

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 18, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 18, 2014, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT:

Tom Huynh, Councilmember District 1

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
John Evans, Fire Chief
Lee Russo, Police Chief
Sam Johnson, Strategic Communications Director
Brent Garlick, CED Department
Steve Pastorik, CED Department
Jake Arslanian, Public Works Department

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OPENING CEREMONY

The Opening Ceremony was conducted by Ron Bigelow who shared comments regarding observations about his visits with residents of the City while campaigning for office of Mayor. He also led the Pledge of Allegiance to the Flag.

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16486 **SPECIAL RECOGNITIONS**
Mayor Bigelow recognized former Mayor Mike Winder and State Representative Larry Wiley.

16487 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 4, 2014**

The Council read and considered Minutes of the Study Meeting held January 28, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held February 4, 2014, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Rushton | Yes |
| Mr. Nordfelt | Yes |
| Mayor Bigelow | Yes |

Unanimous.

16488 **COMMENT PERIOD**
Upon inquiry by Mayor Bigelow there was no one in attendance who desired to address the City Council during the comment period.

16489 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-7-2013, FILED BY WEST VALLEY CITY, REQUESTING A GENERAL PLAN CHANGE FROM LOW DENSITY RESIDENTIAL LAND USES TO VERY HIGH DENSITY RESIDENTIAL LAND USES AND A ZONE CHANGE FROM ‘R-1-12’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 12,000 SQUARE FEET) TO ‘C-2’ (GENERAL COMMERCIAL) AND THE JORDAN RIVER OVERLAY ZONE FOR PROPERTY LOCATED AT 3234 SOUTH CULTURAL CENTER DRIVE**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-7-2013, filed by West Valley City, requesting a General Plan change from Low Density Residential land uses to Very High Density Residential land uses and a zone change from ‘R-1-12’ (Single-Family Residential, Minimum Lot Size 12,000 sq. ft.) to ‘C-2’ (General Commercial) and

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the Jordan River Overlay Zone, for property located at 3234 South Cultural Center Drive. He discussed proposed Ordinance Nos. 14-14 and 14-15 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 14-14 that would amend the General Plan to show a change of land use from Low Density Residential to Very High Density Residential, and proposed Ordinance No. 14-15 that would amend the Zoning Map to show a change of zone from ‘R-1-12’ (Single-Family Residential, Minimum Lot Size 12,000 sq. ft.) to ‘C-2’ (General Commercial) and the Jordan River Overlay Zone, for property located at 3234 South Cultural Center Drive.

Mr. Isaac stated that in 2009 the City, the Redevelopment Agency (RDA) and Jordan River Marketplace, LLC (the developer) entered into an Agreement for Disposition of Land (ADL) for property between Cultural Center Drive and 3500 South. He indicated this ADL outlined the conditions under which the developer would acquire and develop the land as a “commercial mixed use development.” He explained the subject property was included in the ADL. He reported one of the provisions of the ADL stated the following: “Parts of Phase II are currently zoned ‘R-1-12.’ The Agency agrees to approach the City for a re-zone of the property to an appropriate commercial zone for the area and the development.” He also reported City staff had submitted this application pursuant to the ADL; however, the ADL did not obligate the City to approve the application. While City staff had initiated the application, Jordan River Marketplace, LLC had supplied all of the supporting information for the application.

The Acting City Manager continued that Bob Murri with Jordan River Marketplace, LLC, had submitted several documents and plans that had been distributed to the City Council supporting the application. He reviewed a list of the attachments and description of each as follows:

- Why this Zoning is Appropriate at this Location: This document outlines why Jordan River Marketplace, LLC believes this application is appropriate.
- Jordan River Marketplace Multi-Family Residential Project Agreement: This document outlines proposed development agreement standards for this project.
- Site Concept Plan: This plan shows the proposed apartment building that includes 96 units housed in a four-story building.
- Jordan River Marketplace Master Development Plan: This plan shows how the subject property fits into the larger proposed Jordan River Marketplace development.

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- Exterior Elevations: This drawing shows the front and side elevations of the proposed apartment building.

Mr. Isaac stated that while Mr. Murri did propose standards for a development agreement, City staff had not included a development agreement with the application since the Planning Commission had recommended denial. He advised if the City Council so directed a development agreement would be prepared for consideration.

The Acting City Manager advised the City Manager had previously explained options and reasons to approve or not approve the General Plan and/or zone change and had not recommended approval of the Application as the Planning Commission had denied it.

Mayor Bigelow opened the public hearing.

