

**MINUTES OF COUNCIL REGULAR MEETING – JANUARY 22, 2013**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 22, 2013, 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 WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Corey Rushton  
Steve Vincent

Nicole Cottle, Acting City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director  
Eric Bunderson, City Attorney  
Russell Willardson, Public Works Director  
Jim Welch, Finance Director  
Layne Morris, CPD Director  
Kevin Astill, Parks and Recreation Director  
John Evans, Fire Chief  
Anita Schwemmer, Acting Police Chief  
Aaron Crim, Administration  
Jake Arslanian, Public Works Department  
Steve Pastorik, CED Department  
Brent Garlick, CED Department

16019      **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who discussed a recent celebration of Martin Luther King, Jr., including volunteer service coinciding with that event. He encouraged members of the City Council and City staff to find ways and opportunities for citizens to serve and become more involved in the community. He then led the Pledge of Allegiance to the Flag.

16020      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 8, 2013**

The Council read and considered Minutes of the Regular Meeting held January 8, 2013. There were no changes, corrections or deletions.

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After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held January 8, 2013, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16021 **COMMENT PERIOD**

Upon inquiry by Mayor Winder there was no one who desired to address the City Council during the comment period.

16022 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-3-2012, FILED BY FRANCISCO JAVIER AND VIOLETA GARCIA, REQUESTING A GENERAL PLAN CHANGE FROM MIXED USE TO COMMERCIAL/LIGHT MANUFACTURING AND A ZONE CHANGE FROM ‘C-2’ (GENERAL COMMERCIAL) TO ‘M’ FOR PROPERTY LOCATED AT 2711, 2717 AND 2737 SOUTH REDWOOD ROAD**

Acting City Manager, Nicole Cottle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-3-2012, filed by Francisco Javier and Violeta Garcia, requesting a General Plan change from Mixed Use to Commercial/Light Manufacturing and a zone change from ‘C-2’ (General Commercial) to ‘M’ for property located at 2711, 2717 and 2737 South Redwood Road. She discussed proposed Ordinance Nos. 13-04 and 13-05 and Resolution No. 13-11 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Nicole Cottle, presented proposed Ordinance No. 13-04 which would amend the General Plan from Mixed Use to Commercial/Light Manufacturing; and proposed Ordinance No. 13-05 which would amend the Zoning Map to show a change of zone from ‘C-2’ (General Commercial) zone to ‘M’ (Manufacturing) zone for property located at 2711, 2717 and 2737 South

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Redwood Road. She also presented proposed Resolution No. 13-11 which would approve a development agreement related to the subject property.

Ms. Cottle stated the applicant had requested a General Plan and zone change for five parcels totaling 0.78 acres located at 2711, 2717 and 2737 South Redwood Road. She advised the General Plan designation for that area was mixed use which included retail and residential. She indicated the proposed General Plan designation was Commercial/Light Industrial, the same designation for property located on the west side of Redwood Road. She further advised the current zoning for the property was 'C-2' (General Commercial) and the proposed zoning was 'M' (Manufacturing).

The Acting City Manager reported surrounding zoning included 'C-2' to the north and south, 'M' to the west across Redwood Road and 'R-1-6' (Single-Family Residential, minimum lot size of 6,000 square feet) to the east. Surrounding uses included vacant ground to the north, a credit union and office condominiums to the west, an auto repair shop to the south, and single-family homes to the east. She indicated the subject property included three buildings built between 1950 and 1957 totaling just over 7,000 square feet.

In addition, Ms. Cottle explained the applicant had requested these changes to allow for a tattoo business within the eastern most building. She stated the 'C-2' zone did not allow tattoo businesses with the only zones within the City allowing tattoo businesses being in 'C-3' (Transitional Commercial) and 'M' zones. She indicated the 'C-3' zone was not an option for two reasons: first, the minimum lot size in the 'C-3' zone was one acre and the subject property was 0.78 acres; and second, Section 7-6-1005 (4) of the Zoning Ordinance stated: "No 'C-3' Zone shall be approved which shares a common property line with an existing or proposed residential use." She stated the subject property was adjacent to two homes. She advised the 'M' zone did not include these restrictions and was therefore an option for the subject property.

