

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

Wednesday, November 16, 2016

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe, and Council Members Dirk Burton, Jeff Haaga, Zach Jacob, Chris McConnehey, and Chad Nichols.

STAFF: Mark Palesh, City Manager; David Brickey, City Attorney; Jamie Vincent, Deputy City Clerk; Carol Herman, Deputy City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Bill Pyper, Finance Director; Jim Riding, C.I.P./Facilities Manager; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Scott Langford, City Planner; Dave Murphy, Engineering Manager for C.I.P.; Duncan Murray, Deputy City Attorney; Justin Stoker, Deputy Public Works Director; Nanette Larsen, Associate Planner, and Larry Gardner, Senior Planner.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Doug Diamond.

III. COMMUNICATIONS

STAFF COMMENTS/REPORTS

Brian Clegg-

- Thanked those who participated in the recent tree-planting project. Roughly 170 volunteers donated their time and energy.

Doug Diamond-

- The following Friday would be the 15th anniversary of the death of West Jordan Police Officer Ron Wood. He asked that everyone keep Officer Wood and his family in their thoughts as well as all of those currently working in law enforcement.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Burton-

- Also thanked those who participated in the tree-planting project.
- Thanked the fire department for inviting him to the recent Firefighter's Banquet.

Councilmember Nichols-

- Apologized for missing the tree planting event. It completely slipped his mind and he was very sorry.

Councilmember Jacob-

- Also apologized for the fact that he, too, forgot to attend the tree-planting event despite having put it on his calendar.
- Pleasantly surprised at the high number of those interested in filling the District 4 vacancy on the City Council. He hoped that those applicants not chosen this evening would continue to be engaged in government.

Mayor Rolfe-

- Enjoyed cooking breakfast at the tree-planting event and as always, was very grateful to the many volunteers that gave of their time.

IV. CONSENT ITEMS

- a. Approve the minutes of October 26, 2016 as presented**
- b. Approve Ordinance 16-48, amending the 2009 West Jordan Municipal Code Title 3, Chapter 7, Impact Fees**
- c. Approve Resolution 16-172, authorizing the Mayor to execute Amendment No.2 with Jani-Serv, Inc., for additional janitorial services, in an amount not-to-exceed \$6,298.68**
- d. Approve Resolution 16-173, authorizing the Amendment to the West Jordan Stormwater Management Program**
- e. Approve Resolution 16-174, authorizing the Mayor to execute an Agreement with Delta Fire Systems Inc., to install fire alarm communicators in City buildings identified in the background discussion in an amount not to exceed \$4,750.00.**
- f. Approve Resolution 16-175, authorizing the Mayor to execute a Franchise Agreement with FirstDigital Telecom, LLC**
- g. Approve Resolution 16-176, approving the purchase of property located at 1407 West Bridgeport Way, West Jordan Utah**

MOTION: Councilmember Nichols moved to approve all Consent items. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

V. PUBLIC HEARING

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 16-49, VACATING THE “TURNAROUND EASEMENT” ON
LOT 104 OF GARDENS OF MOUNTAIN VIEW SUBDIVISION PHASE 1**

David Oka explained that the purpose of this Ordinance was to vacate a (presumably) City-owned “turnaround easement,” located in a residential subdivision, which was no longer needed. In particular, Lot 104 of Gardens of Mountain View Subdivision Phase I currently had a “turnaround easement” on it (which was there, among other things, for fire trucks to turn around in). The easement occupied a significant portion of the lot, such that a house could not be built on it while the easement existed.

When no longer needed, turnaround easements were usually legally vacated by:

1. An amended plat for the same subdivision or phase; or
2. A new plat for an adjacent phase of the same subdivision; or
3. A new plat for an adjacent new subdivision.

A second method for vacating a turnaround easement when it was no longer needed was to place a specific note or condition subsequent on the original plat that allowed for the automatic vacation of the turnaround easement when the condition subsequently occurred (such as a street extension).

The current “Lot 104 owners” were the developers (or were associated with the developers) of Gardens of Mountain View Subdivision Phase I. All of the lots in the phase, except for Lot 104, appeared to have houses on them. The Lot 104 owners wished to vacate the “turnaround easement” on the lot because the easement was no longer needed; there was now a through street (8970 South St.) which extended to the east of Lot 104 into the adjacent new subdivision. This idea of vacating the turnaround was discussed by the Planning Commission on March 2, 1994; in the Minutes of that meeting, the motion which approved of the original plat stated that “. . . Lot 104 . . . could not be built upon until 8970 South was continued to the east.”

Unfortunately for the Lot 104 owners, however, and even though the intent was clear, the original plat did *not* contain a specific note or condition subsequent that would serve to automatically vacate the now-unnecessary turnaround easement. Moreover, when the plat for the subdivision to the east of Lot 104 was recorded, it did *not* include a vacation of the Lot 104 turnaround.

