

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JULY 25, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: David Beecher, David McKinney, Ellen Smith, James Dupaix, Justin Stoker, and Nathan Hendricks. Nola Duncan was excused.

STAFF: Nathan Crane, Greg Mikolash, Nathan Nelson, Jeremy Olsen, Scott Langford, Jennifer Jastremsky, Reed Scharman, Tom Burdett, Jeffrey Robinson, and Julie Davis.

OTHERS: Bill Rawlings, Mike Richardson, Kim Wendelboth, Dan Wendelboth, Bob & Colleen Sly, Alene LaMoreaux, Carol Weenig, Gordon Holt, Carolyn Holt, Jack Egbert, Neal Winterton, Matt Sperber, Kelly Sperber, Cory Calaway, Kent Goodliffe, Marissa Tulin, Rick Tulin, Mike Anderson, Craig Pearce, Bruce Egbert, Phillip Dulle, Linda Harris, Martha Southwick, Yvonne Bennett, Antoinette Shuman, Howard Schmidt, Jeff Clark, Matt Smith, Jeanne Hughes, Pearl Gourley, Lois Christensen, Charmeon Harker, Jeannie Rhodes, Sandy England, Kendell Schmidt, Braxton Tulin, Fenton & Elaine Bates, John England, Matt DeWitt, Kedar Rugg, Kathy Clark, Bill & Carole Christensen, Barrett Peterson, and Dave Erickson.

The briefing meeting was called to order by David Beecher. The agenda was reviewed and clarifications were given. Strategies for affordable housing were discussed.

The regular meeting was called to order at 6:08 p.m.

ITEM #1 CONSENT CALENDAR

1A: Approve Minutes from July 11, 2007

1B: Sprint/Nextel Co-Location; 1652 West 9000 South; Conditional Use Permit for co-location; SC-2 Zone; Mike Richardson (applicant) [#CUP20070014; parcel 27-03-251-063]

Staff recommended that the Planning Commission grant a Conditional Use Permit for the co-location of Sprint / Nextel equipment located at 1652 West 9000 South, based on the findings outlined above with the conditions set forth below:

Conditions of Approval:

1. Obtain any required building permits for installation of new equipment.
2. Maintain fencing of the project site.
3. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
4. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required

There were none present to speak on Item #1B.

MOTION: Justin Stoker moved to approve the Consent Calendar as listed in the staff report. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.

2: Westside Specific Area Plan Land Use and Zoning map refinements and modifying two areas on the map: 1) Amending approximately 12.4 acres from Public Facilities to Low-Density Residential, and 2) Modifying the alignment of a master planned road at approximately between 7000 South and 7400 South at 6200 West [#GPA20070007]

Greg Mikolash gave an explanation of the refinement to the Westside Specific Planning Area Map that had to be redigitized to match the CAD map prepared by The Planning Center. The amendment is to remove a 12-acre public facilities area and to realign placement of a proposed collector road approximately 400 feet to the west to line up with an existing collector road to the north. He explained that the current public facilities designation is zoned P-C and approved for the Maple Hills subdivision.

Future Land Use Map Refinement Recommendation:

Based on positive findings in this report, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request for a refinement to the City of West Jordan Future Land Use Map – transferring CAD (Computer Aided Design) generated map data to GIS generated map data.

Zoning Map Refinement Recommendation:

Based on positive findings in this report, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request for a refinement to the City of West Jordan Zoning Map – transferring CAD (Computer Aided Design) generated map data to GIS generated map data.

Future Land Use Map Amendments Recommendation:

Based on the positive findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend approximately 12.4-acres from Public Facilities to Low-Density Residential; and, modify the alignment of a master planned road between 7000 South and 7400 South at 6200 West.

James Dupaix stated that the TSOD areas were recently approved to be in specific areas, and he asked if the circles that indicate general TSOD vicinities are to be removed.

Greg Mikolash said they will be updated on a new map in the next three or four weeks.

Ellen Smith wanted to reconfirm that as they remove the public facilities designation from the map that there are other public facilities areas that will be brought forth and placed on the map.

Greg Mikolash said that is correct. They need to add another site in order to keep the statistical summary as adopted. They have asked the school district for another site. The district had indicated that there are a couple of sites in mind, and they will keep the City informed.

David McKinney wanted to point out that the subject site wasn't suitable for a school because of the slope of the land, and that is why the school district did not want it.

