

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** City Surplus Property (Airport Property) Rezone and General Plan Amendment

**SUMMARY:** City Surplus Property (Airport Property) Rezone and General Plan Amendment; 4652 West 7800 South; Future Land Use Map Amendment for approximately 22.8 acres from Research Park to Medium Density Residential and Rezone approximately 22.8 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone; City of West Jordan (applicant) [Scott Langford #10594 and 10595; parcel 21-30-300-029]

**FISCAL / AND OR ASSET IMPACT:** Potential revenue due to sale of property.

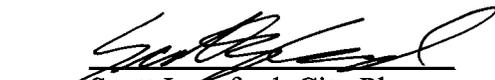
**STAFF RECOMMENDATION:** Based on the analysis and findings contained in the Staff Report, Staff recommends that the City Council consider amending the Future Land Use Map for approximately 22.79 acres from Research Park to Medium Density Residential and Rezone approximately 22.79 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone on property located at 4652 West 7800 South.

**PLANNING COMMISSION RECOMMENDATION:** On August 2, 2016, the Planning Commission in a 6-0 vote, recommended that the City Council *deny* the request to amend the Future Land Use Map and rezone property referenced in this report (minutes attached).

**MOTION RECOMMENDED:** "Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the City Council adopt Ordinance 16-34 amending the Future Land Use Map for approximately 22.8 acres from Research Park to Medium Density Residential and Rezone approximately 22.8 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone on property located at 4652 West 7800 South.

*Roll Call vote required*

**Prepared by:**

  
Scott Langford, City Planner

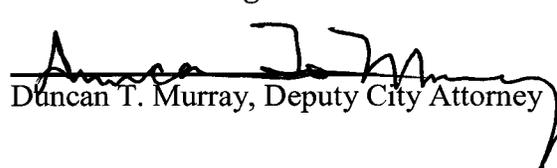
**Recommended by:**

  
Mark Palesh, City Manager

**Reviewed by/Concur with:**

  
David Oka, Development Director

**Reviewed as to legal form:**

  
Duncan T. Murray, Deputy City Attorney

## II. BACKGROUND:

On December 23, 2015 the City Council held a public hearing to discuss whether or not to declare this property as surplus. On January 13, 2016, the City Council approved Resolution 15-229, declaring this and two other city owned properties as “surplus” pursuant to the potential sale of said properties.

In an effort to maximize potential return to the taxpayers from the sale of these properties, and in order to provide a degree of certainty regarding the potential future development of these properties, the city is now proactively pursuing Future Land Use Map amendments and rezoning on the surplus properties.

## III. GENERAL INFORMATION & ANALYSIS

In preparation of the potential sale of this 23 acre piece of property, the City is proposing a Future Land Use Map Amendment from Business Research Park to Medium Density Residential and to rezone the same property from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, “E” size homes) Zone.

The subject property’s surrounding zoning and land uses are as follows:

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Parks and Open Land	A-20	Vacant
<b>South</b>	Neighborhood Commercial	SC-2	Vacant
<b>East</b>	Light Industrial, Parks and Open Land	M-1	Industrial/National Guard/Rail
<b>West</b>	Medium Density Residential	R-1-8(ZC), SC-2	Wheatland Estates/Church

The city has prepared a concept subdivision plan that shows how the 23 acre piece of property could possibly be developed.

If the City Council approves the general plan amendment and rezone, future developers of this property will have to receive preliminary subdivision approval from the Planning Commission and final subdivision approval from city staff, prior to the construction of any development. The review by the Planning Commission will be noticed as a public hearing.

## IV. FINDINGS OF FACT

### Section 13-7C-6: Amendments to the Land Use Map

Prior to making a positive recommendation to the City Council for a General Plan Future Land Use Map amendment, the Planning Commission shall make the following findings:

***Finding A: The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.***

**Discussion:** The applicant is proposing to amend the Future Land Use Map from Research Park to Medium Density Residential. In regard to the Research Park designation, the General Plan states:

*“The Business/Research Park Land Use designation is applied to areas intended for scientific research, and business endeavors conducted in a business park setting. Some light manufacturing uses may be appropriate if associated with research-intensive industries. Heavy manufacturing uses that produce excessive noise and light, unpleasant odors or fumes, pollution, and heavy vehicle traffic should not be permitted in Business/Research parks. Business and Research Park Districts may act as a compatible buffer for residential areas, but should not be established for the purpose of creating a buffer unless they are located so as to be accessible to arterial streets and provide adequate space for unified and functional development. Through the coordinated use of open space, landscaping and architecture, the Business/Research Park land use provides opportunities for high quality development which will enhance the community.”*

The property has been designated “Research Park” since at least 2004, where at that time the area designated as “Research Park” included the subject site, and the areas now developed as a church, Wheatland Estates residential subdivision, Utah National Guard, and the UDOT maintenance facility; totaling approximately 90 acres.

Over time the critical mass needed to support a campus type research park, in this area, has been whittled away to a point where the intended use of a research park is not feasible.

Therefore the most appropriate, context sensitive, land use to consider for the property is Medium Density Residential, which is the same designation found to the west (Wheatland Estates single-family residential subdivision).