The Acting City Manager advised the applicant had submitted a letter and an e-mail in support of the application, which had been distributed to the City Council. She stated the letter described they had been told by the City the subject property was zoned appropriately for a tattoo shop and that City and Health Department inspections were completed. She explained the letter also stated that after submitting their business license application they had been informed by the City that the zoning was in fact not appropriate. She advised incorrect information had been given verbally "over the counter" regarding the zoning of the subject property; however, when the City received a written business license application the applicant had been notified by phone and in writing that the zoning for the property would not allow for a tattoo business.

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Mayor Winder opened the public hearing.

Violeta Alvarado, applicant, addressed the City Council, Ms. Alvarado stated her application, if approved, would enable obtaining a business license for a tattoo parlor and she referenced her letter dated November 19, 2012, wherein she outlined reasons for applying to change the zoning. She requested approval of the application.

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

**ACTION: CONSIDER ORDINANCE NO. 13-04, AN ORDINANCE AMENDING THE GENERAL PLAN FROM MIXED USE TO COMMERCIAL/LIGHT MANUFACTURING FOR PROPERTY LOCATED AT 2711, 2717 AND 2737 SOUTH REDWOOD ROAD**

The City Council previously held a public hearing regarding Application No. GPZ-3-2012, filed by Francisco Javier and Violeta Garcia, and proposed Ordinance No. 13-04 which would amend the General Plan from Mixed Use to Commercial/Light Manufacturing for property located at 2711, 2717 and 2737 South Redwood Road.

After discussion, Councilmember Lang moved to Ordinance No. 13-04, an Ordinance Amending the General Plan from Mixed Use to Commercial/Light Manufacturing; contingent upon approval of a Development Agreement. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

**ACTION: CONSIDER ORDINANCE NO. 13-05, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY AT 2711, 2717, AND 2737 SOUTH REDWOOD ROAD FROM 'C-2' (GENERAL COMMERCIAL) ZONE TO 'M' (MANUFACTURING) ZONE**

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The City Council previously held a public hearing regarding Application No. GPZ-3-2012, filed by Francisco Javier and Violeta Garcia, and approved Ordinance No. 13-04. The City Council considered proposed Ordinance No. 13-05 which would amend the Zoning Map to show a change of zone for property located at 2711, 2717 and 2737 South Redwood Road from ‘C-2’ (General Commercial) zone to ‘M’ (Manufacturing) zone.

After discussion, Councilmember Christensen moved to approve Ordinance No. 13-05, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 2711, 2717, and 2737 South Redwood Road from ‘C-2’ (General Commercial) Zone to ‘M’ (Manufacturing) Zone; contingent upon approval of a Development Agreement. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

**ACTION: CONSIDER RESOLUTION NO. 13-11, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH WRIGHT-SOTO, LLC, FOR APPROXIMATELY .78 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2700 SOUTH REDWOOD ROAD**

Acting City Manager, Nicole Cottle, referenced Application No. GPZ-3-2012 filed by Francisco Javier and Violeta Garcia and presented proposed Resolution No. 13-11 which would authorize the City to enter into a Development Agreement with Wright-Soto, LLC, for approximately .78 acres of property located at approximately 2700 South Redwood Road.

Ms. Cottle stated the proposed use for the above referenced property was a tattoo business and the proposed Development Agreement would limit the possible uses for that property to the allowed uses in the ‘C-2’ zone and tattoo businesses. She explained all other uses unique to the ‘M’ zone would be prohibited.