David Beecher indicated a trail area outside of the Westside Plan that should be corrected. Greg Mikolash said that area was not part of the request, but refinements to the entire map are made every five years.

Matthew Smith, West Jordan resident, encouraged the Commission not to take the school site off of the map until another one is put on, because that sets a bad precedent for the future.

Further public comment was closed at this point for this item

Nathan Hendricks said he would also feel more comfortable waiting to remove the public facilities designation until another is determined. He asked if it would hold up the subdivision application if they waited.

Greg Mikolash said the City recognizes that they need another site so they don't have to change the statistical summary. It will just take some time to find a correct location.

David Beecher pointed out that a school does not have to be built in a P-F zone.

David McKinney felt it made sense to adjust the map to match reality of what is already approved. Changing the map doesn't change the need for schools or impede the process for locating another school.

Nathan Hendricks wanted to point out that the school district did consider the site, but it was cost that made this site undesirable.

MOTION: Justin Stoker moved to forward a positive recommendation to City Council for the request for refinement to the City of West Jordan Future Land Use Map based on the positive findings in the staff report transferring the CAD generated map data to the GIS generated map data. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.

MOTION: Justin Stoker moved to forward a positive recommendation to City Council for the request for refinement to the City of West Jordan Zoning Map based on the positive findings in the staff report transferring CAD generated map data to GIS generated map data. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.

MOTION: Justin Stoker moved to accept the findings of fact in the staff report and forward a positive recommendation to the City Council to amend approximately 12.4 acres from Public Facilities to Low Density Residential and modify the alignment of the master planned road between 7000 South and 7400 South at 6200 West. The motion was seconded by James Dupaix and passed 5-1 in favor with Nathan Hendricks casting the negative vote.

Ellen Smith said it should be impressed upon those in attendance that even though they are switching this land use an elementary school could still be built in the low-density residential area under a conditional use permit if they had to.

3: Bridlewood Villas; Approximately 9184 South Redwood Road; Preliminary Site Plan, Preliminary Subdivision Plat, and Development Plan; PRD(MF)(ZC) and R-1-10G(ZC) Zones; Dave Erickson (applicant) [#DA20070001, SDMA20070001, SPCO20070001; parcels 27-03-326-025; 352-009; 329-008]

Greg Mikolash gave the overview of the item for preliminary approvals of the site plan, subdivision, and development plan. Two phases are indicated. One portion includes 156 units in 39 four-packs, and the other is 10 lots in the R-1-10 zone. He showed the road connections and stated that the connection to Redwood Road would not happen until such point that the properties on Redwood Road are rezoned and developed. He reviewed the zoning conditions and stated that the development plan reflects everything that the City had required.

Preliminary Development Plan Recommendation:

Based on the positive findings in this report and substantial compliance with the Zoning Ordinance, Staff recommended preliminary approval of the Bridlewood Villas Development Plan, required in conjunction with the site plan for the property located at approximately 2100 West 9200 South in an R-1-10G (Single-Family Residential, 10,000 sq. ft. minimum lot size – G size home); and, PRD (MF) – (Planned Residential Development) (Multi-Family Residential), subject to the conditions of approval below. Approval of this Final Site Plan does not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

1. An application filing fee, checklist, and appropriate documents are submitted to the City for final review and approval.
2. All submitted documentation for final site plan, subdivision, and development plan approvals are consistent with each other.
3. That the conditions of approval as stipulated in the approval of the rezoning of the property (Ordinance 06-38) are adhered to.

4. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards of Title 87 and Title 89.

Preliminary Site Plan Recommendation:

Based on the positive findings in this report and substantial compliance with the Zoning Ordinance, Staff recommended preliminary approval of the Site Plan for Bridlewood Villas required in conjunction with the development plan for the property located at approximately 2100 West 9200 South in an R-1-10G (Single-Family Residential, 10,000 sq. ft. minimum lot size – G size home); and, PRD (MF) – (Planned Residential Development) (Multi-Family Residential), subject to the conditions of approval below. Approval of this Final Site Plan does not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

1. An application filing fee, checklist, and appropriate documents are submitted to the City for final review and approval.
2. All submitted documentation for final site plan, subdivision, and development plan approvals are consistent with each other.
3. That the conditions of approval as stipulated in the approval of the rezoning of the property (Ordinance 06-38) are adhered to.
4. That all departmental review comments and requirements as attached herein are adhered to.
5. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards of Title 87 and Title 89.
6. That a sign be installed at the dead-ending cul-de-sac of 9170 South indicating: Future Connection to Redwood Road.

