

7a.

**MINUTES  
TO BE  
APPROVED**

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

**Wednesday, October 23, 2013**

**6:00 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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**COUNCIL:** Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth and Justin D. Stoker.

**STAFF:** Richard L. Davis, City Manager; Bryce Haderlie, Assistant City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby; Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Dave Zobell, City Treasurer; Greg Mikolash, City Planner, and Ray McCandless, Senior Planner.

**I. CALL TO ORDER**

Mayor Johnson called the meeting to order at 5:30 p.m.

**II. CLOSED SESSION**

**DISCUSS THE SALE, LEASE, OR DISPOSAL OF REAL PROPERTY**

**COUNCIL:** Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

**STAFF:** Richard Davis, City Manager; Bryce Haderlie, Assistant City Attorney; Jeff Robinson, City Attorney; Dave Clemence, Real Property Manager, and Dave Murphy, Capital Projects Manager.

**MOTION:** Councilmember Killpack moved to go into a Closed Session to discuss the sale, lease, or disposal of real property. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember Killpack</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>

<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Johnson</b>	<b>Yes</b>

**The motion passed 7-0.**

The Council convened into a Closed Session to discuss the sale, lease, or disposal of real property at 5:32 p.m., and recessed at 6:04 p.m.

The meeting reconvened at 6:09 p.m.

### ***III. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by James Basinger, Troop 1597.

### ***IV. PRESENTATION***

There were no presentations.

### ***V. COMMUNICATIONS***

#### **CITY MANAGER COMMENTS/REPORTS**

Richard Davis updated the Council on his recent meeting with representatives of Valley Emergency Communication Center (VECC) to review the financial standings of the organization.

#### **STAFF COMMENTS/REPORTS**

Staff members from the various departments reported on the following items:

Bryce Haderlie –

- Apologized for the heating in the Council Chambers
- Reviewed the ERP process, indicating that the City received nine proposals and would further review four of them.
- Website ‘Nerd Wallet’ naming the City of West Jordan as the top 10 city for good job growth.

Marc McElreath –

- Updated the Council on the Mass Casualty Incident drill that was held during the day.

Wendell Rigby –

- Reviewed an article in the newspaper on October 11, reporting the \$7,000 in cash found in a restroom in the Veteran’s Memorial Park.
- Updated the Council on the construction of the Ron Wood Park Phase II Project

Doug Diamond –

- K-9 Unit attended an International competition in Las Vegas. Officer Gray competed and took Second Place for area searches, and Fourth Place for narcotic building searches.

Melanie Briggs –

- Updated the Council and those in attendance that as of today, there were 4,100 voted ballots returned.

#### **CITY COUNCIL COMMENTS/REPORTS BUDGET AND SUSTAINABILITY COMMITTEE**

Councilmember Hansen reported that the Budget and Sustainability Committee had met to review their process for the next six months.

#### **EXPRESSION OF APPRECIATION**

Councilmember McConnehey expressed his appreciation to the City's Police and Fire personnel on their efforts during the Mass Casualty Incipient Drill. He was pleased that the City has top-notch Public Safety employees!

#### **'DOMESTIC VIOLENCE AWARENESS' EVENT**

Mayor Johnson reported that a 'Domestic Violence Awareness' event would be held Saturday, October 26, 2013, at Veterans Memorial Park.

#### **LEGISLATIVE BREAKFAST**

Mayor Johnson reminded the Council that a second 'Legislative Breakfast' would be held Monday, October 28, at 7:30 a.m. at Jim's Family Restaurant.

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

Kim Rolfe, West Jordan resident, commented on Agenda Item 8c regarding the proposed Leak property rezone. He read the following statement for the record: "West Jordan has too much multi-family and I have been against rezones of single-family residential to higher density zones. As a citizen, I request that the Council vote 'no' on rezone '8c' the Leak property."

Kevin Jacobs, Salt Lake County Assessor, introduced himself to the City Council and offered any assistance to the residents of the City.

Representative Jim Bird, expressed his appreciation to Mayor Johnson and Councilmember Killpack for their efforts and service on the Council during their tenure. He presented them with a paper weight from the State Legislature.

There was no one else who desired to speak.

**VII. CONSENT ITEMS**

- a. **Approve the minutes of October 9, 2013 as presented**
- b. **Approve Resolution 13-141, authorizing the Mayor to execute an Agreement with Caldwell Richards Sorensen, for professional engineering services for the planning, design, and construction management of a new railroad crossing at 7000 South 4600 West, in amount not to exceed \$83,500.00**
- c. **Approve Resolution 13-142, regarding a Total Bond Release of the Public Improvement Bond, for the Sycamores Phase 9 Subdivision, located at approximately 8200 South 7400 West**
- d. **Approve Resolution 13-143, authorizing funding for a HAWK Hybrid Pedestrian Crosswalk Beacon at Clernates Drive located at approximately 6200 South Clernates Drive, in an amount not to exceed \$43,207.50**
- e. **Approve Resolution 13-144, authorizing the Mayor to execute a Right of Way Contract with Canyon Ranches, LC, Doves Landing, LC, Centennial Land, LLC, Bunts & Singles, LLC, and Brooklands, Inc. (collectively, Peterson Development), to purchase property located at the southwest corner of the intersection of 5600 West and 7800 South, using corridor preservation funds awarded by the Wasatch Front Regional Council**
- f. **Approve a written decision regarding the Final Decision on Appeal of the Planning Commission's Grant of a Conditional Use Permit to Utah Natural Meats/Randy Bowler**
- g. **Approve Resolution 13-145, authorizing the Mayor to execute Amendment No. 1 to the GBS Benefit, Inc. Contract extending the timeframe for certain insurance consulting services**

Councilmember McConnehey pulled Consent Item 7g for further discussion.