The Medium Density Residential designation supports a residential density range of 3.1 to 5 dwelling units per acre. This density range is compatible with the following zoning districts: R-1-8, R-1-9, R-1-10, PC, and PRD.

As a real world comparison, the neighboring Wheatland Estates subdivision, which is zoned R-1-8D(ZC), has 94 lots on approximately 28 acres, for a density of 3.36 dwelling units per acre.

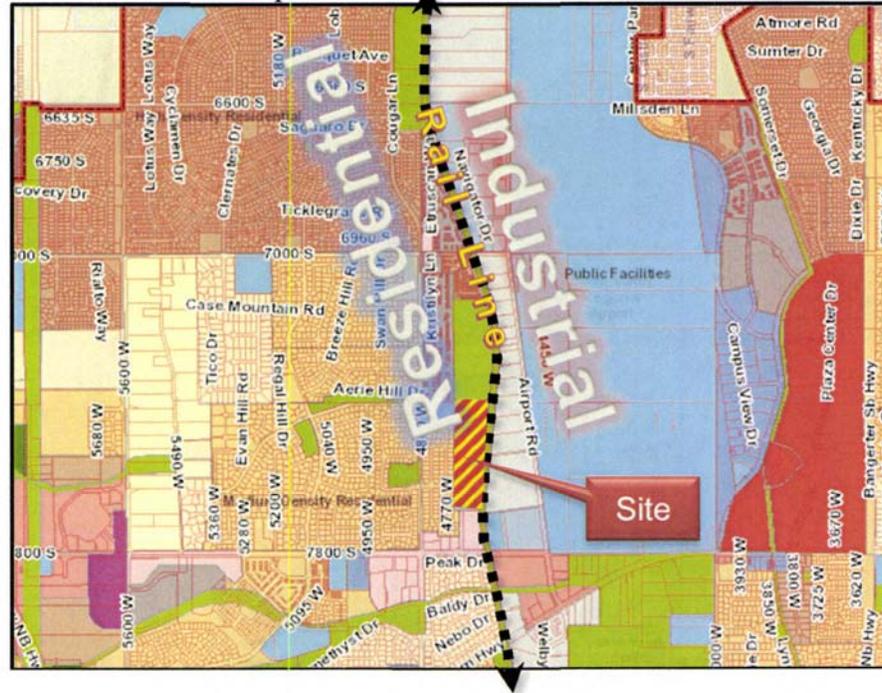
**Finding:** The proposed amendment does conform to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

**Finding B:** *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.*

**Discussion:** An analysis of the development pattern found on the Future Land Use Map (below) shows that there is a clear east/west demarcation of land use that follows the north/south running rail spur. On the east side of the rail line there are industrial uses, and on the west side of the rail line there are mainly residential uses – the main outlier being the subject property.

Amending the site to a residential designation will create a more adequate and consistent land use pattern for this part of the city.

Future Land Use Map:



**Finding:** 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.

**Finding C:** *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.*

**Discussion:** The discussion portions of “Finding A and B” illustrate that Medium Density Residential land use is appropriate for this property.

**Finding:** The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

**Finding D:** *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.*

**Discussion:** The discussion portions of “Finding A and B” illustrate that Medium Density Residential land use is appropriate for this property and will be a benefit to the overall makeup of this portion of the community.

**Finding:** 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.

**Finding E:** *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.*

**Discussion:** The land use amendment will not alter the land use pattern that is occurring in the area. Adequate infrastructure is found in the area.

**Finding:** 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.

**Finding F:** *The proposed amendment is consistent with other adopted plans, codes and ordinances.*

**Discussion:** The amendment was reviewed for consistency against the City’s General Plan, the zoning ordinance and adopted street design standards.

**Finding:** The proposed amendment is consistent with other adopted plans, codes and ordinances.

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

Prior to making a positive recommendation to the City Council for a Zoning Map amendment, the Planning Commission shall make the following findings:

**Criteria 1:** *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City’s General Plan.*

**Discussion:** See Future Land Use Map amendment Finding A.

**Finding:** The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City’s General Plan.

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

**Discussion:** The city's intent is sell this property for the construction of single family dwellings. The land use map amendment and rezone are compatible with this intent.

**Finding:** The proposed rezone will result in compatible land use relationships and does not affect adjacent properties.

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

**Discussion:** The proposed amendment could result in single family development that will be designed and developed according to city standards. The proposed amendment will also result in a development pattern that is more connected making it optimal for pedestrians and for public safety responses.

**Finding:** The proposed rezone furthers the public health, safety and general welfare of the citizens of the city.

**Criteria 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.*

**Discussion:** See Future Land Use Map amendment Criterion A and E.

**Finding:** 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.

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

**Discussion:** Like a large portion of the city, the site is in the AH Airport Overlay zone. There is no residential land use restriction in the AH portion of the Airport Overlay.

Airport Overlay Map:



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

## V. SUMMARY OR CONCLUSION:

The proposed Future Land Use Map Amendment for approximately 23.6 acres from Research Park to Medium Density Residential and Rezone approximately 23.6 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone is compatible with adjoining land uses, utilities and the transportation system.