Preliminary Subdivision Recommendation:

Based on the positive findings in this report and substantial compliance with the Zoning Ordinance, Staff recommended preliminary subdivision approval for Bridlewood Villas located at approximately 2100 West 9200 South in an R-1-10G (Single-Family Residential, 10,000 sq. ft. minimum lot size – G size home); and, PRD (MF) – (Planned Residential Development) (Multi-Family Residential), subject to the conditions of approval below. Approval of this Final Site Plan does not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

1. An application filing fee, checklist, and appropriate documents are submitted to the City for final review and approval.
2. All submitted documentation for final site plan, subdivision, and development plan approvals are consistent with each other.
3. That the conditions of approval as stipulated in the approval of the rezoning of the property (Ordinance 06-38) are adhered to.
4. That all departmental review comments and requirements as attached herein are adhered to.
5. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards of Title 87 and Title 89.
6. That a sign be installed at the dead-ending cul-de-sac of 9170 South indicating: Future Connection to Redwood Road.

Commissioner Stoker pointed out in the street cross section a conflict with the City code. Greg Mikolash said the applicant's engineer understood that they are incorrect and would be corrected on the final plans.

Mr. Mikolash said he reviewed the preliminary site plan against the seven criteria in Title 89, and only a few minor changes will need to be made. The TIS report indicated that the connection to Redwood Road wasn't necessary at this time. A temporary cul-de-sac is provided, and a condition of approval from the engineering department would be a sign that indicates that this would be a future connection to Redwood Road so people are aware of that possibility.

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David McKinney was concerned with the setback on the west side of the development, which is only 25 feet away from the property lines. Because the density is significantly higher in this area he would like to see a 40-foot buffer in that area.

Dave Erickson, Leisure Villas VP of Development, said they develop private senior communities and have two communities in West Jordan. Bridlewood Villas will be combining the best of both projects, which he described. Over the last two years they have been focusing on providing an adequate buffer to the north and to minimize speed and cut-through traffic throughout the community. All roads will be installed at the same time. Regarding the buffering on the west, this project has the same setback as the Jordan Villas project directly to the south of those same homes. He referred to one of the property owners in that subdivision who had been happy with what they did by retaining the existing large trees. He explained that the traffic engineer proposed a different street design, which pushed the buildings further to the west. He indicated there are a lot of trash trees on the property to be removed, but he proposed that they clean up and save as many of the mature trees along the west property line as possible. They will provide a concrete wall, and the subject property has a lower grade than the properties to the west as well. They had spent a year working with staff on the engineering issues. The building footprints shown on the plat are their largest, and they may be able to put their smaller units in those areas if they can.

David McKinney asked if they could put a small jog in the street and trade the open space on the east for a buffer to the west along with using the smaller footprint floor plans.

Dave Erickson said he wasn't sure how much property they could gain, but if the radiuses work they could try to shift things over. The current plan currently meets code, and they want to keep the mature trees where they are able.

Justin Stoker asked the developer what kind of feedback they had received from their other communities regarding a gated community.

Dave Erickson said they prefer to have private roads, but because of the connection points it will not work. They had learned that you cannot have a private road with a public easement. They proposed private roads in the beginning, but he felt it had to be a unique situation to get a private road in West Jordan.

Justin Stoker said he liked the alignment as it is. If they could use a smaller footprint it might help.

Gordon Holt, West Jordan resident, said two of the streets in this project exit to 9000 South. It is difficult to get out onto 9000 South at traffic hours, and there are a lot of children on both streets. He said the Planning Commission should consider requiring the access to Redwood Road now in order to mitigate the traffic.

Howard Schmidt, representing the Schmidt family owners of the property to the east, said they had been working closely with the developers, and they support the project with the exception of the connecting road to Redwood Road. There are three good access points to the subdivision already. He stated that this type of development does not contribute to the peak traffic flows, but what little traffic they have is spread out more consistently throughout the day. The connection to Redwood Road will create a burden to the Schmidt and Egbert families. He asked that the road not be considered at all. If it is to be installed it would be an unfair burden to put on either family, because the cost to install the road and bridge would be more than the property is worth.

