

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 22-26

AN ORDINANCE FOR APPROXIMATELY 11.54 ACRES OF PROPERTIES LOCATED AT APPROX. 8945 SOUTH 4800 WEST, IDENTIFIED AS WELBY WEST DEVELOPMENT; AND

AMENDING THE GENERAL PLAN LAND USE MAP FOR WELBY WEST DEVELOPMENT FROM NEIGHBORHOOD COMMERCIAL TO HIGH DENSITY RESIDENTIAL; AND

REZONE FOR WELBY WEST DEVELOPMENT FROM SC-2 ZONE (COMMUNITY SHOPPING CENTER ZONE) AND R-1-10D (ZC) ZONE (SINGLE-FAMILY RESIDENTIAL ZONE, WITH 10,000 SQUARE FOOT MINIMUM SIZE LOTS, AND WITH ZONING CONDITIONS) TO PRD(M) ZONE (PLANNED RESIDENTIAL DEVELOPMENT – MEDIUM DENSITY ZONE)

WHEREAS, the City of West Jordan (“City”) adopted the Comprehensive General Plan (“**General Plan**”) in 2012, as amended, which provides for a general plan land use map (“**General Plan Land Use Map**”), which is periodically updated; and the City adopted the West Jordan City Code (“**City Code**”) in 2009, as amended, which provides for a zoning map for the City (“**Zoning Map**”), which is periodically updated; and

WHEREAS, an application was made by Todd Amberry/Canyon Stone Capital and CS - Welby West, LLC (“**Applicant**”) for approximately 11.54 acres of property located at approximately 8945 South 4800 West (“**Application**”, “**Property**”, or “**Welby West Development**”) for, in part, a General Plan Land Use Map amendment from Neighborhood Commercial to High Density Residential (“**General Plan Land Use Map Amendment**”); and

WHEREAS, the Application also included a request for a Zoning Map amendment or rezone for the Property from SC-2 Zone (Community Shopping Center Zone) and R-1-10D (ZC) Zone (Single-Family Residential Zone, with 10,000 Square Foot Minimum Size Lots, and with Zoning Conditions) to PRD(M) Zone (Planned Residential Development – Medium Density Zone) (“**Rezone**” and collectively “**General Plan Land Use Map Amendment and Rezone**”); and

WHEREAS, the Property is less than the 20-acre minimum requirement for the Rezone pursuant to City Section 13-5C-5A1; and

WHEREAS, on April 19, 2022, the Application was considered by the West Jordan Planning Commission (“**Planning Commission**”), which held a public hearing and which made a recommendation to the West Jordan City Council (“**City Council**”) concerning the General Plan Land Use Map Amendment and Rezone; and

WHEREAS, a public hearing was held before the City Council on May 25, 2022, an additional public meeting was held on July 27, 2022, an additional public hearing was held on October 12, 2022, and an additional public meeting was held on December 21, 2022, concerning the General Plan Land Use Map Amendment and Rezone; and

WHEREAS, consistent with City Code Section 13-7C-6, the City Council has determined the following concerning the General Plan Land Use Map Amendment:

1. The proposed amendment conforms to and is consistent with the adopted goals, objectives

- and policies set forth in the City General Plan;
2. The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;
 3. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;
 4. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;
 5. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change; and
 6. The proposed amendment is consistent with other adopted plans, codes and ordinances.

WHEREAS, consistent with City Code Section 13-7D-7A, the City Council has determined the following concerning the Rezone:

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted General Plan and land use map;
2. The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties;
3. The proposed amendment furthers the public health, safety and general welfare of the citizens of the City;
4. The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways; and
5. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and

WHEREAS, the Applicant has agreed to and has executed a master development agreement that will govern the development of the Property (“**Welby West Master Development Agreement**” or “**MDA**”), should the City Council, in its sole legislative discretion, choose to adopt the General Plan Land Use Map Amendment and Rezone; and