According to State law (Sections 10-9a-207, -208, -608, -609, and -609.5, Utah Code Ann.) and City ordinances (Sections 5-2-5, 14-3-6, 14-3-10, 15-3-9, and 15-3-10, City Code of West Jordan), the Lot 104 owners still had two legal options to complete the process of removing the turnaround easement from Lot 104:

1. Approve and record an amended plat (including a “mylar”) for Lot 104 of Gardens of Mountain View Subdivision Phase I; or
2. Approve and record an Ordinance to Vacate the turnaround easement from Lot 104.

The Ordinance to Vacate option was the quickest and least expensive option; state law and City ordinances did not allow for a quicker option under the circumstances. The filing fee covered the costs of public notice, drafting the Ordinance, and recording it with the County Recorder.

Approval of the Ordinance (and recording it with the County) would allow for the sale of and a building permit for Lot 104. City staff recommended *approval* of the Ordinance, especially since the City no longer had a need for the easement.

Councilmember Jacob inquired whether or not the lot would be “buildable” if/when the easement was vacated.

David Oka stated that it would be.

Mayor Rolfe opened the public hearing.

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

MOTION: Councilmember Burton moved to approve Ordinance 16-49, vacating the Turnaround Easement on Lot 104 of Gardens of Mountain View Subdivision Phase 1. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes

Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 16-50, AMENDING THE 2009 WEST JORDAN MUNICIPAL
CODE TITLES 12 AND 13, REGARDING PLANNED CENTER
GATEWAY SIGNS; CITY-WIDE APPICABILITY; FOURSQUARE
PROPERTIES, INC./DAN MILICH (APPLICANT)**

Scott Langford explained that Foursquare Properties was currently in the process of gaining City approvals of the Jordan Landing Entertainment Village, which was a re-development of the area around the Cinemark Theaters in Jordan Landing. As part of this development, Foursquare Properties wished to incorporate gateway signage at key entry points in order to establish a sense of arrival and as part of a re-branding effort for the entirety of Jordan Landing. As part of Foursquare Properties' rebranding efforts, an overhaul to the Jordan Landing Sign Plan was approved by the Planning Commission on August 2, 2016 in a 6-0 vote. This plan added a number of contemporary-style pylon, monument and directional signs to key intersections throughout the Jordan Landing commercial area, and resulted in a text amendment to the sign ordinance allowing for a larger freeway sign and taller directional signs. This text amendment was ratified by the City Council on August 24, 2016 in a 5-1 vote.

The Jordan Landing Entertainment Village received preliminary site plan approval from the Planning Commission on September 6, 2016 in a unanimous vote. During the meeting and as explained in the staff report, the signs were not approved at that time due to a required text amendment that would allow for these types of signs.

GENERAL INFORMATION & ANALYSIS

The main purpose of the planned center gateway sign was to allow for a major identification sign overhanging major driveway entrances and pedestrian gateways. The sign ordinance did not currently have a definition for a sign that accomplished this objective, thus necessitating the creation of a new sign type. The secondary purpose of this new ordinance would be to tie these signs in to the overall architectural theme and design of the developments which they served.

The proposed planned center gateway sign definition and standards would apply to all major commercial and public facility areas of the City of West Jordan, more specifically those that comprise 15 acres or more. Most of these larger areas contain campus-style developments with a common architectural theme, which could be enhanced by the planned center gateway sign if properly designed and regulated through the Administrative Conditional Use Permit review process.

TEXT AMENDMENT REQUEST

The proposed sign code amendment would add a new sign type definition to Section 12-1-4 of the West Jordan Municipal Code, and new height, density, spacing and setback requirements to the sign standards table of Section 12-3-2. Sections 12-3-1G and 12-3-3T would also be modified to include planned center gateway signs and to specify masonry requirements. Title 13-17 would specify the zones in which planned center gateway signs would be allowed as an administrative conditional use. During the Planning Commission hearing, the commissioners voted unanimously to add a provision to the amendment that would require an overall sign plan to be approved in conjunction with the permit. They also voted unanimously to change the approval process from an Administrative Conditional Use to a Conditional Use. The modified sections of the ordinance were shown in red below; the changes requested by the Planning Commission were shown in red and highlighted as follows:

12-1-4: DEFINITIONS:

PLANNED CENTER GATEWAY SIGN: An on-premise freestanding sign that is placed directly above a private driveway or private pedestrian walkway, and is supported by decorative columns with a masonry base that matches the architecture of the development that it serves. Planned Center Gateway Signs are intended to serve as the primary identification of the main vehicular and pedestrian entry point(s) into a large campus-style development with a common architectural theme, such as a major shopping center, vertical mixed-use development, large office park, medical center or university.