Jack Egbert, West Jordan resident, said if the road goes through it will affect his home and the Schmidt's, and he asked that it not be built any time in the future. He felt that the Jordan Villas subdivision is one of the most beautiful in the valley, and he supported this development.

Martha Southwick, West Jordan resident, stated that her biggest concern was the traffic flows. 2040 West is a long, straight road, which is dangerous considering the number of children in the area. She said a speed table should have been placed on that road by the City. She liked the open space and walking areas that had been provided for in the development. She understood the difficult decision regarding the access to Redwood Road, but it would help access for emergency vehicles and would alleviate too much traffic onto Guard Court.

Dave Erickson said they don't want more cut through traffic than is necessary. They had spent a great amount of time on the traffic studies. He said that this type of development does not generate a lot of traffic. Also, they disagree with the layout for the potential future connection, but staff required it. He wanted to make it clear that they don't own the property to the east on which the road would be built. If the property were ever to develop, he didn't think that the residents would favor the connection. The project is designed to primarily exit onto 9400 South with some going to 2040 West.

Further public comment was closed at this point for this item

There was a discussion regarding a possible traffic signal at 9000 South and 2040 West. Bill Baranowski said that would be a bad idea given the close spacing to Redwood Road. A signal at Redwood Road and 9200 South makes good sense for spacing. He also addressed the procedure for petitioning for a speed table on an existing street. It is a lengthy process with voting of the affected residents and studies that show a significant amount of speeding. It could take about one to two years. New developments are being required to install these as a preemptive measure.

Justin Stoker agreed with the developer that there are already three connections to the development, and he didn't think the one at Redwood Road was necessary. He asked what the sign would accomplish and who would maintain it.

David Beecher asked who would pay for the connecting road.

Bill Baranowski said they do the best planning they can, and in their judgment they would like to at least leave this possibility open for the future.

Reed Scharman said they discussed this issue a lot. The cul-de-sac meets the requirement for a fire turnaround and is necessary. The fact that it is designed to line up with a potential connection across the canal is only an option for the future. Should those people to the east choose to live there forever, that is fine. If at some other time there is a request for a new development there may be a need for an additional access. He also stated that the fire department drives on roads whether they are public or private, and public roads are usually better maintained and are better for emergency access.

It was pointed out by Tom Burdett that this future connection is no more than a stub street, which the City subdivision code promotes.

David McKinney said it is a good development plan. This plan does not make a connection to Redwood Road nor does it require one, but it only makes a possibility for one in the future. The traffic studies said the need for the connection is uncertain, but it is prudent planning. He didn't think that the residents of the development would use excessive speeds on 2040 West. However, there are options for speed studies as discussed by the traffic engineer. His biggest concern was with the additional buffer space on the west.

Ellen Smith asked for explanation on the requirement for signage indicating a future connection.

Tom Burdett said it is for additional disclosure to future residents that there is a potential for the connection.

MOTION: James Dupaix moved to approve the Preliminary Development Plan for Bridlewood Villas; approximately 2100 West 9200 South; Dave Erickson (applicant) based upon positive findings in the staff report and subject to conditions of approval 1 through 4 in the staff report. The motion was seconded by Justin Stoker and passed 6-0 in favor. Nola Duncan was absent.

MOTION: James Dupaix moved to approve the Preliminary Site Plan for Bridlewood Villas; approximately 2100 West 9200 South; Dave Erickson (applicant) based upon positive findings of fact in the staff report subject to the conditions 1 through 5, eliminating condition #6. The motion was seconded by Justin Stoker.

AMENDED

MOTION: David McKinney moved to amend the motion to add:
7. The developer adjust the site plan to provide a setback of at least 40 feet on the extreme west side of the development adjacent to buildings B21 through B24.

James Dupaix did not accept the amendment.

**VOTE ON
THE ORIGINAL**

MOTION: The original motion passed 5-1 in favor with David McKinney casting the negative vote. Nola Duncan was absent.

Justin Stoker said he wasn't in favor of imposing a larger setback on the west side, but he encouraged the applicant to find additional ways to provide that setback.

James Dupaix and Nathan Hendricks suggested that he could also choose to try to mitigate with some other means such as trees.

MOTION: James Dupaix moved to approve the Preliminary Subdivision approval for Bridlewood Villas; approximately 2100 West 9200 South; Dave Erickson (applicant) subject to conditions 1 through 5, eliminating #6. The motion was seconded by Justin Stoker and passed 6-0 in favor. Nola Duncan was absent.