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

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes

<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Johnson</b>	<b>Yes</b>

**The motion passed 7-0.**

***VIII. PUBLIC HEARINGS***

**PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO (A) THE ISSUANCE OF APPROXIMATELY \$6,500,000 OF WATER REVENUE BONDS, AND (B) THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS TO BE FINANCED WITH THE PROCEEDS OF SAID BONDS WILL HAVE ON THE PRIVATE SECTOR**

Ryan Bradshaw said the parameters resolution, prepared by Ballard Spahr LLP, authorized the issuance and sale of up to \$6,500,000 of water revenue bonds passed on October 9, 2013, so staff could begin the bond process. These bonds would be issued so that the City can construct two (2) water storage tanks. The City Council along with staff discussed the possibility of issuing bonds to help alleviate the peaking issues in the water system.

The Series 2013 Bonds would be issued for the purpose of (a) financing the acquisition and construction of improvements to the Issuer's water system and related improvements (collectively, the "Project"), and (b) finding any debt service reserve funds, as necessary, and (c) paying costs of issuance of the Series 2013 Bonds.

He reported that the City would sell approximately \$6,500,000 worth of water revenue bonds. The bonds would be paid back with proceeds from water revenue over the next 10 years. The exact fiscal impact would not be known until the bonds were issued.

Staff recommended that Council receive input from the public with respect to the (1) issuance and sale of the City's water revenue bonds for the purpose of financing the acquisition and construction of improvements to the water system and related improvements, (2) funding any debt service reserve funds, as necessary, and (3) paying costs of issuance of Series 2013 Bonds.

Mayor Johnson opened the public hearing. There was no one who wished to speak. Mayor Johnson closed the public hearing.

**PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO (A) THE ISSUANCE OF APPROXIMATELY \$3,500,000 OF SALES TAX REVENUE BONDS, AND (B) THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS TO BE FINANCED WITH THE PROCEEDS OF SAID BONDS WILL HAVE ON THE PRIVATE SECTOR**

Ryan Bradshaw said the parameters resolution, prepared by Ballard Spahr LLP, authorizing the issuance and sale of up to \$3,500,000 of sales tax revenue bonds was passed on October 9, 2013, so staff can begin the bond process. These bonds would be issued so that the City can reconstruct fire station #54 with police substation included.

The City Council along with staff, discussed the possibility of issuing bonds to reconstruct the fire station #54 and adding a police substation.

The Series 2013 Bonds would be issued for the purpose of (a) financing the construction, furnishing and equipping of a fire station and related improvements (collectively, the "2013 Project"), (b) funding any debt service reserve funds, as necessary, and (c) paying costs of issuance of the Series 2013 Bonds.

He said the City would sell approximately \$3,500,000 worth of sales tax revenue bonds. The bonds would be paid back with proceeds from sales tax revenue over the next 10 years. The exact fiscal impact would not be known until the bonds were issued.

Staff recommended the Council receive input from the public with respect to the (1) issuance and sale of the City's sales tax revenue bonds for the purpose of financing the construction, furnishing and equipping of a fire station and related improvements, (2) funding and debt service reserve funds, as necessary, and (3) paying costs of issuance of the Series 2013 Bonds.

Mayor Johnson opened the public hearing. There was no one who wished to speak. Mayor Johnson closed the public hearing.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 13-32, REGARDING A REZONE OF 9.77 ACRES FROM R-  
1-10C (SINGLE-FAMILY RESIDENTIAL 10,000 SQUARE FOOT  
MINIMUM LOTS) TO PRD (M) (PLANNED RESIDENTIAL  
DEVELOPMENT – MEDIUM DENSITY) FOR THE LEAK PROPERTY  
LOCATED AT 8300 SOUTH 2700 WEST, CASTLE CREEK HOMES  
SOUTH/SAM DROWN, APPLICANT**

Tom Burdett reported that the applicant had requested a rezone of 9.77 acres for the Leak Property located at 8300 South 2700 West. He said this request from an R-1 zoning district to a Planned Zoning District. He read a portion from Section 13-5C-2 of the Municipal Code: 'Prior to approval of a zone change to a PRD or PC designation, the city council, after first receiving a recommendation from the planning commission, shall find that the proposed zone and associated conceptual plan is consistent with the purpose and intent outlined in section 13-5C-1 of this article. In addition, the city council shall find that the proposed development is not in conflict with any applicable element of the city general plan.' He reminded the Council that the concept plan was important in this case.