## VI. ATTACHMENTS:

- Exhibit A – Zoning and Vicinity Map
- Exhibit B – Land Use Map
- Exhibit C – Aerial map
- Exhibit D – Conceptual Subdivision Plan
- Exhibit E – December 23, 2015 / January 13, 2016 City Council Minutes
- Exhibit F – August 2, 2016 Planning Commission Minutes
- Exhibit G – Draft Ordinance

4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News



The Salt Lake Tribune

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CUSTOMER NAME AND ADDRESS

CITY OF WEST JORDAN,  
MELANIE BRIGGS  
8000 S REDWOOD RD

WEST JORDAN, UT 84088

ACCOUNT NUMBER

9001403739

DATE

8/8/2016

ACCOUNT NAME

CITY OF WEST JORDAN,

TELEPHONE

8015695115

ORDER # / INVOICE NUMBER

0001105279 /

PUBLICATION SCHEDULE

START 08/07/2016 END 08/07/2016

CUSTOMER REFERENCE NUMBER

Zone to R-1-8E

CAPTION

THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of We

SIZE

43 LINES

1 COLUMN(S)

TIMES

2

TOTAL COST

58.75



**AFFIDAVIT OF PUBLICATION**

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING** The City of West Jordan City Council will hold a public hearing on Wednesday, August 24, 2016, at 6:0 FOR CITY OF WEST JORDAN, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 08/07/2016 End 08/07/2016

DATE 8/8/2016

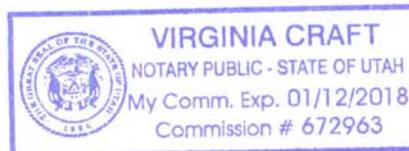
SIGNATURE *Ann Dartnell*

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 8TH DAY OF AUGUST IN THE YEAR 2016

BY ANN DARTNELL



*Virginia Craft*  
NOTARY PUBLIC SIGNATURE



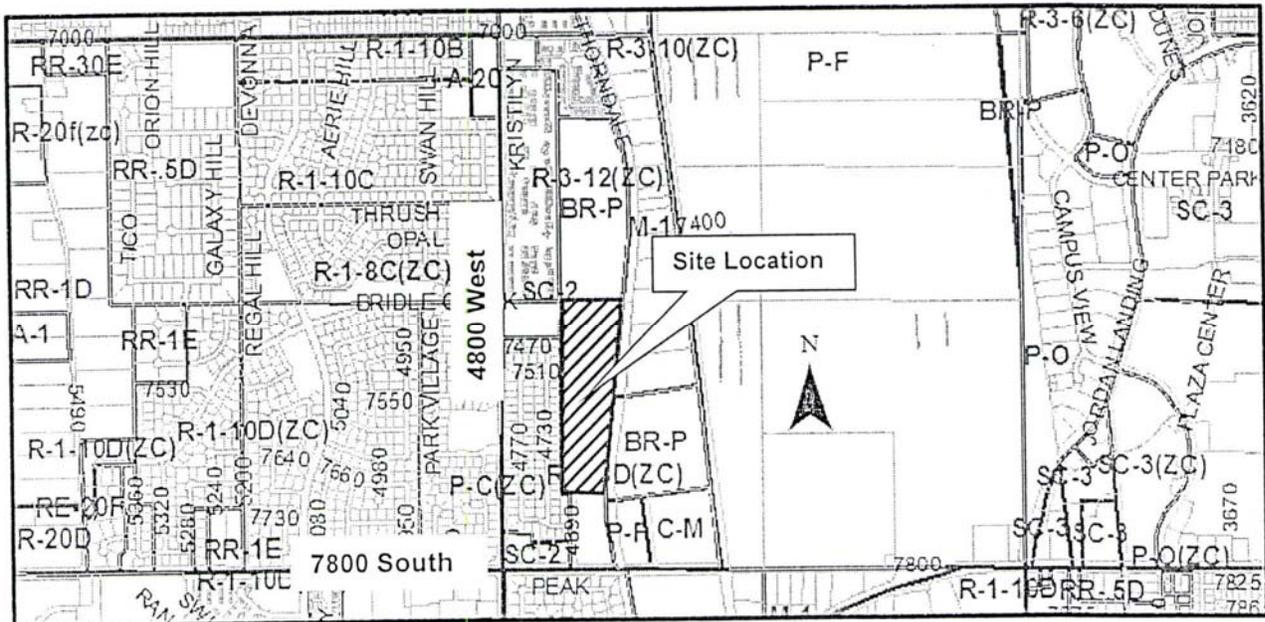
Melanie S. Briggs, MMC  
City Clerk

8000 South Redwood Road  
West Jordan, Utah 84088  
(801) 569-5117  
Fax (801) 563-4716

**THE CITY OF WEST JORDAN, UTAH  
NOTICE OF PUBLIC HEARING**

The City of West Jordan City Council will hold a public hearing on **Wednesday, August 24, 2016, at 6:00 p.m.** at the West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to considering a General Plan Land Use Map Amendment for 23.6 acres from Business Research Park to Medium Density Residential and Rezone 23.6 acres from A-20 (Agricultural 20-acre minimum lot size) Zone to R-1-8E (Single-Family Residential 8,000 square foot minimum lot size) Zone for City Surplus Property (Airport area) located at 4652 West 7800 South, City of West Jordan, applicant.