Larry Wiley addressed the City Council and spoke in opposition to the proposed zoning change. Mr. Wiley advised there were also several of his neighbors in attendance. He stated several opposition points had been outlined on a petition previously submitted to the Planning Commission and the City Council. He advised the proposed changes would have detrimental effects on his neighborhood and he did not want the City to allow four-story apartments to be built next to residential properties. He also questioned if property values would be enhanced, as other high density projects in the community had not turned out well. He indicated high density residential development came with burdens to the neighborhoods and the City. He expressed support of the current 'R-1-12' zoning and master plan for residential and was not opposed to senior housing. He also expressed support of reasonable development in harmony with existing properties. Mr. Wiley indicated the proposal had no transition between single-family homes and the proposed four-story apartment complex. He stated the residents desired the area to remain as is and also expressed appreciation for meetings with the developer even though those meetings had concluded at an impasse. He advised the property needed to be developed in harmony with the community and not include a four-story building next door to one or two story homes.

Mike Winder addressed the City Council and stated he was representing the developer. Mr. Winder stated as a former elected official he was passionate about this development and honored when Bob Murri asked him to be a part of the project. He stated they had not been informed of the Council's study session the prior week as they were not the applicants.

Upon recognition, Acting City Manager, Paul Isaac, discussed and clarified concerns regarding mailing notices and addresses used for that purpose. He

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advised notices had been sent to all addresses within 300 feet of the proposed project as listed on the Salt Lake County records. He further stated, unfortunately, the address on the County register for Ascent Construction (developer) was incorrect. He clarified all notices by the City had been properly sent as required by law.

Mr. Winder distributed copies of the master plan approved by the City Council on May 14, 2013, and read aloud from minutes of that meeting. He also showed a video of the proposed project that had been presented to the City Council at that time.

Bob Murri with Ascent Construction (developer) addressed the City Council and discussed information regarding accomplishments since the project had been preliminarily approved on May 14, 2013.

Michelle Doan, Mountain West Retail, addressed the City Council and discussed information regarding businesses including restaurants, retailers and offices that desired to locate in the Jordan River Marketplace project area. She stated an apartment complex would be a great addition to the development site for many reasons. She also advised the major anchor tenant was from Las Vegas, an international marketplace. She stated the owner was very interested in the planning and development of the project and had planned a site visit in the next two weeks.

Bob Murri addressed the City Council and stated there was not one of those stores in Utah yet. He advised there had been significant investment of time and money in the project thus demonstrating the seriousness of the development.

Mike Winder addressed the City Council and requested feedback from the Council to be reviewed and incorporated into a development agreement to be submitted back to the City Council on March 4, 2014, so the project could move forward.

Bob Murri addressed the City Council and expressed excitement in presenting the proposal for approval. He further discussed the request for the specific parcel for the zone change stating this area had been master planned as part of the Jordan River Overlay Zone. He advised the proposal was to meet the City's goal and zone the entire parcel as 'C-2.' He indicated high density was needed in this area and it would maintain high occupancy rates. He discussed the Planning Commission's review of the plans for the project and indicated residential would be a better use than retail bringing in rooftops and people to the area. He stated it would provide a buffer to local residents from commercial/mixed use development. He indicated starting with the apartments would breathe vitality and energy into the area and start to fulfill the agreement with the City for this

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project. He displayed apartment elevations and footprints, and further discussed details regarding the project. He concluded the project was the right thing for this location and the right thing for West Valley City and requested approval.

John Grant addressed the City Council and stated he currently rented a house on his grandmother's property that was adjacent to the proposed project and there were concerns with the height of the apartment building as well as its close proximity. He expressed concern the sunlight and view of the mountains would be blocked. He stated he understood it would be blocked off to vehicle traffic but questioned if it would be fenced off from people cutting through the neighborhood. He advised there was a lot of open land in the area with livestock, and foot traffic from apartments would negatively affect animals and property. He stated parking next to the fence line could cause a trash issue with people throwing trash over the fence onto his property. He advised he was opposed to the proposed change.

Gayle Mendenhall addressed the City Council and stated she strongly opposed the proposal and would like to see a compromise. She expressed opposition to the size and height of the apartment complex. She indicated the apartments would be transient as they were too small to raise families. She stated the area was rural and apartments would obstruct views. Ms. Mendenhall indicated she understood there had to be growth, but with more people would come more crime. She suggested compromise with a two-story building with retirement homes and less density. In conclusion, she pointed out another concern of fireworks in the summer and the potential for causing fires in nearby fields.

Larry Wiley addressed the City Council and stated residential was the key to businesses. He indicated the overall footprint of the Utah Cultural Celebration Center (UCCC) and surrounding areas had failed with high density. He explained open space was important to everyone for the vitality of the community. He stated the area was a gateway and open space and animals was a nice way to enter the City. He expressed desire for a compromise with a two-story building and larger units. He stated Mr. Murri continued to adhere to the 96 unit proposal. Mr. Wiley expressed additional concern there could be more than one family living in a unit. He expressed prudence in getting it right the first time by considering all sides of the issue carefully. He stated his opposition to the proposal and advised he had 30 years experience in property management and working for government. He advised of his understanding of apartments, neighborhoods and zoning and pointed to apartments located on Redwood Road that within 10-15 years had gone from a beautiful complex to a crime ridden area. He indicated there were other areas in the City with similar problems. He requested consideration of the 'R-1-12' zone and not high density and advised the neighborhood continued to work together because of previous issues. He stated the residents cared about West Valley City and the gateway to the community and applauded the efforts

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regarding development of the UCCC area. He expressed opposition to the re-zoning of the subject property.