WHEREAS, the City Council has reviewed, considered, and approved the Welby West Master Development Agreement, subject to the conditions precedent set forth therein, including but not limited to the approval of the General Plan Land Use Map Amendment and Rezone; and

WHEREAS, although the Property is less than the 20-acre minimum requirement for the Rezone pursuant to City Code Section 13-5C-5A1, the City Council now finds that: (a) the Applicant has reasonably shown that the surrounding neighborhood will not be adversely affected by the granting of the Rezone; and (b) the provisions of City Code Title 13, Chapter 5, Article C will be complied with; and

WHEREAS, in its sole legislative discretion, the City Council now finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to approve the General Plan Land Use Map Amendment and Rezone.

[see the following pages.]

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

Section 1. General Plan Land Use Map Amendment and Rezone. For the Property, the General Plan Land Use Map is amended from Neighborhood Commercial to High Density Residential and the Zoning Map is amended by changing the zoning designation from SC-2 Zone (Community Shopping Center Zone) and R-1-10D (ZC) Zone (Single-Family Residential Zone, with 10,000 Square Foot Minimum Size Lots, and with Zoning Conditions) to PRD(M) Zone (Planned Residential Development – Medium Density Zone), as per the legal description in “Attachment 1”, which is attached hereto.

Section 2. Waiver of Minimum Acreage Provision. The Property is less than the 20-acre minimum requirement for the Rezone pursuant to City Code Section 13-5C-5A1, but the Applicant’s zoning request to waive the 20-acre minimum requirement is granted, as allowed by City Code Section 13-5C-5A1 and due to the findings in the recitals above.

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


Section 4. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 21ST DAY OF DECEMBER 2022.

CITY OF WEST JORDAN

By: *Kayleen Whitelock*
Kayleen Whitelock (Dec 29, 2022 12:48 MST)
Kayleen Whitelock
Council Chair

ATTEST:

Cindy M. Quick 
Cindy M. Quick, MMC
Council Office Clerk

| Voting by the City Council | "YES" | "NO" |
|---------------------------------------|-------------------------------------|-------------------------------------|
| Council Chair Kayleen Whitelock | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Council Vice-Chair Kelvin Green | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Council Member Pamela Bloom | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Council Member Zach Jacob | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Council Member Christopher McConnehey | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Council Member David Pack | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Council Member Melissa Worthen | <input type="checkbox"/> | <input checked="" type="checkbox"/> |


PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON DECEMBER 22, 2022.

Mayor's Action: X Approve Veto

By: Dirk Burton
Mayor Dirk Burton

 Dec 29, 2022
Date

ATTEST:

 Tangee Sloan



Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 22-26.

 The Mayor vetoed Ordinance No. 22-26 on _____ and the
City Council timely overrode the veto of the Mayor by a vote of _____ to _____.


 Ordinance No. 22-26 became effective by operation of law without the
Mayor's approval or disapproval.

 Tangee Sloan


Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 29th day of December , 2022. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

 Tangee Sloan


Tangee Sloan
City Recorder

**Attachment 1 to
ORDINANCE NO. 22-26**

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APPROX. 8945 SOUTH 4800 WEST, IDENTIFIED AS WELBY WEST DEVELOPMENT; AND**

**AMENDING THE GENERAL PLAN LAND USE MAP FOR WELBY WEST
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RESIDENTIAL; AND**

**REZONE FOR WELBY WEST DEVELOPMENT FROM SC-2 ZONE (COMMUNITY
SHOPPING CENTER ZONE) AND R-1-10D (ZC) ZONE (SINGLE-FAMILY RESIDENTIAL
ZONE, WITH 10,000 SQUARE FOOT MINIMUM SIZE LOTS, AND WITH ZONING
CONDITIONS) TO PRD(M) ZONE (PLANNED RESIDENTIAL DEVELOPMENT –
MEDIUM DENSITY ZONE)**

LEGAL DESCRIPTION:

Real property located in Salt Lake County, State of Utah specifically described as follows:

Parcel 1:

Beginning South 0005' East 2029.16 feet and South 89°46' East 40 feet from the Northwest corner Section 6, Township 3 South, Range 1 West, Salt Lake Base Meridian; thence South 89°46' East 900 feet; thence South 0°05' East 473.84; North 89°47'50" West 900 feet; thence North 0°05' West 474.32 feet to beginning. Containing approximately 9.79 acres.