If you have any questions concerning this notice, please contact Scott Langford or Larry Gardner at the West Jordan City Planning and Zoning office at 801-569-5060. Copies of the City Council agenda packet for the items listed below will be available at the City offices, or on the [City Council Agenda webpage](#) the Friday prior to the meeting.





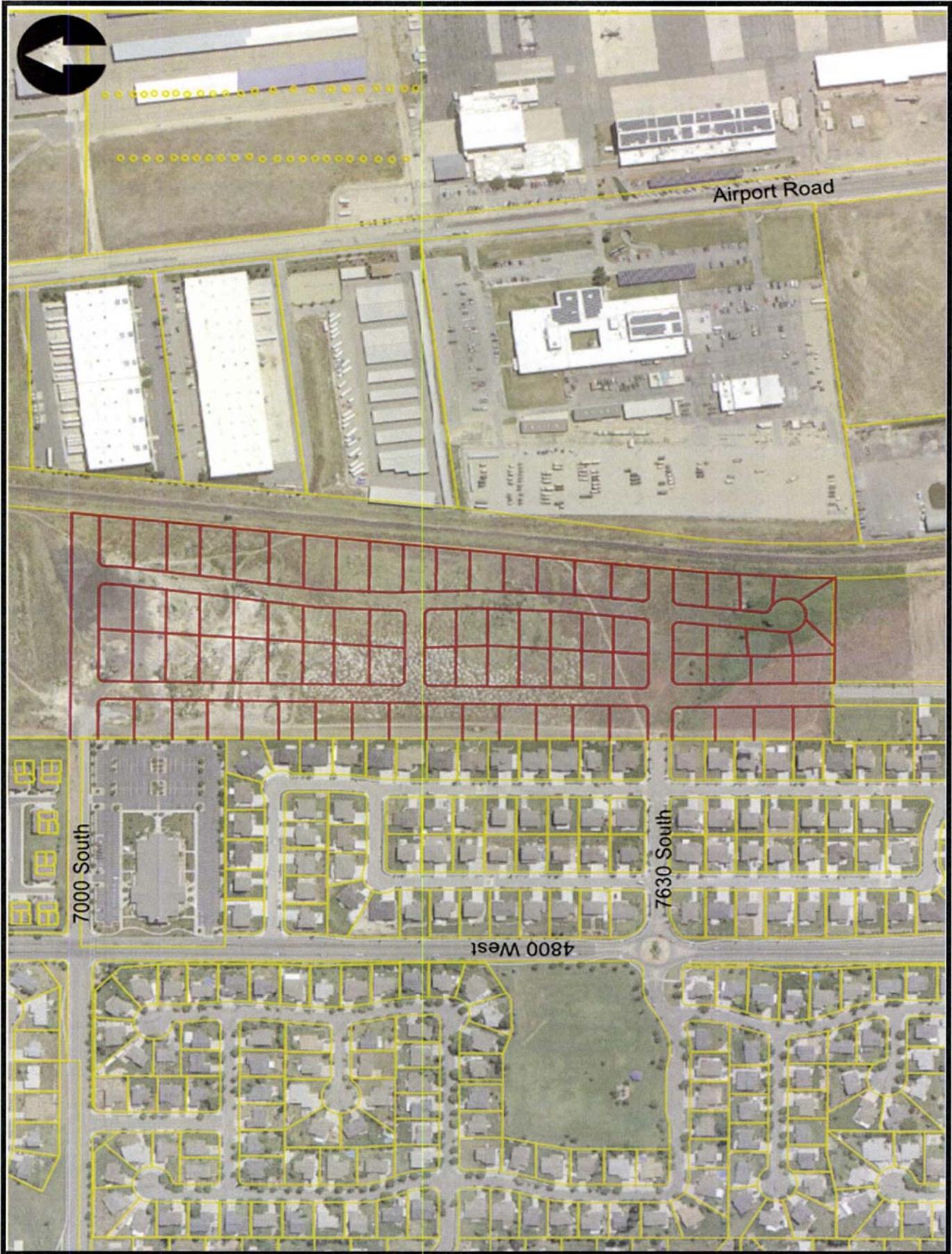


# Exhibit B Future Land Use Map



# Aerial Map

# Exhibit C



**Exhibit D** Conceptual Subdivision Plan

**Attached**

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Rice	No
Councilmember Southworth	No
Mayor Rolfe	Yes

The motion failed 3-4.

Mayor Rolfe asked that an item be added to the January 27, 2016 City Council agenda; 'Discussion and possible action to rescind Resolution 15-217.'

Councilmember Southworth said there was a consensus by the Council that all the parks needed help. He regretted that the Council was never able to overcome this issue while he was on the Council.

He appreciated the Council, staff, and citizenry of the City.

Councilmember Nichols expressed his appreciation to Councilmembers Southworth and Hansen for their service on the City Council.

*V. ADJOURN*

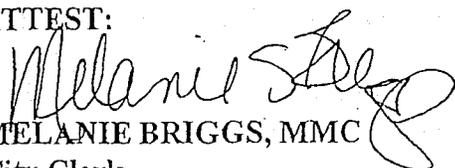
**MOTION:** Councilmember Haaga moved to adjourn. The motion was seconded by Mayor Rolfe and passed 7-0 in favor.