4: Stone Creek General Plan Land Use Amendment and Amendment to the Stone Creek Final Development Plan; 8000 South 5400 West; Amend the West Jordan Land Use Plan for approximately 22.9 acres from Very High Density Residential to Neighborhood Commercial and approximately 15 acres from Neighborhood Commercial to Very High Density Residential; P-C Zone; Peterson Development (applicant) [#GPA20070006; parcels 20-36-100-011,027, 035 & 126-024]

Greg Mikolash said the request was for a future land use amendment for a small area of the northwest corner and to amend some specific portions of the ordinance that was adopted for the master plan at Stone Creek in the development plan. This application was to fine-tune some problems within the existing plan, and there were other areas that needed to be modified because of the City's proposed TSOD. He showed the current and proposed land use map. Exact densities for each area were shown on a map. The amendment to the development plan was discussed, which would replace the original Ordinance #99-29. The biggest question in the development plan is the calculation of overall build-out density for Stone Creek. He gave the history of the Jensen property and the density change that would allow for a change the in total dwelling unit number. Peterson Development is requesting 924 units with staff recommending 848. Some of the changes in the plan are regarding what can be located within the parks, SID information and dedication, updated maps and charts, reallocation and renaming of open space areas, neighborhood design parameters, reallocation of the town center,

and updates on total density in the existing subdivisions, among other things. Staff has worked with the applicant for a year regarding the amendment, but staff would like to get a recommendation for maximum density number. The plan would exclude any loft units from the density count, but staff would like to have some guidelines for that.

Future Land Use Map Amendment:

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to amend the Future Land Use Map for land currently located within the Stone Creek Master Planned Development (approximately 4800 West to 5600 West along the south side of 7800 South); redistributing and relocating land currently designated as Neighborhood Commercial from 15.79-acres to 18.4-acres, and land designated as Very-High Density Residential from 23.73-acres to 21.12-acres.

Stone Creek Development Plan Amendment:

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to amend Stone Creek Development Plan, updating and modifying the original text as adopted within Ordinance 99-29 with the following condition of approval:

1. That the overall allowed number of units for the Stone Creek Development be 848 units (965 original total units allowed minus 117 units), and that the development plan be revised to reflect as such where necessary.
2. That the development plan indicate in Section #4, (M)(3) what the maximum number of allowed units will be for the "loft" residential units above commercial or office space will be for Clay Hollow B and Town Center A. This item shall read similarly to item (M)(5). A maximum dwelling unit number shall be approved by the City Council.
3. Modify the language of (M)(14) in Section #4 to remove any language regarding dedication time frames; where the item should read as follows: The property for Barney's Creek and Clay Hollow Wash channels will be deeded to the City. The developer shall rough grade, contour, and design the channels in accordance with the City of West Jordan standards. A Special Improvement District (SID) will be implemented by the City in conjunction with the dedications of the channels.

Barrett Peterson, 225 South 200 East #300, pointed out an area called Stone Hollow E, which is currently being marketed as office. However, the original document allowed residential at a certain density. They are asking that the density be increased since it is at a busy intersection. In all likelihood it will be office.

It was indicated that the concept plan shown tonight is fluid and the layout may change somewhat. Site plan approvals will come back to the Planning Commission. It was also pointed out that the architectural committee references should be changed to the design review committee.

Barrett Peterson explained their view of the 924 units versus 848. The approval of Stone Creek was given about 8 or 9 years ago. The City approached them to submit for a planned community. This was a little of an unknown, but they decided to do a nice community with things that other cities didn't have. There is a trail system to run through the entire development, an elementary school, future commercial, large lots, smaller lots, empty nester homes, and townhomes. This is a place where someone could live at all different times in their life. They felt they made an agreement with the City that since they got a higher density they had to give trails, parks, and open space. They couldn't purchase the 15-acre piece at the time, so the City provided for a clause that gave a lesser density if anyone other than Peterson developed it. This was because the required parks and open space were based on the total density. If someone else developed it they wouldn't have to provide the open space. Peterson felt that they lived up to their part of the agreement by providing all of the open space, but now some of the units have disappeared, which they felt was a taking. He also asked the Commission to consider the 924 units based on the fact that it is a well-planned community in the Transit Station Overlay District, which works better with density. If they develop loft units this is where they would go, but they are

very cautious about them at this time. He couldn't envision the loft units at this time, but it is a future potential. They would like flexibility, which is what the P-C zoning creates. Most of the density that they feel they were originally given will be by the TSOD, so these people can help the commercial to be viable and to create a vibrant community.