After discussion, Councilmember Buhler moved to approve Resolution No. 13-11, a Resolution Authorizing the City to enter into a Development Agreement

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with Wright-Soto, LLC, for Approximately .78 Acres of Property Located at Approximately 2700 South Redwood Road. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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**RESOLUTION NO. 13-09, AUTHORIZE EXECUTION OF A SECOND AMENDMENT TO THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT (ADL) WITH JORDAN RIVER MARKETPLACE, LLC, TO APPROVE A MASTER PLAN FOR THE DEVELOPMENT AND ALLOW ADDITIONAL TIME FOR INSTALLATION OF IMPROVEMENTS**

Acting City Manager, Nicole Cottle, presented proposed Resolution No. 13-09 which would authorize execution of a Second Amendment to the Agreement for Disposition of Land for Private Development (ADL) with Jordan River Marketplace, LLC, to approve a Master Plan for the development and allow additional time for installation of improvements.

Ms. Cottle stated the proposed Amendment No. 2 to the ADL would approve the Master Plan and incorporate it into Exhibit D, provide the developer with another year to install improvements, and correct clerical errors. She advised a final draft of the master site plan had previously been distributed to members of the City Council.

The Acting City Manager reported the Jordan River Marketplace project would be a mixed-use, walkable development with culturally diverse shops and restaurants, office space, residential units, and cultural amenities, all within a multi-cultural environment. She indicated the developer entered into the ADL in 2009 and had since worked with the City and the Redevelopment Agency to create development contemplated in that ADL.

Upon inquiry, the Acting City Manager further clarified proposed Resolution No. 13-09 to be considered by the City Council, and a similar proposed resolution to

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be considered by the Redevelopment Agency Board at a meeting scheduled later this night.

Councilmember Vincent discussed his confidence in the Planning Commission's oversight of this project and suggested sending it back to them.

After discussion, Councilmember Christensen moved to table proposed Resolution No. 13-09 and continue the matter to no date certain to allow additional time for the Planning Commission to work with the applicant. There was no second to the motion.

Upon discussion, Councilmember Rushton reviewed the planning process for the subject area, including how the development partners had completed very good projects in the Salt Lake Valley in the past. He stated that at one time because of the downturn in the economy it had been thought the best that could be developed in the subject area would have been a strip mall. He indicated the City Council had been less than enthusiastic about creating a strip mall and desired the area to be more of a special destination place. Councilmember Rushton also stated the initial plan had been better than a strip mall, but lacked the vision shared by the City. He discussed various redevelopment areas and some of the positive benefits of those projects and reflected on the original vision for the subject property. He reviewed and quoted past positive news articles and quotations of visions regarding some of the previous redevelopment area projects, and more particularly development of the subject property. He read quotations from the City's elected officials dating back from 2008 which included expressing the overall vision and desire for a "main street feel," an ethnic crossroads, a destination place, and harmony with the festival grounds and Utah Cultural Celebration Center. Councilmember Rushton read other articles that discussed shops, a museum, and a family oriented eating and shopping destination with the ability to use the nearby Jordan River Parkway. He indicated the vision had somehow changed and involved into one that appeared to be a backward step and a different direction in many ways.

Councilmember Rushton moved to deny proposed Resolution No. 13-09, a Resolution Authorizing the Execution of a Second Amendment to the Agreement for Disposition of Land for Private Development (ADL) with Jordan River Marketplace, LLC, to Approve a Master Plan for the Development, and Allow Additional Time for Installation of Improvements. Councilmember Buhler seconded the motion.

Prior to the second, Councilmember Buhler discussed how the proposal would be a better fit on the developer's private land and/or in another area of the City. He indicated it did not seem to be a plan that would provide a destination point and draw people to the gateway of the City.

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Upon recognition by Mayor Winder, Bob Murri, Ascent Construction (developer), addressed the City Council. Mr. Murri stated he had given the Council many opportunities for input but felt he had not received it. He also stated it had taken hard work to get to this point and there would be no development like this one in West Valley City. He emphasized their goal of creating a multi-cultural environment with a connection to the Utah Cultural Celebration Center.

Councilmember Rushton advised on numerous occasions in the past five years, he made himself available to discuss the vision and plans for the subject property.

Councilmember Christensen discussed his recollection of many meetings where members of the City Council and City staff discussed the project, pointed out problems and made specific suggestions that had not been thus far incorporated into the plan.