Tom Burdett turned the time over to Greg Mikolash.

Greg Mikolash said the subject property was currently zoned R-1-10C.

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

Future Land Use	Zoning	Existing Land Use
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North	Medium Density Residential	R-1-10C	Residential
South	Medium Density Residential High Density Residential (South of Sugar Factory Road)	R-1-10C /TSOD and R-2	2700 West TRAX station / Residential
East	Medium Density Residential	R-1-10C	Residential
West	Medium Density Residential	R-1-10C	Residential

Ray McCandless said the applicant was seeking to rezone the subject property from R-1-10C to PRD(M) to allow for the future construction of a single-family residential/town home development as shown on the concept site plan (Exhibit D) provided in the Council’s agenda packet. The Planning Commission reviewed this request on September 3, 2013 and voted (4-3) to forward a favorable recommendation to rezone the property to PRD(M) as noted in the attached meeting minutes (Exhibit I) in the Council’s agenda packet. Although the vote was 4-3 in favor of the rezoning, not all Planning Commissioners supported the concept plan meaning that the Planning Commission may or may not have forwarded a positive recommendation for the rezoning had the rezone been based upon approval of the concept development plan. Section 13-5C-2 of the Municipal Code described the process to change the zoning on property to a planned development zone. This section required the submittal of a concept development plan but does not tie the plan to zoning approval. The applicant was given the option to take the rezoning back to the Planning Commission for clarification, but chose to proceed to the City Council public hearing.

A separate recommendation was given by the Planning Commission that a traffic study be completed and presented when the item goes to City Council.

Staff was of the opinion that in planned development zones any rezoning should be based on and linked to approval of the concept development plan and had initiated a zoning text amendment to address this concern. This text amendment would be brought before the City Council at a later date.

**FINDING OF FACT**

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

**Criteria 1:** *The proposed amendment was consistent with the purposes, goals, objectives and policies of the adopted general plan.*

**Discussion:** City Code stated that the purpose of the planned residential development (PRD) zone was to “encourage imaginative, creative and efficient utilization of land by establishing development standards that provide design flexibility, allow integration of mutually compatible residential uses, and encourage consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than may be possible under the procedures and regulations of conventional zoning classifications. A planned residential

development should also incorporate a common architectural design theme throughout the project that provides variety and architectural compatibility, as opposed to a development of individual, unrelated buildings located on separate, unrelated lots”.

The property was designated as *Medium Density Residential* on the City’s Future Land Use Map with a density range of 3.1 to 5.0 dwelling units per acre. The PRD (M) zone allows a density between 3.1 and 5.5 dwelling units per acre.

A concept development plan was provided with the rezone request showing 17 single-family lots and 33 town home lots (50 lots total) with a gross density of 5.06 dwelling units per acre. The proposed density was within the density range of the PRD zoning district but exceeded the density range of the Future Land Use Map. The densities shown would need to be adjusted to fit within the density ranges for both the PRD (M) zone and General Plan when the subdivision plat was submitted in the future.

The General Plan supported efficient residential development patterns that enhance established neighborhoods and creates new infill neighborhoods. It also encouraged infill development to be similar to existing adjacent residential development. The General Plan also supported a diversity of dwelling unit types and densities in residential areas.

Citywide, the General plan recommended ratio of single family residential development to multi-family of 83/17. The General Plan stated: “In order to meet an 83/17 single family/multi-family housing ratio established by the General Plan, the City would need a total of 32,636 single-family units and 6,685 multi-family units, which would require construction of an additional 7,754 single-family units and 535 multi-family units by 2020...”

The General Plan stated that ‘the percentage of multi-family housing has increased slowly since 2000, climbing from 14% to 20% in 2010. The percentage of existing multiple-family housing as compared to the total housing stock is illustrated by the chart and graph below (Figure 4.3).’

Figure 4.3 Housing Type

Year	Single-family	Multi-family	Total	% Single-family	% Multi-family
2000 (Census)	19,531	2,789	22,230	87.5%	12.5%
2000	19,852	3,187	23,030	86.2%	13.8%
2001	20,238	3,380	23,609	85.7%	14.3%

2002	20,904	3,819	24,714	84.6%	15.4%
2003	22,125	4,474	26,590	83.2%	16.8%
2004	22,951	4,726	27,668	83.0%	17.0%
2005	23,811	4,878	28,680	83.0%	17.0%
2006	24,343	4,992	29,326	83.0%	17.0%
2007	24,505	5,295	29,800	82.2%	17.8%
2008	24,591	5,418	30,009	82.0%	18.0%
2009	24,732	5,832	30,562	80.9%	19.1%
2010	24,882	6,150	31,032	80.2%	19.8%

Source: W.J. Building Permits; U.S. Census Bureau, 2000 Census

Although the overall number of multi-family dwellings in the City was a consideration, the more important issue was whether this was an appropriate location for townhomes given the adjoining land uses and impacts to those uses.