There was a discussion regarding the difference between the two density figures. Peterson felt that the number of units that should be removed for the 15-acre parcel is 41 based on the density of 2.7 units per acre in the original ordinance. The Commission questioned whether or not the density would change for the rest of the property that is outside of the 15 acres. Mr. Peterson explained that density in a P-C development can move from place to place, and since the amount of required open space was based on the higher number of units they felt they are still entitled to the 924 units.

David Beecher understood the logic, but he disagreed with the idea that this is a taking. Had they purchased the property they would have gotten the density, but they are now saving money by not purchasing the property.

MOTION: David Beecher moved to take a break at 8:07 p.m.

David Beecher left the meeting.

The meeting reconvened at 8:17 p.m. with Justin Stoker conducting.

Braxton Tulin, West Jordan resident, said that he had previous discussions with the owner of the 15-acre parcel and with Brandon Peterson last year who said they weren't in talks regarding the purchase of the property, which brings into question if they wanted the property at that point. He showed a sign that was posted on the Stone Creek property showing that regular residential and multi-family were indicated in the area in question and not apartments and commercial.

Craig Pearce, West Jordan resident, said they were told the area in question would be residential and would be 200 yards from their home. He asked why they weren't told about the commercial area when they purchased their property. He wanted the developer to be held to the plan on the paper that they were shown and promised.

Rick Tulin, West Jordan resident, said his biggest issue is with the high density. It sounds to him that Peterson made a calculation error and now they want to change it.

Dan Wendelboth, West Jordan resident, stated that before he purchased his lot he got a development plan from Peterson along with a letter from Warren Kirk stating what was going in. The proposed parks show a Frisbee golf course, a wider open space along the wash, and it talks about a tax assessment that helps to pay for maintenance. They haven't seen these items that they have been assessed for. He said that very high density in this area will increase the already bad traffic problems. Infrastructure should be provided before any of this proposed development is approved. He also stated that very high density increases crime and service calls for fire and police.

Cory Calaway, West Jordan resident, said he had the same experience as Mr. Wendelboth regarding the future plan that didn't indicate very high density residential or commercial. The school in the area is overcrowded, and this would create safety issues with the apartments. He was concerned with the size of commercial buildings that could be built. This open space is not well taken care of. He distributed a petition indicating opposition to the proposal.

Nathan Hendricks responded to a comment regarding uses in the P-C zone and stated that it allows for all different types of densities.

Linda Harris, West Jordan resident, said they purchased in West Jordan because it was family-friendly. She was told by her builder that the area would be residential. She was concerned that the notice indicated high density but the request is for very high density. She didn't think it fair to have the high-valued homes in Island Park next to very high density residential that will potentially bring increased crime and other problems that had been pointed out earlier.

Kelly Sperber, West Jordan resident, speaking for her husband and Jeff and Kathy Clark, gave some background of how Peterson had treated them regarding problems with the construction of their home. She stated that many promises had been broken. The Clarks have also experienced these same problems. They are concerned that Peterson is allowed to continue building when there are homeowners still struggling with warranty issues for over two years.

Matt DeWitt, West Jordan resident, said he read the development document that spoke of the park area and Frisbee golf course that would be divided up into multiple areas with the thought that the space would be in the higher density area. He felt that putting the park in the middle of a development would distract people from using it. They are taking away the open space they were allotted and giving it to others in the community. He echoed the suggestion of seeing how the current road situation is planned to be improved before going on with more development.

Kedar Rugg, West Jordan resident, also had issues with Peterson, who told them that they were done fixing warranty items. He felt this non-action was a precedent of how Peterson will not follow through on the development. He stated that their neighborhood is a family, and by introducing a foreign thing defeats what they are trying to accomplish with the City of West Jordan.

Phillip Dulle, West Jordan resident, said he hadn't had one problem with his Peterson home. He said there are many seniors who live in the Ranches, and he wondered if the Commission could mandate more of the same. That type of development cuts down on traffic and doesn't add children in the schools. He didn't think apartments were essential to accomplish the planned community goal. He asked for less commercial and less apartments.