The meeting adjourned at 6:29 p.m.

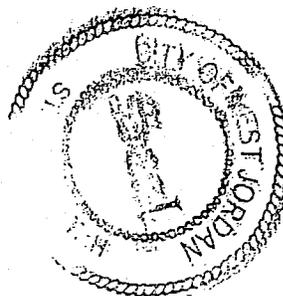
The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

  
KIM V ROLFE  
Mayor

ATTEST:

  
MELANIE BRIGGS, MMC  
City Clerk

Approved this 13th day of January 2016



## REQUEST FOR COUNCIL ACTION

**SUBJECT:** RESOLUTION DECLARING A REAL PROPERTY SURPLUS AND AUTHORIZING ITS SALE

**SUMMARY:** Consider declaring four parcels of real property surplus.

**FISCAL AND/OR**

**ASSET IMPACT:** It is anticipated that the City will receive revenue from the sale, transfer or conveyance of the surplus property when completed.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the attached Resolution Declaring Real Property Surplus and Authorizing its Sale.

**MOTIONS RECOMMENDED:**

"I move to adopt Resolution 15-229 Declaring Real Property Surplus and Authorizing its Sale."

**Recommended by:**



Mark R. Palesh  
City Manager

**Reviewed as to legal form:**



Darien Alcorn  
Interim City Attorney

The motion passed 7-0.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-05, APPOINTING MAYOR PRO TEMPORE FOR 2016**

Mayor Rolfe said Section 1-713-3 of the City of West Jordan Municipal Code authorized the City Council to appoint a Mayor Pro Tempore. It was up to the Council to determine who would serve in this position for 2016 Calendar year. This decision must be made in a public meeting. A resolution had been prepared for Council approval.

For the Council's reference, listed below were the Council Members names and the years they were appointed to serve as Mayor Pro Tempore:

- 2009—Councilmember Kim Rolfe
- 2010—Councilmember Ben Southworth
- 2011 —Councilmember Jim Lems
- 2012—Councilmember Chad Nichols
- 2013 —Councilmember Clive Killpack
- 2014—Councilmember Justin Stoker
- 2015—Councilmember Judy Hansen

**MOTION:** Mayor Rolfe moved to approve Resolution 16-05, appointing Councilmember Chris McConnehey as Mayor Pro Tempore for 2016. 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
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

**RECONSIDERATION OF APPROVAL RESOLUTION 15-229, TO DECLARE SURPLUS AND TO RECEIVE PUBLIC COMMENTS PRIOR TO DISPOSING OF SIGNIFICANT CITY OWNED REAL PROPERTY AS FOLLOWS: APPROXIMATELY 6.5 ACRES LOCATED AT APPROXIMATELY 7800 SOUTH AND NEW SYCAMORE DRIVE; APPROXIMATELY 9.7 ACRES LOCATED AT 6543 AND 6463 WEST 7400 SOUTH; APPROXIMATELY 23 ACRES LOCATED AT 4652 WEST 7800 SOUTH**

It was reported that the City owned a parcel of property approximately 23 acres in size, located at 4652 West 7800 South. City staff believed that sale of this property could produce significant revenue for the City. It was the intent to sell the property to a buyer at a price to be determined. If a purchase and sale agreement was negotiated with a willing buyer, it would be presented to the City Council, and City Council would have the opportunity at that time to determine if the sale would be completed. City staff was recommending that the 23-acre parcel at 4652 West 7800 South be declared surplus, so that the City Manager may proceed with pursuing a potential sale.

There is a property adjacent to the 23-acre parcel that could possibly be combined with the 23-acre parcel to increase the value. However, the adjacent property was currently owned by another party. It was anticipated that the City may be able to acquire the adjacent property by trading up to 6.5 acres of the City's larger parcel located at approximately 7800 South and New Sycamore Drive. If such an agreement was negotiated, it would be presented to the City Council, and City Council would have the opportunity at that time to determine if the trade will be completed. City staff was recommending that up to 6.5 acres of the parcel at 7800 South and New Sycamore Drive be declared surplus, so that the City Manager may proceed with pursuing a potential trade.

City staff had also identified two parcels of real property located at 6543 West 7400 South and 6463 West 7400 South, which had a total combined acreage of approximately 9.7 acres. City staff believed that sale of this property could produce significant revenue for the City. It was the intent to sell the property to a buyer at a price to be determined. If a purchase and sale agreement was negotiated with a willing buyer, it would be presented to the City Council, and City Council would have the opportunity at that time to determine if the sale will be completed. City staff was recommending that the parcels at 6543 West 7400 South and 6463 West 7400 South be declared surplus, so that the City Manager may proceed with pursuing a potential sale.

Because it was possible that the City Manager may identify other methods or approaches to provide the City with greater value, it was recommended in the resolution that the City Manager be authorized to reasonably pursue sale, trade or other conveyance to one or more parties. However, proposed contracts would be presented to the City Council for action, leaving the final determination to City Council.

Subject to available funding, the resolution also authorized the City Manager to engage professional consultants to assist.

Staff recommended that the City Council approve the proposed Resolution 'Declaring Real Property Surplus and Authorizing its Sale.'

Councilmember McConnehey said when this item was discussed during a prior City Council meeting, he voted against the item. He had since found out that his issues had been resolved or removed.