As previously noted, the General Plan supported housing diversity but also stated that infill development should be similar to existing development. Best planning practices would support locating higher density housing near public transit facilities not only to provide housing options for those wanting to use the system, but to reduce the number of vehicle trips on public streets. For this reason, staff was of the opinion that higher density development can work, provided that any foreseeable impacts from differing land use densities could be adequately mitigated.

The density would be established as part of the preliminary development plan review which would follow the rezoning process. Per City Code, Section 13-5C-8, the density of the development would be determined based on the amenities provided such as detached garages, enhanced architectural features and recreational facilities. Depending on what was proposed, the applicants may or may not achieve a density of 5.0 dwelling units per acre as shown on the concept development plan.

The concept development plan showed single-family homes and open space abutting the existing residential development which would serve as a transition to both the townhomes and TRAX station. The proposed density was consistent with the density range shown on the Future Land Use Map and was therefore consistent with the purposes, goals and objectives and policies of the City's General Plan.

**Finding:** The proposed zoning amendment was consistent with the purposes, goals, objectives and policies of the City's General Plan provided that the number of dwelling units was within the density range as set by the General Plan.

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

**Discussion:** There are existing single-family dwellings to the north, east and west of this property which were predominantly zoned R-1-8 or R-1-10. Several residents were opposed to any increase in density stating that the predominant land use in the area was single family residential and any additional density would increase traffic in the area which, in their view, was already a problem. The resident's concerns were forwarded to the Planning Commission.

Staff's understanding was that the applicant had met with some of the residents in the area and has designed the subdivision to address some of the concerns raised. Single-family homes and open space were shown along the north and east perimeter of the site which would serve to buffer the existing homes from the town homes and provide a density transition to the TRAX station to the south. The concept development plan also showed two cul-de-sac streets, one extending eastward from 2700 West and one extending westward from 8270 South. This was done intentionally to discourage through traffic.

The concept development plan showed 17 single-family lots ranging in size from 7,303 to 15,175 square feet, with an average lot size of 10,789 square feet in area. The existing developed lots adjoining the subject property to the north range in size from 10,000 to 16,000 square feet. The applicants had indicated that the single-family homes would be of similar size to the existing homes to the north and east. The town home lots range in size from 1,920 to 4,063 square feet with an average lot size of 2,992 square feet. Although this was not a subdivision approval request, the concept development plan demonstrated that adequate buffering between uses could be provided to mitigate compatibility between this development and the adjoining property. To aid with buffering, a 6' opaque fence could be installed along the north property line.

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

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

**Discussion:** Several residents in the area are concerned with traffic generated by the proposed use. The residents had indicated that traffic was already an issue with the high school and TRAX station nearby.

The Engineering Department had reviewed the concept plan and had indicated that the adjoining streets can adequately handle the additional traffic generated by the proposed development. The expected traffic generation from the proposed development as adjusted for TRAX, showed 252 daily trips with 26 vehicle trips in the A.M. peak hour and 23 trips in the P.M. peak hour (Exhibit F) provided in the Council's agenda packet.

The concept plan showed two cul-de-sac streets extending inward from 2700 West and 8270 South. To discourage through-traffic from 2700 West, the Engineering Division recommended that speed bumps be placed at Alba Luca drive and 8270 South within the development (Exhibit F) included in the Council's agenda packet.

The Engineering Department also recommended pedestrian connections between this development and the existing 2700 West TRAX light rail system. The pedestrian connection was shown on the concept development plan (Exhibit D) included in the Council's agenda packet.

Any foreseeable adverse impacts to the public health, safety or general welfare of the citizens of the City resulting from the proposed development could be mitigated.

**Finding:** The proposed zoning amendment would not be a detriment to the public health, safety and general welfare of the citizens of the City.

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

**Discussion:** The Engineering Division had determined there were adequate public facilities in the area. The applicant would need to provide for storm drainage, utilities and public streets during the subdivision review process and as required per City Code.

The Fire Department would inspect the subdivision plat once an application was made to determine serviceability based on specific design.

**Finding:** The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area

and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

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

**Discussion:** The property was not located within any overlay zoning districts, though the property was adjacent to a Transit Station Overlay District (immediately to the south).

**Finding:** This criterion does not apply.

**Criteria 6:** *A finding is made that there are adequate school facilities, if the amendment is to the zoning map, and if section 13-7A-4, "Adequate School Facilities", of this chapter is applicable.*

**Discussion:** Residents had stated that they were concerned with the proposed density because of the additional burden placed on local schools. Staff had made contact with the Jordan School District. Planning & Student Services Representative, Luann Levitt, had indicated that the subdivision as proposed would be able to be served adequately.

Specifically, this area would be served by the following schools:

- Westvale Elementary
- Joel P. Jensen Middle School
- West Jordan High School

**Finding:** A finding had been made that there would be adequate school facilities in accordance with Section 13-7A-4 of the Zoning Ordinance.

Per City Code, Section 13-5C-1C, the intent of planned developments (PC or PRD) was to:

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

**Discussion:** The proposed development would create a more desirable environment in the City by providing a variety of housing options for people interested in living near a public transit facility. In addition, the open space would give opportunities for neighborhood gatherings community gardens etc. that would help foster a sense of identity.