Barrett Peterson clarified and asked staff to confirm that they have not asked for an increase in apartments or commercial, because they have always been indicated on the plan. He pointed out the current land use map that showed those uses. He said when the plan was originally developed there was a conscious decision made to isolate Island Park and provide the buffer wash. The request today is to change the configuration. They are working with the City to implement the Special Improvement District to help maintain the parks. He said they had not done a stellar job on maintaining the parks, but there are still bonds with the City that will not be released until those things are in place. The tax will not be assessed until those areas are dedicated to the City. He understood the frustration on roads and infrastructure, but some of that is the burden of the City as well as the developer. They are also concerned with the one-lane road on the 7800 South and the continuation of 5600 West to 7000 South, but that cannot be borne by one developer. They had proposed senior apartment housing at one point, and would be happy to look at that as a component.

Nathan Hendricks asked for the proposed location for possible commercial with residential loft units.

Barrett Peterson pointed them out at the northwest corner and said the ordinance reads that the live-above units have to be over commercial or office. Those units are in addition to the 965 units, which was an incentive from the City in order to get that type of development. Peterson is still very skeptical of the idea. He stated that it would be the same idea as The Gateway only on a smaller scale. Their intention is to develop the commercial as a traditional commercial center. If it will work with units above they will look at it, and that is allowed by the ordinance. He pointed out an area toward the northeast corner that would also allow for the live-above units.

It was pointed out that the 15-acre piece was recently rezoned to 3.22 units per acre density, which raises the number of units by seven from what could have originally been built by another developer. The developer acknowledged that they believe the intersection at 5600 West is a commercial node, because it will be a major road with possible bus rapid transit. They are taking seriously the interstate access off of 7800 South.

Nathan Hendricks was concerned with the open-endedness of the loft units, but he understood the developer didn't know if it would even work.

Barrett Peterson said that provision had always been in the ordinance, because that is what the City wanted them to try. He was not prepared to give a maximum number for those units, but the Planning Commission could make a recommendation that they would respond to at City Council.

Justin Stoker asked for the time frame for full development of 5600 West and 7800 South.

Barrett Peterson said they applied for the apartments a year ago and found they needed to do this amendment. He wasn't sure how long it would take, especially with the commercial, which is tenant-driven. The commercial is designed to be more walkable with service-type uses.

Justin Stoker asked if there were a product that could be north of the wash that would give more of a buffer to the single-family to the south while still keeping their densities.

Barrett Peterson said the washes are 100 feet minimum with a road after that. A site plan will be submitted at a later time if this is approved. Regarding the improvement of the wash in that area he stated that it had always been called out for native vegetation with non-irrigated open space. Responding to a question regarding the SID he understood that it is not fully implemented at this time, but it is a tax that will be assessed to each resident to help pay for the trails and open space. They are anxious to turn the parks and open space over to the City for maintenance.

Further public comment was closed at this point for this item

David McKinney explained to the residents that the Planning Commission isn't in a position to do anything about construction quality concerns, but they deal with use of property and zoning. The developer made a comment earlier that development plans are fluid, and that is true – but to a point. Once a portion of the development is completed that portion is cast in stone. With about 50% of the development complete the density issue is a concern, because the developer wants to still use the density of the 15 acres that didn't become a part of the project. He said that could have potentially worked if it would have been done at the beginning of the plan. He was not in favor of allowing 924 units given the fact that the parcel that was going to include 117 units is out of the picture, so the allowed number of units is out of the picture as well. The proposal of 848 units is appropriate by allowing the density on the remainder of the project to be consistent with what was approved from the beginning. The Planning Commission cannot comment regarding representations that were or were not made by the developer. They can only comment on what they know and what has been presented. The flip-flop of the commercial and high-density residential is appropriate, because it provides a buffer between the commercial and residential, and commercial is more appropriate against the roads. He agreed that a widening of the buffer width of the Clay Hollow wash is a good idea that they would address at the time of the site plan.