12-3-2: SIGN STANDARDS:

Sign Type	Sign Standards				
	Maximum Area	Maximum Height/ Projection/ Width	Density	Spacing	Front Setback
Planned center gateway sign ¹	n/a, except as dictated by maximum height and minimum vehicle/pedestrian clearances	Height: 30'	1 per 15 acres of total planned development area and included in an approved sign plan.	150' from any other pole, pylon, planned center sign or planned center gateway sign, 100' from any monument sign and 50' from any other freestanding sign,	support columns shall be placed outside of clear vision area

				except bus bench and bus shelter signs	
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Notes:

1. See section [12-3-3](#) of this chapter for exceptions and qualifications.
2. See also subsection [8-8-7B](#) of this code, subsection [12-2-3F4](#) of this title and subsection [12-3-3C](#) of this chapter.
(2001 Code § 89-6-1107; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 11-08, 3-23-2011; Ord. 14-29, 8-27-2014; Ord. 16-33, 08-24-2016; Ord. __-__, __-__-____)

12-3-3: EXCEPTIONS AND QUALIFICATIONS FOR SPECIFIC SIGN TYPES:

Planned Center Signage **and Planned Center Gateway Signs**: Planned center signs **and gateway signs** shall be applied to projects serving a variety of facilities and uses where the buildings are distributed in a contiguous campus, regional business center, research park, or large planned development type of setting. The purpose of this type of signage is to advertise businesses along major rights of way in a campus type of setting, where due to the scale of uses on several properties, larger on campus signage is warranted and necessary.

1. **Location:** The placement and location of a planned center sign **or gateway sign** is subject to review by the zoning administrator through an administrative conditional use permit process. The intent is to allow for such a sign or sign(s) to direct people and traffic to a large campus or regional business center. It is considered an on premises sign. The planned center sign **and gateway sign** is common to all properties in the campus and may be located on any lot or common area within the campus. The intent is to allow signage that displays only those businesses and facilities located within the campus or business center.
2. **Base:** Planned center signs and gateway signs shall incorporate a brick or stone base that is no less than two feet (2') in height. Alternative materials of equal quality and durability may be substituted for brick or stone if approved by the Zoning Administrator. Aluminum, stucco and/or concrete shall not be considered for material substitution.

(2001 Code §§ 89-6-502, 89-6-1108; amd. 2009 Code; Ord. 11-10, 4-6-2011; Ord. 12-07, 4-4-2012; Ord. 13-17, 4-24-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. __-__, __-__-____)

13-17-2: TYPES OF SIGNS PERMITTED IN ZONING DISTRICTS:

The following table lists the sign types that are allowed in each zoning district. Signs identified as "permitted" (P) are allowed by right. Signs identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title. All permitted and conditional use signs shall comply with all

applicable requirements of this title and title 12 of this code. Blank spaces in the table indicate that a particular sign is not allowed in the zone.

Sign Type	Zoning District ¹																				
	A	R-1	R-2	R-3	R-R	R-E	R-M	PRD	PC	P-O	BR-P	C-G	C-M	SC-1	SC-2	SC-3	M-P	M-1	M-2	P-F	
Planned center gateway sign									C ³	C ³	C ³				C ³	C ³	C ³				C ³

Notes:

1. See section 12-3-4 of this code for sign regulations in the city center (CC) and west side planning area (WSPA) zones. See section 12-3-5 of this code for sign regulations in the transit station overlay district (TSOD).
2. See section 12-3-3 of this code for exceptions/qualifications.
3. ~~Village center advertisement~~s Signs may be approved by the planning commission and city council through the development plan process, and through the site plan process. Following completion of the plan and plat approval processes, any new or replacement ~~village center advertisement~~ signs shall be subject to administrative conditional permit application and approval.

(2001 Code § 89-6-1106; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 13-04, 2-27-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014, Ord __ - __, __ - __ - __)

FINDINGS OF FACT

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

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

Discussion: The proposed planned center gateway signs will apply primarily to zones within the Community Commercial, Regional Commercial, Public Facilities, Professional Office and Research Park land use designations. The General Plan addresses signs under the Urban Design goals/policies, listed specifically below:

- *Provide ample opportunities for businesses to advertise products and services without having a detrimental effect on the aesthetics of the community.*
- *Consider sign design and location as an integral part of all development, not as an afterthought.*

- *Regulate the size and location of all signs so they do not detract from the city's positive appearance.*

If regulated as proposed, planned center gateway signs could meet these objectives by establishing an identifiable gateway to the development they served. The intent of the planned center gateway sign was to advertise the name of the development, as opposed to individual business. However, since regulation of content was unconstitutional, the business owners would have the option of identifying their business on these signs, thus meeting the first listed goal. The masonry requirements would ensure compatibility with the architectural quality of the development and the City as a whole, and the size, height and spacing requirements would ensure that visual clutter was kept to a minimum and that signs were appropriately spaced.

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

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

Discussion: The purpose of the planned center gateway sign amendments was to create a new type of sign not covered by any other sign type listed in the West Jordan Municipal Code. The most similar sign type listed in the current sign ordinance was a pole sign, but this type was intended primarily for single-pole signs. Staff deemed the proposed text amendment necessary in order to differentiate the two sign types while allowing for slightly more flexibility with height and sign area restrictions. This flexibility was needed due to vehicle and pedestrian clearance requirements, which, when combined with height restrictions, would largely determine the sign area based on driveway or walkway width. The spacing requirements are 50 feet less than what was required for pole signs, but staff deemed this appropriate considering that planned center gateway signs would usually be placed over pre-constructed driveways. Therefore, some flexibility with the spacing requirements was justified.

Finding: The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title.