Upon recognition by Mayor Winder, Brad Knowlton, Ascent Construction (developer), addressed the City Council. Responding to an inquiry regarding a proposed clock tower he indicated the developer would be glad to incorporate a tower into the plan. He stated the original 30 acres had decreased in size to approximately 17 acres so some of the original plans had been changed to accommodate the decrease in available property. He also discussed the additional challenges of dealing with multiple property owners.

Mayor Winder expressed recognition of difficulties in development of this particular piece of property and recommended consideration of continuing the matter to allow time for discussion to address concerns as expressed by some members of the City Council.

Councilmember Vincent suggested the "fine tuning" of the project could be successfully undertaken by the Planning Commission.

Councilmember Buhler commented regarding his vision of the subject area being a special destination place that people would enjoy with their families. He indicated the project as presented was still missing that special destination place feeling.

Councilmember Huynh stated he recognized the developer had worked very hard on the project. He discussed his concerns with mixed use projects and indicated some mixed use projects in the Salt Lake Valley had "died" due to the lack of having a unique destination place concept.

Mayor Winder discussed prior communication in general and again recognized Brad Knowlton, Ascent Construction (developer). Mr. Knowlton addressed the



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City Council and stated he liked the clock tower concept and a place was reserved for a monument if so desired by the City. He discussed the difficulty in understanding all the vision ideas, finding a common cord for the project and dealing with many issues including property acquisition, wetlands, power corridor, road alignment, etc. He advised there were 13 restaurants desiring to be a part of the development and he discussed the vision for the promenade to include various statues.

Councilmember Buhler expressed his vision for making the subject development a beautiful and special destination place. He emphasized direction for any project was always given by the majority of the City Council as a body and not by individual members. He also mentioned that seeing more detail would be helpful in understanding the overall final look of the project and that "special" could be a subjective term.

Councilmember Vincent discussed some of the information in the original packet of information and the vision for a promenade with restaurants including outdoor seating and retail shops. He advised he would be comfortable with the Planning Commission continuing to work on the details for the project.

Councilmember Lang expressed concurrence to approve the amendment to the ADL, but not with approval of the master plan. She indicated a desire to deny the proposed resolution and take a different approach with separation of the two actions – the amendment and the master plan.

After further discussion, Mayor Winder called for a vote on the motion to deny proposed Resolution No. 11-09.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	No

Majority. Proposed Resolution No. 13-09 - denied.

Acting City Manager, Nicole Cottle, advised and referenced the existing contract and stated the developer would not be precluded from submitting amended plans for consideration and she encouraged the developer to do so.

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**RESOLUTION NO. 13-10, AUTHORIZE EXECUTION AND RECORDING OF A DELAY AGREEMENT WITH LEVI W. CARD FOR IMPROVEMENTS ON PROPERTY LOCATED AT 2555 SOUTH FARGO STREET**

Acting City Manager, Nicole Cottle, presented proposed Resolution No. 13-10 which would authorize execution and recording of a Delay Agreement with Levi W. Card for improvements on property located at 2555 South Fargo Street.

Ms. Cottle stated the proposed Delay Agreement would delay construction of curb and gutter, sidewalk and road improvements for the Levi W. Card single-family residence (Lot 6, Block 17, Chesterfield Plat A). She explained an application had been filed for construction of a new home on Fargo Street and as there were no existing improvements along frontage of any of the adjoining properties, it would not be practical to construct the required street improvements at the present. She indicated delay of the improvements did not relieve the property owner from obligation to construct the required road improvements but merely allowed those improvements to be delayed to a future time as directed by the City.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-10, a Resolution Authorizing the Execution and Recording of a Delay Agreement between West Valley City and Levi W. Card, for Property Located at 2555 South Fargo Street. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JANUARY 22, 2013, WAS ADJOURNED AT 7:18 P.M., BY MAYOR WINDER.

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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, January 22, 2013.

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Sheri McKendrick, MMC  
City Recorder