**Finding:** The proposed rezoning would create more attractive and more

desirable environments in the City.

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

**Discussion:** The proposed rezoning would allow for greater flexibility in land use and structure types than would generally be found in a typical single-family development. The concept plan showed both town homes and single-family dwellings with useable open space amenities throughout the development. The building architecture would be integrated and the open spaces would be managed through a homeowners association.

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

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

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

**Finding:** The proposed rezoning provided flexibility in the location of buildings on the land.

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

**Discussion:** The open spaces and amenities within the development would encourage interaction and activity among the residents within the development. PRD's were intended to be more communal in nature than standard single-family residential developments.

**Finding:** The proposed rezone facilitated and encouraged social and community interaction and activity among those who live within the neighborhood.

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

**Discussion:** Building architecture and theme would be addressed through the subdivision and site plan review processes. All PRD developments

were required to be reviewed by the City's Design Review Committee prior to a Preliminary Site Plan & Development Plan being approved. The applicant would be given a copy of the City's Design Guidelines Manual to assist in the future design, character, and architecture of the project.

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

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

**Discussion:** This criterion was oriented toward large planned communities, not one of this size; however, this development does provide a coordinated mixture of uses as it was located near a TRAX station, providing a mixture of housing and private open space that could be used by those who live in the development.

**Finding:** The proposed rezoning produces a balanced and coordinated mixture of uses and related public and private facilities.

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

**Discussion:** This project was not a large scale development; however, it does provide a mix of single-family dwellings and townhomes. The applicant stated "The developer/builder intends to build and sell all units. Although the site is well suited for apartments and other more intense uses, the neighborhood is clearly against it and does not appear to have the support of the city as well." Given this statement, the proposed development was not proposed as rental housing. Although there could be rentals, there would likely be no more rentals by percentage than that of the surrounding neighborhood. If the City Council voted to approve the rezoning request, there were a number of ways to assure that the units remain owner occupied such as through a development agreement.

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

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

**Discussion:** There were several large trees on the site that should be

maintained if possible as they can act as an aesthetic amenity for the development. This would be evaluated as part of the subdivision and site plan review process. The site was otherwise on level ground.

**Finding:** The proposed rezone preserves and takes the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimized the amount of grading necessary for construction of a development.

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

**Discussion:** Again, this was a relatively small development. The open spaces within the development would provide spaces for recreation and social activity.

**Finding:** The proposed rezone encouraged and provided for open land for the general benefit of the community and public at large as places for recreation and social activity.

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

**Discussion:** Physical and aesthetic integration of uses and activities within the development would be provided. Open space would be interconnected with streets and sidewalks. A proposed pedestrian walkway would allow for an open space connection between the clustered townhomes and the proposed single family dwellings to the east. The proposed single-family homes would be similar in size and shape to the existing single-family homes to the east.

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

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

**Discussion:** Sidewalks would be required throughout the development. There would also be a sidewalk connecting the development with the TRAX station to the south, providing residents with alternative transportation options.

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

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

**Discussion:** The size of this PRD was limited by the property available and the fact that all other adjoining properties were developed. Staff believed that the proposed scale of the development would complement the TRAX station to the south and be a minimal impact to existing neighborhoods in the immediate area.

**Finding:** The size of this PRD was limited by the property available and the fact that all other adjoining property was developed.

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

**Discussion:** Public health, safety and general welfare was discussed in Criteria 3 in the preceding section.

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

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

**Discussion:** Neighborhood compatibility was discussed in Criteria 2 of the preceding section.

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

Ray McCandless said in conclusion the findings supported the proposed rezoning request. Staff did not foresee any significant concerns with rezoning the property to PRD (M) (Planned Residential Development – Medium Density). Many issues related to design and layout could be addressed at the time of Site Plan and Subdivision submittal.

Staff recommended that based on the findings set forth in the staff report, that the City Council rezone the property located at 8300 South 2700 West, rezoning 9.77 acres from R-1-10C (Single-family Residential 10,000 square foot minimum lots) to PRD (M) (Planned Residential Development – Medium Density) and that the concept development plan be approved with the condition that a 6' opaque fence be installed along the north property line. The density of the development would be determined as part of the preliminary development plan approval where the applicant must demonstrate which amenities as contained in the Municipal Code, Section 13-5C.8 would be provided.

Mayor Johnson reported that usually the Council was asked to consider rezones, but this was requesting the Council to consider the concept plan along with the rezone.

Jeff Robinson said regarding the plan, the question the Council must consider was does it comply with the criteria.

Mayor Johnson said if the Council denies the rezone request, the reasons must be linked to why the criteria was not met.

Sam Drown, applicant, commented on their vision:

- Create a desirable project
- Create a desirable product
- Buffer the current neighborhood
- Add/enhance attractiveness
- Provide a design and community that incorporates the TRAX station as an amenity
- Social interaction

He commented on how some of the resident's concerns had been addressed regarding traffic, property values, and crime.

The Council and staff discussed clarifying questions with the applicant.

Mayor Johnson opened the public hearing.