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

Discussion: Staff had analyzed Title 12 and Section 13-17 of the West

Jordan Municipal Code and had found no conflicts with other zoning and sign regulations. The proposed amendments would add new regulations for a new type of sign that would complement all existing sign types and their corresponding requirements, and would refer to existing clearance ordinances in the height regulations. The proposed definition of a planned center gateway sign indicated that these signs must be on *private* property, thus complying with the prohibition of signs in, or over, a *public* right of way as stipulated by Section 12-3-6B of the West Jordan Municipal Code. As previously explained, the proposed changes would implement the sign goals of the General Plan and not conflict with any other section thereof.

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

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

Discussion: Although Foursquare Properties was amending the sign ordinance to accommodate their gateway signs, the proposed amendments would apply to most large campus-style commercial and office developments throughout the City of West Jordan. However, in order to qualify for a planned center gateway sign, the development must have at least 15 acres of total land area. Currently, there were 38 vacant and developed areas throughout the City that could potentially qualify for this type of sign based on current zoning/land use designation and acreage. Some of these existing developments include the Jordan Valley Hospital campus, the Salt Lake Community College campus, The Highlands Shopping Center (5600 West 7800 South), the campus surrounding City Hall, and the South Valley Water Conservancy District property. The commercial area of Jordan Landing encompassed roughly 200 acres, and would qualify for a total of 13 planned center gateway signs under the proposed ordinance. Thus far, Foursquare Properties was proposing only 4 of these signs.

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

The proposed sign ordinance amendment furthered the goals of the city, did not conflict with existing ordinances and had sound justification for establishing new regulations for a unique sign type.

The Planning Commission had recommended that these signs be reviewed as part of a sign plan. This review would be by the Planning Commission instead of by staff. Therefore, instead of an administrative conditional use permit, the City would require the full conditional use permit process.

Councilmember Jacob inquired as to the cost difference between an administrative conditional use permit and a regular conditional use permit.

Scott Langford responded that the administrative permit was \$350 and the full conditional use permit was approximately \$800.

Dan Milich, applicant, presented a brief marketing video which illustrated the proposed signage. He also asked the Council to approve the recommended signage.

Mayor Rolfe asked what else needed to take place before construction could begin.

Dan Milich explained that they would have to go through final site plan approval. Preliminary approval had taken place. He also indicated that a Stormwater detention basin would need to be redeveloped. He hoped to have construction underway in the Spring.

Mayor Rolfe opened the public hearing.

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

Councilmember Burton suggested it might be appropriate to have the Planning Commission approve the signage rather than staff.

Councilmember McConnehey agreed, since similar site plans required the Commission's approval. Without that change, he would be opposed to approval.

Councilmember Nichols asked if the ordinance, as proposed, included the Planning Commission's changes.

Scott Langford stated that the ordinance did *not* currently include those changes.

MOTION: Councilmember Nichols moved to approve Ordinance 16-50, amending the text of Title 12 and Title 13 of the West Jordan Municipal Code with the changes recommended by the Planning Commission. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes

Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 16-51, APPROVING A REZONE OF 3.1 ACRES FROM R-1-10A (PD) (SINGLE-FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOTS – PLANNED DEVELOPMENT) ZONE TO R-1-8C (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT LOTS) ZONE FOR WEST WOODS REZONE, LOCATED AT APPROXIMATELY 7904-7930 SOUTH 2700 WEST; GROWTH AID, LLC/ADAM NASH (APPLICANT)

Nannette Larson explained that when the application went to the Planning Commission, the Commission approved an R-1-8E designation (rather than C sized homes). However, the applicant later determined that there were one or two lots that would not accommodate an E sized home. Therefore, the applicant now wished the City Council to approve an R-1-8C designation.

The Council discussed clarifying questions.

Adam Nash, applicant, responded to the Council's questions about the rezone. He specifically indicated that he would be willing to build D-sized homes on most lots but E-sized homes on the two more problematic lots.

Mayor Rolfe opened the public hearing.

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

David Brickey asked that the Council be very specific about which lots would be given a different designation so as to avoid any later confusion.

MOTION: Councilmember Jacob moved to approve and establish the rezone of the property located at 7904, 7906 and 7930 South 2700 West from R-1-10A (PD) (Single-family Residential 10,000 square foot lots with "A" sized homes, Planned Development) to R-1-8D (Single-Family Residential 8,000 square foot lots with "D" sized homes). The motion was seconded by Councilmember Burton.

Councilmember McConnehey spoke in opposition to the motion, explaining that he felt it was "spot zoning" which was contrary to the City's general plan.

Councilmember Nichols spoke in support of the motion.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	No
Councilmember Jacob	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Mayor Rolfe	No

The motion failed 3-3.

MOTION: Councilmember McConnehey moved to table the item until the next City Council meeting. The motion was seconded by Councilmember Nichols.