Parcel 2:

Beginning at South 0°05' East 2503 feet and East 53 feet from Northwest corner Section 6, Township 3 South, Range 1 West, Salt Lake Base Meridian; thence East 887 feet; thence South 0°05' East 90.79 feet; thence North 89°46' West 688 feet; thence North 450 West 17.04 feet; thence North 89°46' West 170.66 feet; thence North 44°50'30" West 21.3 feet; thence North 0°05' West 60.08 feet to beginning. Containing approximately 1.75 acres.











Ordinance No. 22-26 Welby West GPLUM & Rezone

Final Audit Report

2022-12-29

| | |
|-----------------|---|
| Created: | 2022-12-22 |
| By: | Cindy Quick (Cindy.quick@westjordan.utah.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAATCi_NUkkLzvO65LNzcnOM5DTJVgGdmcR |

"Ordinance No. 22-26 Welby West GPLUM & Rezone" History

-  Document created by Cindy Quick (Cindy.quick@westjordan.utah.gov)
2022-12-22 - 7:57:32 PM GMT- IP address: 73.63.25.48
-  Document emailed to kayleen.whitelock@westjordan.utah.gov for signature
2022-12-22 - 8:01:34 PM GMT
-  Email viewed by kayleen.whitelock@westjordan.utah.gov
2022-12-27 - 4:52:11 PM GMT- IP address: 67.2.48.140
-  Signer kayleen.whitelock@westjordan.utah.gov entered name at signing as Kayleen Whitelock
2022-12-29 - 7:48:22 PM GMT- IP address: 67.2.48.140
-  Document e-signed by Kayleen Whitelock (kayleen.whitelock@westjordan.utah.gov)
Signature Date: 2022-12-29 - 7:48:24 PM GMT - Time Source: server- IP address: 67.2.48.140
-  Document emailed to Cindy Quick (Cindy.quick@westjordan.utah.gov) for signature
2022-12-29 - 7:48:25 PM GMT
-  Email viewed by Cindy Quick (Cindy.quick@westjordan.utah.gov)
2022-12-29 - 7:54:35 PM GMT- IP address: 174.204.10.17
-  Document e-signed by Cindy Quick (Cindy.quick@westjordan.utah.gov)
Signature Date: 2022-12-29 - 7:54:52 PM GMT - Time Source: server- IP address: 174.204.10.17
-  Document emailed to dirk.burton@westjordan.utah.gov for signature
2022-12-29 - 7:54:53 PM GMT
-  Email viewed by dirk.burton@westjordan.utah.gov
2022-12-29 - 8:41:45 PM GMT- IP address: 207.225.200.66

 Signer dirk.burton@westjordan.utah.gov entered name at signing as Dirk Burton


2022-12-29 - 8:42:32 PM GMT- IP address: 207.225.200.66

 Document e-signed by Dirk Burton (dirk.burton@westjordan.utah.gov)

Signature Date: 2022-12-29 - 8:42:34 PM GMT - Time Source: server- IP address: 207.225.200.66

 Document emailed to Tangee Sloan (tangee.sloan@westjordan.utah.gov) for signature

2022-12-29 - 8:42:36 PM GMT

 Email viewed by Tangee Sloan (tangee.sloan@westjordan.utah.gov)

2022-12-29 - 8:47:56 PM GMT- IP address: 73.127.24.192

 Document e-signed by Tangee Sloan (tangee.sloan@westjordan.utah.gov)

Signature Date: 2022-12-29 - 8:49:25 PM GMT - Time Source: server- IP address: 73.127.24.192

 Agreement completed.

2022-12-29 - 8:49:25 PM GMT