Jay Weight, West Jordan resident, felt Criteria 1, 2, 3, had not been met regarding the proposed rezone. He felt the property should remain zoned as R-1-10 (Single-family Residential). He also commented on Criteria 7 regarding rental units.

Jacqueline Zindel, West Jordan resident, agreed with Jay Weight. She would like the property remain to R-1-10 zone.

Derrick Lee, West Jordan resident, also agreed with Jay Weight's comments. He felt crime could become an issue with this development. He asked the Council to oppose the proposed rezone.

Laura Wilson, West Jordan resident, commented on how her housing area was originally half-acre and third-acre lots, but had been rezoned to R-1-10 during the City's master planning. She reported that this was the fourth time she had been before the City Council in opposition of a proposed rezone. She reported that a traffic study had been suggested on Buena Vista Drive for morning and afternoon traffic by the Planning Commission. She asked the Council to vote against the proposed rezone.

Georgia Klotovich, West Jordan resident, voiced her concerns regarding the increase in traffic, and children in close proximity to the TRAX area. She recommended single-family dwellings.

Dennis Leak, owner of property, said he represented his family and hoped the Council would consider approving this proposed rezone. His family had worked closely with Castle Creek Homes and believed this would be a good fit for the property.

Zach Jacob, Planning Commission member, clarified that during the Planning Commission meeting on September 3, 2013, he voted in favor of the proposed rezone. However, but, in the Planning Commission meetings since then, had he known that the concept plan was irrevocably linked with the rezone, he would have voted differently, and the motion would have failed 3-4.

Mayor Johnson invalidated Zach Jacob's comments. She said the Planning Commission's recommendation was just one piece of information for the Council to use to make a decision. Had the Planning Commission forwarded a different recommendation, the Council would be in exactly the same position.

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

Councilmember McConnehey felt he could not support the proposed rezone. He commented on his reasons:

- Traffic/parking on the street
- Future increase in train passage
- 2700 West offset intersection
- Criteria 2 had not been met (*compatible land use relationships and does not adversely affect adjacent properties*) 8,000 - 10,000 square foot homes, within feet of multi-family housing.

Councilmember Hansen reported that this proposed rezone was in her district. She was the one who had suggested the fencing along the north side. She addressed the issue of people not wanting single-family housing next to a TRAX station, although she was against high-density. She voiced several of her concerns regarding:

- 2700 West offset intersection
- 8270 South stubbing into neighboring subdivision
- Criteria 2, had not been met (same reasons as Councilmember McConnehey)

- Did not feel individual homes would sell adjacent to a TRAX Station, but believed this was too dense.

Councilmember Stoker felt PRD (Planned Residential Developments) and PC (Planning Community) zones tend to be abused. He agreed with the rezone, but was concerned with the Concept Plan and Criteria 2 and 3. He felt there were a few too many townhomes, and would like the density a little more consistent with the surrounding neighborhoods.

Greg Mikolash explained to the Council that the road would not be offset.

Councilmember Southworth asked if this transition was typical.

Greg Mikolash said this was not typical, because this was infill.

The Council and staff discussed clarifying questions.

Councilmember Nichols applauded the Leak Family for approaching Castle Creek Homes, and Castle Creek Homes for working with the homeowners. He felt Castle Creek Homes had a fantastic reputation. He felt TRAX made this corner complicated. He voiced his concerns regarding the two cul-de-sac design, fearing that the loop being created would make traffic worse. He felt Criteria's 1 and 2 had not been met.

- Not compatible
- This infill area should remain R-1-10
- Traffic issues

Councilmember Killpack also felt there were issues with Criteria 1 and 2. He commented on the traffic calming measures.

Councilmember Southworth provided the reasons that he believed some of the criteria's had not been met, in addition to the reasons already stated by the Council.

- Criteria 1 – General plan, few things inconsistent

**General Plan -**

Goal 3. - Manage Growth occurring within the City

- Implementation Measures

1. Identify neighborhoods with development and/or redevelopment potential and create small area plans in order to guide and facilitate their development in a manner best suited to the existing community.

Goal 4. - Encourage a diversity of dwelling unit types and densities in residential areas.

Policy 2. Single-family housing should be the primary residential development type in the city.

- Implementation Measures

2. Require the density of residential infill development to be similar to existing, adjacent, residential development

4. Preserve established "Rural Residential" and "Residential Estate" neighborhoods and prevent encroachment of incompatible uses in these areas.  
Goal 1. - Incorporate TOD concepts into future development and redevelopment along major transit corridors.

**MOTION:** Councilmember Southworth said based on the staff report and/or the new evidence and further explanations and discussions received in this meeting tonight; with those additional criteria and those that the Council had mentioned; I move that the City Council deny the rezone request for the property located at 8300 South 2700 West, rezoning 9.77 acres from R-1-10C (Single-family Residential 10,000 square foot minimum lots) to PRD (M) (Planned Residential Development – Medium Density). Specifically, and disagree with the staff and find that the following required Criteria 1, 2, and 3 of the Zoning Map Amendment have not been met. The motion was seconded by Councilmember Nichols.