Councilmember Nichols explained to those in attendance that since the vacant council seat would soon be filled, it was anticipated that there would be a full Council present at the next meeting so the tie vote would be broken.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 16-52, APPROVING A PRELIMINARY DEVELOPMENT
PLAN FOR ORCHARD HEIGHTS SUBDIVISION LOCATED AT 6553
WEST 7800 SOUTH IN THE LSFR (WSPA) ZONING DISTRICT;
PETERSON DEVELOPMENT CO./JUSTIN PETERSON (APPLICANT)**

Larry Gardner reminded the Council that in 2015, an amendment to the Highlands Master Planned Community was made which included the subject 41.37-acre parcel of property. The subject area was shown on the Highlands Master Plan as Orchard Heights which was in the Highlands West portion of the "Highlands" phasing plan, adopted by the City. The property was adjacent to the Loneview development and would connect to Loneview.

GENERAL INFORMATION & ANALYSIS

The applicant was requesting approval of Orchard Heights Preliminary Development Plan. The Orchard Heights development was the farthest west development within the Highlands Master Plan Development. Orchard Heights would consist of 119 single-

family lots on 39.32 net acres for a proposed residential density of 3.03 dwelling units per acre. The subject site was designated with 31 acres as Low Density Residential and 10 acres Medium Density Residential on the Future Land Use Map. The entire site was zoned Low Density, Single-family Residential (LSFR).

The LSFR zone allowed for a residential density of 2.01 to 4.50 dwelling units per acre. The base density for the Orchard Heights project was 2.01 units per acre or 79 units. The 3.03 dwelling units per acre proposed by the applicant required a density buy-up. Density buy-ups allowed the applicant to have additional dwelling densities if they installed certain pre-determined amenities and enhancements that were assigned a weighted value by the WSPA ordinance. Based on the amenities and enhancements proposed by the applicant in the Orchard Heights Preliminary Development Plan, the applicant was hoping to achieve a 61% density buy-up which would increase the number of dwelling units from 79 to 119. The density buy-ups and amenities and enhancements were described in the attached preliminary development plan.

FINDINGS OF FACT PRELIMINARY DEVELOPMENT PLAN

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

The Orchard Heights Preliminary Development Plan density buy-up would be reviewed under the requirements of the WSPA. In order to assist in this review, staff had provided *Table 1.0* in this report. *Table 1.0* was derived from the table found in Section 13-5J-5C of the Municipal Code. Within the table was a tabulation of staff’s review along with discussion of each amenity/improvement as they relate to the specific development plan. The criteria listed in the table were further elaborated upon in Section 13-5J-6 of the Municipal Code.

Table 1.0

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
Trails and open space:					
<i>Improvement: Dedication of open space, trail corridors or "in lieu of fees" in accordance with the comprehensive general plan and the parks, recreation and trails master plan</i>		Required	Yes		N/A
Discussion: The open space area along the wash in the Orchard Heights development will connect to the same open area established with Loneview South/Loneview North. The open space areas will be connected by a trail and will appear as one large open area when constructed. (See attached Highlands Master Plan Conceptual Site					

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<p><i>Plan</i>) The un-named (High School) wash runs along the southern boundary of the subdivision. Per code, the applicant has shown the dedication of property along the wash and will install an active open space area and a passive open space area. The applicant will also install a trail through the open space area.</p>					
<p>Improvement: Installation of enhanced open space/recreational amenities in excess of that required per city standards</p>	Up to 22%	Optional	Yes	See Section 13-5J-6	11 %
<p>Discussion: The plan shows the installation of 2.12 acres of common active open space (2%), greenbelt connectors (1%) and 2.62 acres of passive open area. The plan shows the installation of two covered pavilions with two picnic tables. (4%)</p> <ul style="list-style-type: none"> • Swimming Pool will be installed (2%) • Two tot lots (2%) 					
<p>Improvement: Improvement of trail corridors and installation of trail amenities in excess of that required per city standards and alternative enhancement.</p>	Up to 15%	Optional	Yes	See Section 13-5J-6	12 %
<p>Discussion: The development plan shows plantings of trees, shrubs, perennials and ground cover planted within the trail corridor. The landscape planting is clustered around the pavilion/common open area. This meets the 1 tree per 25 linear feet of trail requirement, and the one shrub, bush, perennial for every two linear feet of trail. This vegetation will be clustered in certain areas along the trail and improved open space as permitted in the code. (4%) The plan also shows the installation of trash receptacles (1%) and park bench per 1000 feet of trail (1%) which are positive enhancements for those using the trail. The plan also shows the installation of a split rail fence located at the side of the dedication area which is an enhancement to the dedicated trail area. (4%)</p> <ul style="list-style-type: none"> • An alternative enhancement will be a trail sign constructed and installed by the developer. (2%) 					
<p>Street Design:</p>					
<p>Improvement: Pedestrian scale and consistent, architectural street lighting</p>		Required	Yes		N/A
<p>Discussion: All street lights will conform to West Jordan City standards for residential street lights. The development plan states that the street lights will be no taller than 15 feet tall with aluminum shaft with fluted finish direct burial pole with 3 inch tenon top, which meets code. The lights will be spaced every 150 feet and will be placed in the park strip. The lighting will be uniform with all lighting in the Highlands.</p>					
<p>Improvement: Traffic calming design</p>		Required	Yes		N/A
<p>Discussion: Traffic calming was addressed as part of the Highlands Master plan and the development meets the necessary requirement for traffic calming.</p>					
<p>Improvement: Street system designs</p>		Required	Yes		N/A

