic Development Assistant Manager Paul Coates, Assistant Planner Mark Forsythe, Community Development Director Scott Langford, Chief Administrative Officer Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Council Office Clerk Cindy Quick, and City Attorney Robert Wall

PUBLIC: Randy Smith

~ Jordan Fields Excerpt ~

B. *Jordan Fields Master Development Agreement and Preliminary Development Plan*

On August 26, 2020, the Jordan Fields Preliminary Development Plan was presented to and discussed by the City Council, with a public hearing. Concerns were expressed by Council members and by a representative of the neighboring medical facility. Following the August 26th meeting, the applicant made a few changes to the plans and brought the Preliminary Development Plan back to the Council on September 30, 2020. Due to Code compliance concerns and dissemination of a communication from the applicant's attorney that the Council did not have opportunity to review prior to the Council meeting, action was tabled to the October 14 Council meeting.

Community Development Director Scott Langford explained that the TSOD was generally used for larger properties. He reported that the Land Use Subcommittee had reviewed the concerns and proposed an amendment to TSOD ordinances to allow flexibility for smaller properties such as the subject property.

Council Member Jacob confirmed that the Subcommittee believed a change was needed to the Code and to the Development Agreement. Council Member Whitelock said she had struggled with the amount of open space for the proposed number of people. She said she knew the proposed plan included more than required by ordinance, but suggested the Council should review the City's open space requirements. Mr. Langford responded that transit-oriented development tended to have more plaza space than green space. Council Member Green suggested open space requirements should be reviewed for more than just TSOD. He spoke of usable open space versus not-usable open space. Council Member Green expressed the opinion that density should be traded for something that benefited the community and said he did not believe the ordinance set up the trade-off very well. He suggested considering the purpose of the TSOD and examining TSODs that work to mirror them.

Council Member Whitelock said she agreed with Council Member Green, and said she believed the Code should be adjusted to require something that was truly mixed-use. She said that, although a lot of shopping was now online, she knew people wanted places to go – places to eat, places for recreation, places to shop. Council Member Pack said he agreed with Council Members Green and Whitelock. As a former member of the Planning Commission, Council Member Pack said he did not remember the Commissioners believing that unusable space should be included in the required open space calculation. He said he agreed that people had a desire for community gathering places without the need to commute.

Mr. Langford reviewed 13-5C-6B regarding calculation of open space with the Council. Responding to Council Member Whitelock's comment, Mr. Langford said mixed-use was allowed, but not required, in the proposed development situation.

The Council discussed discretion provided by the proposed amendments. Chair McConnehey suggested minor grammatical changes, and suggested adding a definition of "infill" to limit the codified exceptions. Council Members Whitelock and Green expressed support for adding a definition of infill.

Chair McConnehey suggested the Subcommittee continue working with Staff and the applicant. Mr. Wall suggested the Subcommittee review the Code amendments, the Master Development Agreement, and Preliminary Development Plan before Planning Commission review.

**DRAFT MINUTES OF THE REGULAR MEETING (ELECTRONIC) OF THE WEST JORDAN
PLANNING AND ZONING COMMISSION HELD REMOTELY ON OCTOBER 20, 2020**

PRESENT: Matt Quinney, Kent Shelton, Jay Thomas, Trish Hatch, Corbin England, Ammon Allen, and Pamela Bloom.

STAFF: Larry Gardner, Scott Langford, Julie Davis, Ray McCandless, Kent Page, Nathan Nelson, Paul Brockbank, Mark Forsythe, Duncan Murray

OTHERS: Dirk Burton, Sabrina Deimler, Amy Martz, Dave and Laurel Udall, Deanna Hopkins, King, Tiffany Cocker, Randy Smith, Justin Hendrix

~ Jordan Fields Excerpt ~

3. Text Amendment - Transit Station Overlay Infill Projects; Amend the 2009 City Code adding Section 13-6G-18 permitting limited flexibility for small infill developments in the Transit Station Overlay District; City-wide applicability; City of West Jordan (applicant) [#22442]

Mark Forsythe said the proposal is a result of back and forth discussions with the City Council, staff, and the Jordan Fields developer due to conflicting interpretations of the ordinance. In order to move things forward, the land use subcommittee agreed to changes that allow the City Council to have limited flexibility in applying some of the ordinances in the TOD. The ordinance was originally designed for larger, multi-phased transit-oriented developments such as Jordan Valley Station TOD. The ordinance allows the City Council to waive specific ordinances for small infill of seven acres or less within the TOD. The second section provides boundaries and guidelines, suggested by the City Council, as to what the waiver does not apply to. Larger properties cannot be split into smaller pieces of less than seven acres with the purpose of obtaining a waiver. The third section says that exemptions are only granted on the individual merit of the project and cannot be used as a precedent for other properties. Fourthly, it requires that the modified sections shall be listed in the master development agreement. He showed a map of parcels within the TSODs. About half of the parcels with development potential in the TSODs would be affected by this ordinance, which is about 70 acres.

Matt Quinney opened the public hearing.

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

It was clarified that obtaining a waiver doesn't change any of the procedural steps in the approval process regarding public hearings, etc. It is just to provide flexibility for parcels less than seven acres that may not fit the terms of the current ordinance.

Jay Thomas was concerned that it will be an end-run for some developers to get around the zoning laws.

Kent Shelton said a developer can't subdivide a property into smaller parcels for the purpose of getting an exemption. He asked if it is subdivided and then sold to a new owner, would that owner automatically become eligible for the exceptions or would they be disqualified.

Larry Gardner said the key phrase in the text is that the ordinance 'may be' waived by the City Council. The Council and staff will be able to determine if a property has been subdivided intentionally for that purpose. The applicant will have to convince the City Council of why it is a good idea to waive the requirements. It is not an automatic approval.

Corbin England felt that it is well thought out and there are built-in protections.

MOTION: Corbin England moved, based upon the information and findings set forth in the staff report, and upon the evidence and explanations received today to forward a positive recommendation to the City Council adding 13-6G-18 to the 2009 City Code which permits the City Council to allow limited flexibility to small infill developments within the TSOD. The motion was seconded by Kent Shelton and passed 6-1 in favor with Jay Thomas casting the negative vote.

7c - Jordan Fields - MDA & PDP

Final Audit Report

2020-10-30

Created:	2020-10-30
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1_XsA28PI72HLP4EriMQk1bGon5CwwHS

"7c - Jordan Fields - MDA & PDP" History

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2020-10-30 - 9:51:47 PM GMT
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 Document e-signed by Alan Anderson (alan.anderson@westjordan.utah.gov)

Signature Date: 2020-10-30 - 10:12:27 PM GMT - Time Source: server- IP address: 207.225.200.66

 Agreement completed.

2020-10-30 - 10:12:27 PM GMT