Mayor Johnson spoke against the motion. She disagreed with the reason provided by Councilmember Southworth. She felt this plan was not far from the current density set for this area.

A roll call vote was taken

<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember Killpack</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Johnson</b>	<b>No</b>

**The motion passed 6-1.**

***IX. BUSINESS ITEMS***

**CONSENT ITEM 7G.**

**APPROVE RESOLUTION 13-145, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE GBS BENEFIT, INC. CONTRACT EXTENDING THE TIMEFRAME FOR CERTAIN INSURANCE CONSULTING SERVICES**

Councilmember McConnehey indicated there was no report providing justification for the extension of the contract. He felt a comparison with other companies should be made prior to five years.

Bryce Haderlie staff felt it was in the best interest of the City to extend the contract to the maximum allowed timeframe of 18-months.

The Council discussed clarifying questions and concerns regarding:

- Duties of the consultant/bidding process
- Legislative changes in 2010 / House Bill 333
- Possible competitive rate(s)

**MOTION: Councilmember Nichols moved to approve Resolution 13-145, approving Amendment No. 1 to GBS Benefit, Inc., with an amendment of the extension date to March 2014. The motion was seconded by Councilmember Stoker.**

<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember Killpack</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Johnson</b>	<b>Yes</b>

**The motion passed 7-0.**

#### **DISCUSSION AND POSSIBLE ACTION REGARDING BIDDING THE RECONSTRUCTION OF FIRE STATION #54 TO INCLUDE A CONSTRUCTION MANAGER**

Bryce Haderlie explained that the staff report provided in the Council's agenda packet, Construction Manager was inadvertently referred to as a Construction Administration.

He reported that he had participated in the construction of two fire stations that included construction management in the building process. In both cases, the joint design/construction team process resulted in cost savings and design modifications that enhanced the final product. West Jordan City Hall was constructed successfully under this same concept.

While design/construction management was normally bid together, staff did not consider this option until the successful architectural firm pointed it out. Staff felt that it was still possible to solicit the second component and desired Council's input prior to proceeding.

He said that he had personal experience with construction management, and Chief McElreath had spoken with Murray City officials whom had recently used this process. Jim Riding had also solicited input from other municipalities. All bidding would follow the "competitive bidding" process outlined by State and local law as well as receive City Council approval for all contracts.

Under a conventional bid process, the General Contractor collects sub-contractor prices and then marks up the cost for the manager of the sub-contractors. This expense, added to the general overhead charge of the General Contractor, was usually greater as a “lump sum” price than the following. When a Construction Manager (selected before the bidding process) works directly with the City, they would perform “value engineering” to avoid waste and improve efficiency, ensure that competitive bids for all elements of the construction were opened at a single (or multiple in some cases) bid opening. No one was ever prevented from bidding on any component of the project. The Construction Manager may also choose to bid on work in the competitive bid process.

The other benefit of this “open bid” method was that the City had all of the sub-contractor prices so it can evaluate if the bid was responsive and look for potential savings. Creating change-orders would not contain General Contractor markups normally included in a standard bidding process.

Opening a Request for Proposal (RFP) for Construction Manager at this time does not obligate the City to use it, nor does it prevent the City from following standard “bid from design” methods. And finally, this would not delay the project in any way if we solicit the RFP soon.

The applicants would be evaluated on such criteria as, how many projects they had completed as the Construction Manager, how many fire stations or municipal building projects they had managed, descriptions of ways that they had saved their clients’ money, value added methods that had been employed, etc.

He said based on the experience of staff and input from other cities, it was anticipated that an RFP for Construction Manager Services would result in a cost savings of as much as 10% of the total project cost.

The Council and staff discussed clarifying questions.

**MOTION:** Councilmember Stoker moved to direct staff to proceed with an RFP for a Construction Manager for the reconstruction of Fire Station 54. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

**DISCUSSION AND POSSIBLE ACTION FROM COUNCIL REGARDING FUNDING IN FY 2013 – 2014 FOR THE VETERANS MEMORIAL PARK PATH AND ROAD CONNECTIONS**

Wendell Rigby said that the Council and staff met on September 11, 2013, to discuss several options for new roads and paths connecting City Hall and Veterans Memorial Park to 2200 West. Staff was directed to pursue further information and estimated costs of the options presented.

The options had variations that have alternate costs associated with them that were detailed in drawings and cost estimates included in the Council's agenda packet. Staff was directed to add parking to the area if possible to mitigate the parking stalls removed by the road option.

***Senior Center to Library Recreation Access:***

**1. Concrete Walkway between the Library and the Senior Center**

Description: A five-foot wide concrete walkway was proposed from the new Library street on the south edge of the library to the Senior Center. This was requested by the Senior Center to improve pedestrian access to the new library south of the Park.

Estimated Cost: \$48,431

**2. Asphalt Walkway between the Library and the Senior Center**

Description: A five-foot wide asphalt walkway was proposed from the new Library street on the south edge of the library to the Senior Center. This was requested by the Senior Center to improve pedestrian access to the new library south of the Park.