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<p>Discussion: As a required development improvement streets shall be designed to promote ease of navigation, safety, walkability and continuity. The streets in Orchard Heights are designed to be connective allowing a development to link together as a seamless network. Orchard Heights connects at two locations to the Loneview Development.</p> <p>Orchard Heights will have two cul-de-sacs. No more than fifteen percent (15%) of all lots in a single development shall be located on a cul-de-sac or dead ending street. Eight percent of the lots in Orchard Heights are located in the cul-de-sacs.</p>					
<i>Improvement: Entryway monument or gateway feature to the subdivision - development</i>	Up to 10%	Optional	Yes	See Section 13-5J-6	4 %
<p>Discussion: The development plan shows two entryway monument signs –both located on 6700 West. (2%) The development will also have a gateway feature on the corner of 6700 West and 7800 South. (2%) The monuments are well designed and will provide a nice entry feature into the development.</p>					
<i>Improvement: Provision of a landscape buffer on major rights of way</i>	Up to 22%	Optional	Yes	See Section 13-5J-6	10%
<p>Discussion: As optional development improvement worth (up to) ten (10) percentage points, a developer may install a minimum eight foot (8') landscape buffer between a subdivision wall and back of sidewalk along an arterial or collector right of way.</p> <p>Percentage points shall be awarded based on the total amount of linear frontage along an arterial or collector right of way being dedicated for buffering purposes. If an eight foot (8') landscape buffer is to be installed between a subdivision wall and the sidewalk, one percentage point shall be granted for every one hundred feet (100') of linear frontage for a maximum of ten (10) percentage points.</p> <p>The applicant will be installing 2290 feet of landscape buffer meeting these criteria along 6700 West and along 7800 South. (10%)</p>					
Smart growth urban design:					
<i>Improvement: Master planned subdivision design</i>		Required	Yes		N/A
<p>Discussion: The project meets this requirement with connector streets and pedestrian connections. The development has adequate pedestrian access to the public right-of-way and to the trail system.</p>					
<i>Improvement: Pedestrian friendly and walkable neighborhood design</i>		Required	Yes		N/A
<p>Discussion: Five foot sidewalks are placed along all interior and exterior streets, and there will be a trail in the common green area that will connect in with the existing trail corridor in Loneview.</p>					
Building design:					
<i>Improvement: Attractive theme based and consistent architecture on all structures</i>					
<p>Discussion: Peterson Development will not be constructing the homes within Orchard Heights and their intent to sell lots to home builders. The preliminary development plan has provided typical building elevations as well as a list of specific architectural requirements the various home builders will be required to meet. The typical building elevations and list of architectural requirements are the same as used throughout the Highlands. In</p>					

AMENITY/IMPROVEMENT	WEIGHTED VALUE	REQUIRED VS. OPTIONAL	HAS CRITERIA BEEN MET? Yes or No		SCORE
<p>addition, all building permits will be required to receive approval from a third party architectural review committee (initially overseen by Peterson Development) prior to building permits being submitted to the City. Staff believes that there is enough detail in the development plan and the WSPA to ensure that this requirement is met.</p> <p>However, in order to make sure these architectural requirements are effectively communicated to the future home builders, staff would support a condition of approval that requires the applicant to forward a list of these specific design requirements to the home builders.</p>					
<i>Improvement: Enhanced door and window treatment</i>	Up to 14%	Optional	Yes	See Section 13-5J-6	12 %
<p>Discussion: Without specific building elevations to critique, the applicant has provided “typical” building elevations they expect to see built in this development. In addition, the development plan lists specific items like door and windows, window and door treatments, window and door trim, side lights and/or transom windows near the front door that all homes will have to incorporate into their designs. This too will require effective communication between the developer and the various builders. (12%)</p>					
<i>Improvement: Equal dispersion and use of high quality building materials</i>	Up to 12%	Optional	Yes	See Section 13-5J-6	12%
<p>Discussion: The applicant has stated in the development plan that all homes will incorporate stucco, stone, brick, composite board siding and shingles and other high grade materials. (12%)</p>					
Total Buy-up					61%

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

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

Density Buy-up / Development Plan Summary:

Based on a base density of 2.01 du/ac for the LSFR zoning district and a bonus density score of 61% the project would have a maximum allowed density of 3.23 units per acre. The total number of units proposed for the 39.32 net acre development was 119 ;(rounding up) for a total of 3.03 dwelling units per acre.

Based on the information submitted and the conditions of approval recommended by staff, the Orchard Heights Sub-Area Preliminary Development Plan had sufficient amenities to achieve the requested 119 single-family residential lots. Final density shall be determined by the City Council. The City Council shall approve, deny or modify the preliminary

development plan after receiving recommendation from staff and the Planning Commission. During the approval of the preliminary development plan, the City Council would determine the residential density for the project based on the density ranges indicated in the future land use map, the zoning ordinance, and the amount and type of amenities/improvements being proposed by the applicant/developer in the preliminary development plan. For all residential developments, the City Council shall adopt by ordinance the overall maximum density as approved. The conditions of the approval, including residential density, shall be valid for only the approved preliminary development plan. Any substantial deviations, modifications or amendments to the approved preliminary development plan which might increase the overall maximum density for a project might necessitate another review by the planning commission and approval from the City Council. All other deviations, modification or amendments shall follow the regulations as outlined in subsection 13-5J-10E of this code.