**MOTION:** Councilmember McConnehey moved to reconsider Resolution 15-229. The motion was seconded by Councilmember Haaga and passed 7-0 in favor.

Councilmember Jacob asked for clarification regarding the property at approximately located at 6543 and 6463 West 7400 South.

Councilmember Nichols said the property at 6543 and 6463 West 7400 South was originally designated as a regional park; however, that had changed.

**MOTION:** Councilmember McConnehey moved to adopt Resolution 15-229, Declaring Real Property Surplus and Authorizing its Sale. 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
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

**X. REMARKS**

**SNOW PLOW DRIVERS**

Councilmember McConnehey expressed his appreciation to the snow plow drivers. He had heard from several residents that also expressed their appreciation for a job well done.

**CROSSINGS ON 1300 WEST**

Councilmember McConnehey requested that City staff respond to a residents concern regarding the safe school walking routes along 1300 West approximately 7000 South.

**PRESENTATIONS**

Councilmember McConnehey commented on the length of presentations. He said if the presentations were going to be longer than 3-5 minutes, maybe they should be consider a business item.

Attached

Larry Gardner said this subdivision has 12 single-family lots on a straight cul-de-sac. The average lot size is 15,000 square feet with F-sized homes.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Plat for Winner's Circle Estates located at approximately 7551 South 5490 West subject to the following conditions:

1. All lots must comply with the applicable requirements of Title 13, Zoning Regulations and Title 14, Subdivision Regulations including, but not limited to lot area, width and frontage requirements.
2. All applicable city departmental requirements must be met prior to recordation of the final plat.
3. Update the Final Winner's Circle Estates Subdivision Plat to address all existing and future planning, engineering, fire and all other City redline corrections pertaining to the Winner's Circle Estates Subdivision Plat. Before the final plat are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
4. All homes constructed within the Winner's Circle Estates subdivision shall comply with the requirements of the zoning ordinance.
5. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city.
6. All street lights installed shall be the LED variety.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

**MOTION: Dan Lawes moved to approve the Preliminary Subdivision Plat for Winner's Circle Estates; 7551 South 5490 West; Bowler Properties/Randy Bowler (applicant) subject to the conditions 1 through 6 as listed in the staff report. The motion was seconded by Josh Suchoski and passed 4-2 in favor with Bill Heiner and Kelvin Green casting the negative votes. David Pack was absent.**

\*\*\*\*\*

6. **City Surplus Property (Airport area) Rezone and General Plan Amendment; 4652 West 7800 South; Future Land Use Map Amendment for approximately 23.6 acres from Business Research Park to Medium Density Residential and Rezone approximately 23.6 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone; City of West Jordan (applicant) [#ZC 10594 and GPA 10595; parcel 21-30-300-029]**

Larry Gardner gave an overview of the request to rezone surplus city property to a residential use. The conceptual plan shows 79 single-family lots with an E-sized home.

Future Land Use Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend approximately 23.6 acres of the

Future Land Use map from Research Park to Medium Density Residential on property located at 4652 West 7800 South.

Zoning Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone approximately 23.6 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) zone on property located at 4652 West 7800 South.

Bill Heiner said an E-sized home would crowd the lot and he asked if there was any consideration for 10,000 or 12,000 square foot lots.

Larry Gardner didn't know the answer to the question, but the City Manager requested 8,000 square foot lots. The City Council has required at least an E-sized home on recent rezonings.

Josh Suchoski said the current designation as office is a buffer between M-1 and residential uses. He asked if there are concerns with health and quality of life to have residential next to the rail line and industrial zone.

Larry Gardner didn't think it was a large freight line anymore. They have the same situation to the south where the rail line has turned into a switching yard, which can be noisy.

Dan Lawes opened the public hearing.

Paul Emmett, West Jordan resident, referenced an email that he provided to the Commission. He corrected the staff report stating that the City Council failed to approve Resolution 15-229 in December, which would have declared the property surplus, but the Council reconsidered the item on January 13, 2016, and approved Resolution 15-229 with no public hearing. The staff report pointed out a conflict of interest in staff's role of advising the Planning Commission, and the residents also perceive the conflict of interest wherein the city is the applicant and the advisor. This is an effort to maximize potential return from the sale of property. In an effort to provide what they feel is unbiased advice to the Commission they will present their findings. They want to establish the original intended purpose of how the city came to own the land as buffer between industrial and residential uses as stated in the development agreements. A Salt Lake Tribune article was presented that represents industrial hazards on the adjacent rail line.

Tina Lyon, West Jordan resident, spoke about Finding A for the land use map amendment. The general plan says medium density residential is preferred for infill development that is well buffered from commercial and industrial uses. It says that manufacturing uses should be sufficiently buffered from incompatible land uses, especially residential areas. They felt that the most appropriate land use for the property was open space, which is the same designation as the city-owned parcel to the north. This application removes an existing buffer and the proposed amendment is not consistent with the goals and policies in the general plan. She also felt that the entrances into the proposed property would add a lot of traffic to the existing neighborhood and the intersection at 4680 West would be difficult to access.