Debra Sudbury addressed the City Council and referenced a letter she had previously written. She expressed belief the subject parcel was beautiful and would have a better use than a four-story apartment complex.

Mike Winder addressed the City Council and reminded the proposal had been unanimously approved by the City Council on May 14, 2013. He stated if the matter was continued it would allow time to prepare a development agreement if the Council articulated and advised regarding height, elevations, tenant mix, and other matters.

There being no one else to speak either in favor or in opposition, Mayor Bigelow closed the public hearing.

Mayor Bigelow called for discussion regarding Application No. GPZ-7-2013.

Upon inquiry by Councilmember Rushton, the Acting City Manager, Paul Isaac, further explained the noticing process.

Councilmember Vincent commented regarding the proposed development specifically the size of units and the buffer zone, and stated there was already a lot of high density housing in the area. He suggested a compromise be considered regarding the proposal.

Councilmember Rushton expressed appreciation to those individuals in attendance at the meeting regarding this proposal. He explained the intent of the City Council to be able to turn the property into a special destination spot while also helping with redevelopment and the tax coffers. He stated it seemed evident the marketplace was the focus and key to the project and it appeared this parcel was problematic. He expressed desire that the subject parcel should augment the neighborhood and marketplace and perhaps the “cart was getting before the horse.”

ACTION: CONSIDER ORDINANCE NO. 14-14, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO VERY HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 3234 SOUTH CULTURAL CENTER DRIVE

The Council previously held a public hearing regarding Application No. GPZ-7-2013, filed by West Valley City, and proposed Ordinance No. 14-14 that would amend the General Plan to show a change of land use from Low Density

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Residential to Very High Density Residential for property located at 3234 South Cultural Center Drive.

After discussion, Councilmember Rushton moved to postpone a decision and continue Application No. GPZ-7-2013 and proposed Ordinance No. 14-14 indefinitely. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Rushton | Yes |
| Mr. Nordfelt | Yes |
| Mayor Bigelow | Yes |

Unanimous.

Application No. GPZ-7-2013 and proposed Ordinance No. 14-14 continued to no date certain.

ACTION: CONSIDER ORDINANCE NO. 14-15, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3234 SOUTH CULTURAL CENTER DRIVE FROM ZONE ‘R-1-12’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 12,000 SQUARE FEET) TO ‘C-2’ (GENERAL COMMERCIAL) AND THE JORDAN RIVER OVERLAY ZONE

The Council previously continued action regarding Application No. GPZ-7-2013 filed by West Valley City and proposed Ordinance No. 14-14. The Council considered proposed Ordinance No. 14-15 that would amend the Zoning Map to show a change of zone for property located at 3234 South Cultural Center Drive from zone ‘R-1-12’ (Single-Family Residential, Minimum Lot Size 12,000 sq. ft.) to ‘C-2’ (General Commercial) and the Jordan River Overlay Zone.

After discussion, Councilmember Rushton moved to postpone a decision and continue proposed Ordinance No. 14-15 indefinitely. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |

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| Mr. Rushton | Yes |
| Mr. Nordfelt | Yes |
| Mayor Bigelow | Yes |

Unanimous.

Proposed Ordinance No. 14-15 continued to no date certain.

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RESOLUTION NO. 14-26, APPROVE PURCHASE OF 80 LICENSES OF DRAGON NATURALLY SPEAKING PROFESSIONAL SOFTWARE FROM VLCM FOR USE BY THE POLICE DEPARTMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 14-26 that would approve purchase of 80 licenses of Dragon Naturally Speaking Professional Software from VLCM, in the amount of \$31,818.40, for use by the Police Department.

Mr. Isaac stated the subject software program of Dragon Naturally Speaking Professional converted the spoken word into digital text. He indicated funds for this purchase would be taken from existing asset forfeiture monies so there would be no impact to the City budget.

He advised the purpose of the purchase was to streamline the process for police incident reports. He indicated the software would be used by patrol officers when dictating their incident reports. The program would allow the officer to read the text as it was dictated and make necessary adjustments or edits, thus improving the quality and accuracy of the report. He explained this would also alleviate need for a record's clerk to transcribe the report. Additionally, he stated this would improve timeliness of reports being entered into the system.

After discussion, Councilmember Lang moved to approve Resolution No. 14-26, a Resolution Approving the Purchase of 80 Licenses of Dragon Naturally Speaking Professional Software from VLCM for use by the Police Department. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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|---------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Rushton | Yes |
| Mr. Nordfelt | Yes |
| Mayor Bigelow | Yes |

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 18, 2014, WAS ADJOURNED AT 7:47 P.M., BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, February 18, 2014.

Sheri McKendrick, MMC
City Recorder