The proposed Orchard Heights Sub-Area Preliminary Development Plan met the requirements of the Zoning and Subdivision Ordinances. Staff was confident that the applicant could address any necessary engineering, fire and planning concerns by meeting the conditions of approval and addressing all standards and requirements at the time of final plat and final development plan submittal.

Note: Larry Gardner indicated that item #4 on the written motion was included in error. Therefore, if there was a motion to approve, that part should be omitted.

Councilmember Jacob asked how the City's planned improvements at the intersections of 7800 S and 6700 West figured into the timing of the project.

Larry Gardner responded that Phase 5 would not be built for several more years and the City's improvements were expected to take place prior to that.

Bruce Robinson, owner of Symphony Homes, spoke on behalf of the applicant. He stated that rather than designing homes based upon square footage, his company designed homes around aesthetics and what worked for a "move-up" buyer.

Mayor Rolfe opened the public hearing.

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

MOTION: Councilmember Jacob moved to approve the Sub Area Preliminary Development Plan for Orchard Heights subject to conditions 1 through 3 as listed in the staff report. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Burton **Yes**

Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

VI. CITIZEN COMMENT

Alexandra Eframo, West Jordan resident, asked the group to pause to reflect upon common goals before beginning the business of the meeting. She asked for a moment of silence for West Valley's Officer Cody Brotherson who had recently been killed in the line of duty. She then asked that the legislature be lobbied to change the law so that police officers could issue citations in private parking lots. Ms. Eframo then recited a hymn.

There was no one else who wished to speak.

VII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-177, FUNDING AN OVERHAUL OF THE COUNCIL CHAMBERS' AUDIO SYSTEM

Michael Oliver explained that city council meeting audio had been available online since 2004 but that Council members had also expressed interest in streaming video of the meetings. This discussion began in 2006, and many options had been discussed in the years since, ranging from simple, inexpensive systems to a full-service system. However, before any system could be implemented, an overhaul of the council chamber infrastructure needed to take place.

The council chamber was wired and outfitted in 1993—that was back in the days of VHS tapes and analog signals. Today, everything was digital and the council chamber was simply not equipped to effectively handle the latest advances in technology. In order to improve the audio quality of the council meetings, the council chamber's infrastructure needed to be updated. This was a necessary first step before the City invested in equipment to stream video of the meetings.

The Council discussed clarifying questions.

MOTION: Councilmember McConnehey moved to adopt Resolution 16-177, authorizing a purchase order with GenComm (state contractor) to overhaul council chamber infrastructure in an amount not to exceed \$69,483.00. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

MOTION: Councilmember Jacob moved to take a ten-minute recess to allow I.T. time to set up the computer system that would be used to vote during agenda item 7b. The motion was seconded by Councilmember Haaga and passed unanimously.

The council recessed at 7:11 p.m. and reconvened at 7:26 p.m.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-178, APPOINTING AN INDIVIDUAL TO FILL THE UNEXPIRED TERM OF COUNCIL DISTRICT 4 UNTIL JANUARY 1, 2018

David Brickey explained that Councilmember Sophie Rice had verbally indicated in the October 26, 2016 City Council meeting, that she would resign from her City Council District 4 seat. She then signed an “Irrevocable Resignation” (effective date November 15, 2016) in the same City Council meeting, which was attested by a Deputy City Clerk. Based on this Irrevocable Resignation, the City Clerk complied with state law (Section 20A-1-510(1)(b)(i), Utah Code Ann.) by immediately advertising, in the October 30, 2016 editions of the local newspapers, and in other media, a Notice requesting applications for the vacant City Council District 4 seat.

A Resolution officially accepting Councilmember Sophie Rice’s resignation (along with rules for conducting interviews and voting regarding applicants) was approved at the November 2, 2016 City Council meeting.

The purpose of this Resolution was to:

1. Appoint one of the qualified applicants as the Council District 4 member of the City Council of the City of West Jordan, effective November 16, 2016, through and including January 1, 2018, or until such time as his/her successor takes the oath of office; and
2. Confirm that the City Clerk shall ensure that candidates may file for a **two-year** term for this Council District 4 position during the 2017 election cycle.

Also included in the “Council packet” of materials for this agenda item was a copy of the “rules” (also called “Steps for Appointing a New City Council Member”), as well as a “Summary Chart” and copies of applicable state statutes.

Duncan Murray explained that qualified applicants who were *physically present* would be able to participate in the interview and voting processes. Pursuant to City Council Rules of Procedure, applicants could *not* participate remotely. All regular rounds of voting would be by “secret ballot” (using electronic voting, set up by the City’s IT Department, under the direction of the City’s Legal Department). However, the final formal motion to approve the Resolution, and to appoint one of the applicants to fill the Council District 4 position, would be approved by a “roll call” voice vote. The applicant who was appointed would be “sworn in” (take the Oath of Office) during the November 16th City Council meeting.