Kenny Sathre, West Jordan resident, said the staff report doesn't address Finding B for optional sites; there are other options for medium density residential on the land use plan. Finding C is not met, because the other findings have shown that medium density residential is not appropriate for the property due to the proximity to the rail line and industrial uses. Just because the land use pattern appears in other areas it doesn't make it compatible.

Emily Hernandez, West Jordan resident, said Finding D for the land use map amendment doesn't address whether medium density residential constitutes an overall improvement over the Business Research Park designation or if it is for the sole good of the City. The staff report does not address public safety facilities that would be required in the case of an industrial accident or chemical release on the railway. More infrastructure improvements will be needed to access the property in case of such accidents. This amendment will significantly affect the residents by altering accessible land use patterns and requiring larger and more expensive public infrastructure improvements including roads, water, and waste water that would otherwise not be needed if the property is not changed.

Chris Tucker, West Jordan resident, said the residents found that Criteria 1 had not been met and is not consistent with the purposes, goals and objectives of the general plan, and Criteria 2 didn't address if the proposal adversely affects adjacent properties. This will create an incompatible land use relationship and will adversely affect adjacent properties. He was also concerned with the amount of traffic that comes out toward Bangerter Highway in the morning, which will just get worse with the development occurring to the west.

Greg Leeb, West Jordan resident, addressed Criteria 3. The resident report said the potential residents are placed mere feet from the transport of hazardous chemicals such as hydrofluoric acid and yards from the storage of hazardous material at the National Guard facility. The amendment does not further the public health, safety, and general welfare of the citizens. Regarding Criteria 4 and public services, they find that the proposal will unduly impact adequacy of public services that would otherwise not be needed without the change. The future land use map amendment and zoning map amendment is not compatible with adjoining land uses, it does not further the public safety, is not consistent with purposes, goals and objectives, and policies of the City's general plan, and adversely affects adjacent properties. The residents recommend that they forward a negative recommendation to the city council.

Col. Smith, Construction and Facility Officer for Utah National Guard, the National Guard works hard to be a good neighbor, but they have to strike a balance between training readiness and the impact to the community. Their West Jordan aviation support facility has 19 Apache helicopters, 13 Blackhawks, and 2 Lakota with 40-60 flights each week operating 7 days a week. The subject parcel is in the flight path of the helicopters. They try to stay at about 1,000 feet when flying over homes, but they would have to drop down to about 200 feet above homes on the subject parcel, which would affect the quality of life for those people. Building height would be a safety consideration as well. He encouraged them to take these things into account when making a decision.

Andrew Fredrickson, UDOT Maintenance Supervisor at the 4632 West 7800 South location, said they have heavy equipment coming in and out all day during the winter, which will create problems for the city and his department when there are citizen complaints. They can be called out at any time of day. He recommended against the amendment.

Further public comment was closed at this point for this item.

Josh Suchoski commended the citizens for an organized presentation and he agreed with what was said.

Kelvin Green also like their organized approach. He wanted to declare that he used to work for UDOT, and he is also a member of the Utah National Guard but doesn't see a conflict. He agreed with the comments from the public. He said the city doesn't need any more R-1-8 lots in West Jordan and it wouldn't be good to put 80 homes in the helicopter flight path. He thought it needs to remain a buffer and would vote against it.

Judy Hansen didn't think it met Criteria 2 because it affects adjacent properties. She wouldn't want the helicopters 200 feet above her. Criteria 3 also isn't met because of potential hazardous materials on the rail line next to residential properties. She would prefer it remain a buffer zone.

Dan Lawes asked if there is a recommended buffer by the National Fire Protection Association regarding rail lines and residential.

Paul Brockbank said not until they get into building structures as part of the railway. He isn't aware of any requirement regarding homes next to railways.

Dan Lawes asked if the development agreement is still binding or if it had been modified.

Duncan Murray briefly reviewed the agreement and said it was between the city and the developer at that time. Paragraph 2 and subparagraphs thereunder is what the developer is bound to do, including an open space buffering and land dedication. Paragraph 5 is the city's obligation, which was to maintain the public improvements. Paragraph 12 states that if the parties change, the obligations don't necessarily change. The city required the developer to provide the open space buffering in exchange for providing public improvements. Without further reading, his legal opinion was that the open space buffering isn't a limitation upon the city government itself.

Kelvin Green said the original intent of the property was for some type of buffering, and he asked if the open space requirement is binding on successor developers.

Larry Gardner pointed out that the subject property is not open space on the future land use map. It has a business research park land use and was probably intended to be an office type of buffer between the residential and industrial uses. However, the property to the north has an open space land use.

Duncan Murray said the agreement was with the city and the developer at that time. If the city chooses to no longer make that requirement on a successor developer it doesn't have to. Any two parties can come to an agreement and if those two parties are no longer at issue then the other party can relinquish the agreement. He didn't think that the city is currently bound based on the 20-year old development agreement.

Kelvin Green didn't disagree with that opinion, but he thought the city has a moral and ethical obligation to do appropriate master planning. If the city promised to have open space buffering, then why is there an urgent need for residential land. The signed agreement was more evidence that we wanted a buffer.