Estimated Cost: \$43,811

**3. Road Access and Sidewalk between the Library and the Senior Center**

Description: A 18-foot wide asphalt road with curb and gutter and a five-foot sidewalk was proposed between the new Library street on the south edge of the library to the Senior Center. This was requested by the Senior Center to improve vehicle and pedestrian access to the new library south of the Park. The fire access road behind the recreation center would be modified. Two speed tables would be provided to help slow traffic along the new road access.

Estimated Cost: \$113,375

Wendell Rigby said it was recommended that the City petition Salt Lake County to pay for and construct this option since it connects two County facilities – the County Library and the Senior Center and the Recreation Center.

***New Road between the Park Road and 2200 West:***

**1. Southwest Park Road and Sidewalk Access between 2200 West and the Park Road**

Description: This road option would connect the park loop road to 2200 West on the north side of the Senior Center. This option would eliminate approximately eight (8) parking spaces from the loop road near the ball fields. It would add 18 new parking stalls along the new road (a net gain of 10 stalls). It would include one 5-foot wide sidewalk.

Estimated Cost: \$131,330

## **2. Northwest Park Road and Sidewalk Access between 2200 West and the Park Road**

Description: This road option would connect the park loop road to 2200 West on the north side of the Center. This option would eliminate approximately five (5) parking spaces from the loop road near the ball fields. It would add 18 new parking stalls along the new road (a net gain of 13 stalls). It would retain the existing 8-foot wide sidewalk but remove several trees.

Estimated Cost: \$126,330

The funding source for these projects had not been determined. Possible funding and construction of the project was recommended to be reviewed for the FY2014/15 budget, depending on available funding.

Staff recommended seeking funding in 2014 for the Library to Senior Center walkway/road or the short road connection to the park loop road from 2200 West.

Mayor Johnson asked if it would be possible to widen the road to allow for angled parking on both sides.

Wendell Rigby said it would be possible with an increased cost of approximately \$40,000.

Councilmember Stoker voiced his concerns regarding people back tracking a shorter distance to use an exit rather than going around.

The City Council provided staff with the following direction:

- The Road/Walk way option from the Senior Center to the Library
- The Southwest road proposal with as many parking spaces as feasible
- One-way signage
- Parking on both sides of the roadway
- Coordination between the City and County regarding maintenance of the roadways and the sidewalks.
- Include with FY 2014-2015 funding and include it in the Capital Project priority list
- Road heading to 2200 West move the sidewalk to the south side, making pedestrian access as a component of this design

Richard Davis said staff would provide the final design with modification electronically to the Council.

### ***X. REMARKS***

There were no remarks.

***XI. ADJOURN***

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

The meeting adjourned at 8:30 p.m.

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

**MELISSA K. JOHNSON**  
**Mayor**

**ATTEST:**

**MELANIE S BRIGGS, MMC**  
**City Clerk**

Approved this 13<sup>th</sup> day of November 2013

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

**Monday, October 28, 2013**

**7:30 a.m.**

**Jim's Family Restaurant  
7609 South Redwood Road  
West Jordan, Utah 84088**

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**COUNCIL:** Mayor Melissa K. Johnson and Council Members Clive M. Killpack, and Chad Nichols. Council Members Judith M. Hansen, Christopher M. McConnehey, Ben Southworth, and Justin Stoker were excused.

**STAFF:** Richard L. Davis, City Manager; Bryce Haderlie, Assistance City Manager; Melanie Briggs, City Clerk; Jeremy Olsen, Assistant to the City Manager, and Robert Thorup, Deputy City Attorney.

**LEGISLATORS:** Senator Aaron Osmond, Representatives Jim Bird, and Ken Ivory.

**I. CALLED TO ORDER**

Mayor Johnson called the meeting to order at 7:40 a.m.

The City Council, State Legislators, and staff enjoyed breakfast, and discussed the following items:

- Removing the mile limitation between Auto Dealerships
  - Update from the meeting held with the Auto Dealership organization. Proposal would be sent to the Western Growth Coalition. Jerry Seiner and Larry H. Miller dealerships felt the City had not met the needed criteria for an auto dealership. It was agreed up to continue this discussion based on municipal or establish a timetable along with creating partnerships.
    - Sales tax
    - Retail leakage
    - Question why they were not coming to West Jordan
- Property Taxes
  - Local Option Gas Tax – funding mechanism
  - Inequity in Road funding
  - Affects every municipality in the State
  - Questioned if the proposed 10 cent per gallon increase at distribution, would be passed onto the tax payer
  - Sales Tax
  - Artificial limit on businesses
- Municipal Fiscal Sustainability
- Impact fees

- Expand the use of impact fees to cover operation and maintenance items (i.e., parks, purchase of fire trucks, police vehicles, etc.). Placing funds into a 'Trust' to cover the costs.

## **II. ADJOURN**

The Legislative breakfast adjourned at 9:00 a.m.

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

**MELISSA K. JOHNSON**  
Mayor

**ATTEST:**

**MELANIE S. BRIGGS, MMC**  
City Clerk

Approved this 13<sup>th</sup> day of November 2013

**DRAFT**