The ten applicants were:

- Marko VanAmen
- Michael Toronto
- Joshua Robbins
- David Pyne
- David Pack
- Dwight Michaelson
- Jason Loertscher
- Corey Dozhier
- Alan Anderson
- Holly Allen

As described in the agenda packet, each of the applicants addressed the Council in reverse alphabetical order by last name. They were given a maximum of three minutes in which to introduce themselves, state any relevant skills, talents and prior experience, and explain why he/she was the most qualified.

Each of the current councilmembers then asked a single question of the group of applicants, with each applicant allowed sixty seconds in which to respond.

MOTION: Councilmember Nichols moved to suspend the rules and continue the meeting beyond 9:00 p.m. The motion was seconded by Councilmember Jacob.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes

Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

An initial “secret ballot” vote took place, with each councilmember electronically selecting a first, second and third choice. In that manner, the field was narrowed to three applicants—David Pack, Alan Anderson and Holly Allen.

Each of the remaining three applicants was then given a maximum of two minutes in which to respond to several more questions from the Council.

The second “secret ballot” vote took place, with each councilmember electronically selecting a first and a second choice. In that manner, the field was narrowed to two applicants—Alan Anderson and David Pack.

MOTION: Mayor Rolfe moved to take a short recess. The motion was seconded by Councilmember McConnehey and passed unanimously

The Council recessed at 9:35 p.m. and reconvened at 9:41 p.m.

A final “secret ballot” vote took place, with each councilmember electronically selecting their top choice. That vote resulted in a tie with three votes for Alan Anderson and three votes for David Pack.

MOTION: Councilmember Burton moved to appoint Alan Anderson to fill the District 4 vacancy on the City Council. The motion was seconded by Councilmember Haaga.

Councilmember Nichols spoke against the motion, only because he was impressed by both applicants and would be happy with either of them filling the vacancy. He was in favor of using the state-approved coin toss to break the tie.

Councilmember McConnehey concurred with Councilmember Nichols.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	No
Councilmember McConnehey	No
Councilmember Nichols	No
Mayor Rolfe	Yes

The motion failed 3-3.

MOTION: Councilmember Burton moved to use the tie breaker process as described in Step 8 of the “Steps” submitted as part of the agenda packet. The motion was seconded by Councilmember Haaga.

Mayor Rolfe asked David Brickey to describe the tie breaker process which he did. The applicants were given the opportunity to ask questions about the process. They had none.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

Two papers of equal size were placed in a hat—one with Alan Anderson’s name and the other with David Pack’s. The first name drawn from the hat was to be “heads” in the coin toss, with the second name drawn to be designated “tails”. Chief Doug Diamond drew Alan Anderson’s name first-- heads. David Pack would be “tails.” Jim Riding who was present on behalf of the Public Works Director flipped the coin, allowing it to land freely on the floor. Deputy City Clerk Carol Herman approached the coin and announced that it had landed on “heads,” indicating that Alan Anderson had won the coin toss.

MOTION: Councilmember Burton moved to appoint Alan Anderson to fill the District 4 vacancy on the City Council. The motion was seconded by Councilmember McConnehey.

Councilmember McConnehey thanked those citizens who were willing to apply for the vacancy and he hoped that their engagement with City government would continue.

Councilmember Haaga expressed his appreciation to David Pack and reminded him that there would be other vacancies the following year.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes

Councilmember Nichols **Yes**
Mayor Rolfe **Yes**

The motion passed 6-0.

With Mayor Rolfe’s permission, Alan Anderson made a point of personal privilege. He, too, thanked the applicants that had applied and indicated that he appreciated being associated with them.

The Councilmembers stepped down from the dais as Alan Anderson took the oath of office.

The Council resumed their seats upon the dais, with newly sworn Councilmember Alan Anderson among them.

VII. REMARKS

There were no additional remarks.

VIII. CLOSED SESSION

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

COUNCIL: Mayor Kim V. Rolfe and Council Members Alan Anderson, Dirk Burton, Jeff Haaga, Zach Jacob, Chad Nichols, and Chris McConnehey.

STAFF: Mark R. Palesh, City Manager, and David R. Brickey, City Attorney.

MOTION: Councilmember Haaga moved that the Council commence a closed session and adjourn from there. The motion was seconded by Councilmember Burton.

A roll call vote was taken

Councilmember Burton **Yes**
Councilmember Haaga **Yes**
Councilmember Jacob **Yes**
Councilmember McConnehey **Yes**
Councilmember Nichols **Yes**

Councilmember Anderson	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

The Council recessed at 9:58 p.m. and convened into a Closed Session at 10:03 p.m.

IX. ADJOURN

The meeting adjourned at 10:47 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.

ATTEST:

KIM V ROLFE
Mayor

MELANIE BRIGGS, MMC
City Clerk

Approved this 7th day of December 2016