**MOTION:** Kelvin Green moved based on the reading of the staff report and all the evidence provided by the neighbors tonight and further explanations and discussions received in this meeting today to forward a negative recommendation to the City Council for City Surplus Property (Airport area); 4652 West 7800 South; City of West Jordan (applicant) to amend the Future Land Use Map for 23.6 acres from Business Research Park to Medium Density Residential because Criteria A, B, C, D, and E have not been met. The motion was seconded by Josh Suchoski and passed 6-0 in favor. David Pack was absent.

**MOTION:** Kelvin Green moved based on the reading of the staff report and the new evidence and further explanations and discussions received in the meeting tonight to forward a negative recommendation to the City Council for City Surplus Property (Airport area); 4652 West 7800 South; City of West Jordan (applicant) to rezone 23.6 acres from A-20 Zone to R-1-8E Zone specifically finding that Criteria 2, 3, and 4 for a zoning map amendment have not been met. The motion was seconded by Bill Heiner.

Josh Suchoski also felt that it doesn't meet Criteria 1 based on the explanation listed in the Resident Report.

Dan Lawes didn't feel that the motion needed to be amended since it is included in the discussion.

**VOTE:** The motion passed 6-0 in favor of a negative recommendation. David Pack was absent.

**MOTION:** Kelvin Green moved to take a 5-minute break.

The meeting reconvened at 8:06 p.m.

\*\*\*\*\*

**7. City Surplus Property (Maples area) Rezone and General Plan Amendment; 6543 West 7400 South; Future Land Use Map Amendment for approximately 9.68 acres from Future Park to Medium Density Residential and Rezone approximately 9.68 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-10E (Single-family Residential 10,000 square foot lots, "E" size homes) Zone; City of West Jordan (applicant) [#ZC 10592 and GPA 10593; parcels 20-27-427-012, 20-27-427-011]**

Larry Gardner gave an overview of the request. The future park property was located closer to 7800 South at one time and was moved to the extreme north of the Maples area and connects to a larger piece of master planned open space property. The concept plan shows approximately 26 single-family residential lots.

Future Land Use Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend approximately 9.68 acres from

Attached

**Exhibit G** Draft Ordinance

**THE CITY OF WEST JORDAN, UTAH**

**A Municipal Corporation**

**ORDINANCE NO. 16-34**

**AN ORDINANCE AMENDING THE GENERAL PLAN FUTURE LAND USE MAP FOR APPROXIMATELY 22.8 ACRES FROM RESEARCH PARK TO MEDIUM DENSITY RESIDENTIAL AND REZONE APPROXIMATELY 22.8 ACRES FROM A-20 (AGRICULTURAL 20 ACRE MINIMUM LOT SIZE) TO R-1-8E (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT LOTS, "E" SIZE HOMES) ZONE ON PROPERTY LOCATED AT 4652 WEST 7800 SOUTH.**

WHEREAS, an application was made by the City of West Jordan to amend the General Plan Future Land Use Map Amendment for approximately 22.8 acres from Research Park to Medium Density Residential and Rezone approximately 22.8 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone on property located at 4652 West 7800 South.;

WHEREAS, on August 2, 2016 the Future Land Use Map amendment and rezoning request was considered by the Planning Commission, which has made a negative recommendation to the City Council concerning the Future Land Use Map amendment and rezoning as specified for the subject property;

WHEREAS, a public hearing, pursuant to public notice, was held before the City Council on August 24, 2016; and,

WHEREAS, the City Council of the City of West Jordan finds the following with respect to an amendment of the Future Land Use Map and rezoning request:

1. The proposed amendment and rezone conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City's 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.

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

Section 1. The Future Land Use Map of the City of West Jordan, Utah, is hereby amended by changing the future land use designation for approximately 22.8 acres from Research Park to Medium Density Residential and Rezone approximately 22.8 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone on property located at 4652 West 7800 South., more appropriately described below:

Beginning at a point which is East 590.45 feet and North 753.00 feet from the Southwest corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence North 0°07'31 West 1853.19 feet more or less along the property line of Wheatland Estates phases 1 and 2; thence South 89°57'23" East 628.98 feet to the west right-of-way line of the D&RGW Railroad; thence South 05°40'58" West 1531.04 feet more or less along the Westerly right-of-way of the D&RGW Railroad; thence Southerly along said right-of-way and an arc of 2914.97 foot radius curve to the left 329.67 feet through a central angle of 06°48'00" (chord bears South 02°26'34" West 329.50 feet) along said right-of-way; thence South 89°59'59" West 459.27 feet along the property line to the point of beginning.

Contains 22.7956 ac

Section 2. This Ordinance shall become effective upon publication or upon the expiration of twenty days following passage, whichever is earlier.

Passed by the City Council of West Jordan, Utah, this 24<sup>th</sup> day of August, 2016.

ATTEST:

CITY OF WEST JORDAN

\_\_\_\_\_  
Melanie Briggs  
City Recorder

\_\_\_\_\_  
Kim V. Rolfe  
Mayor – City of West Jordan

Voting by the City Council	"AYE"	"NAY"
Jeff Haaga	_____	_____
Dirk Burton	_____	_____
Chris McConnehey	_____	_____
Chad Nichols	_____	_____
Zach Jacob	_____	_____
Sophie Rice	_____	_____
Mayor Kim V. Rolfe	_____	_____

**CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION**

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC  
City Clerk/Recorder

[SEAL]