James Dupaix showed the existing land use map and said Peterson is entitled to develop very high density along 5600 West and 7800 South with commercial as indicated in the middle. The issue tonight is whether or not it is appropriate to reconfigure the residential and commercial. He agreed that the number of units should be 848 with the understanding that there is potential of greater density with the second story residences. He felt that is a type of product that is coming more strongly especially with 5600 West becoming a major corridor. He suggested the configuration of the apartment units going diagonally with a lower density along the creek,

possibly an active retired product. He would like to see all of 5600 West built when any part of the development comes in for development in order to alleviate some of the traffic issues. He told the public that the Commission had discussed at length the traffic issues with failing intersections and over-crowded schools. He would like to place a size limit of a minimum of 1200 square feet on the units that go over the commercial uses.

Nathan Hendricks said he was a bit torn on the two opinions with the maximum units, but he agreed with the 848 units, because the 15-acre property was never purchased. He said the Commission would look carefully at the application for site plan regarding the buffer along the wash. Regarding the dedication of parks to the City, he wasn't in favor of a timeline, because he wanted to see Peterson develop the parks and open space before the City takes on the burden.

Ellen Smith agreed with the 848 units. She was concerned that the open space that is being taken from the village green and split up would reduce the total amount. She also felt the open space should be as usable as possible by everybody. She also thought there should be a height limit on the commercial/loft structures.

Greg Mikolash said that is already addressed in the code.

James Dupaix commented on the SID. Appropriately, the City hasn't accepted the dedication of open space yet, because it isn't finished. If the developer wanted to move into the SID arrangement they need to finish the improvements as quickly as possible.

Justin Stoker said the Commission has leeway when it comes to the site plan, and they would like to see more of a transition between the residential and commercial that was mentioned earlier by Commissioner Dupaix.

Greg Mikolash said that their desire on the buffer should be included in a motion. He also recommended that the loft units be capped based on performance of the main floor. For example, with 1200 on the main floor they could base the cap on one unit per 1200 square feet or one unit per 900 square feet.

James Dupaix explained his recommendation of 1200 square feet, which will attract a young professional class.

MOTION: David McKinney moved to forward a positive recommendation to the City Council for the request to amend the Future Land Use Map for property located within the Stone Creek Master Plan Development; approximately 4800 West to 5600 West along the south side of 7800 South; Peterson Development (applicant) redistributing and relocating land currently designated as Neighborhood Commercial from 15.79 acres to 18.4 acres and land designated as Very High Density Residential from 23.73 acres to 21.12 acres based upon the findings of fact in the staff report. The motion was seconded by James Dupaix and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

MOTION: James Dupaix moved to forward a positive recommendation to the City Council for the request to amend the Stone Creek Development Plan updating and modifying the original text as adopted within Ordinance 99-29 with conditions 1 through 3 as stated in the staff report, adding:

- 4. Buffer between Clay Hollow Wash and single-family homes in Island Park development and multi-family development next to commercial as appropriate.**
- 5. Limit the loft residential to one for each 1200 square foot commercial property with no residence being less than 1200 square feet.**
- 6. Wherever Architectural Review Committee is stated in the plan that will be changed to Design Review Committee.**
- 7. Eliminate A through F in Section 24 of the plan.**

The motion was seconded by Ellen Smith and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

MOTION: Justin Stoker moved to take a five-minute break.

The meeting reconvened at 9:40 p.m.

5: Capital Trading; 1333 West 7900 South; Waiver of Undergrounding Utilities; C-M Zone; Larry Howell (applicant) [#SPI20070014, parcel 21-34-226-011]

Jennifer Jastremsky gave an overview of a request to waive the requirement to underground utilities. There are three power poles on the property, and one has three transformers. Rocky Mountain Power stated that the lines on five other properties in the vicinity would have to be buried as well because of the transformers. Staff felt that the requirement would be unreasonable based on the fact that the subdivision was approved prior to the requirement for undergrounding of power lines, the property owner would be the only one in the subdivision burdened with the requirement, and they would have to bury the lines along neighboring properties.

Staff recommended the Planning Commission conduct a public hearing, consider the facts and determine if the findings required to grant a waiver have been met. The Commission may approve the waiver, approve the waiver with conditions, or deny the waiver.

James Dupaix asked that the boundary of the Briarwood RDA be pointed out.

Jennifer Jastremsky pointed out the boundary for the City Center zone.

James Dupaix asked if the boundary went further east than that.

Tom Burdett stated that this property is within RDA #1, which is an older RDA.

James Dupaix asked if that RDA is about to expire.

Tom Burdett said he didn't have that information with him tonight, but he thought it was about halfway through its life cycle.

James Dupaix asked if it were about 12 and one-half years.

Tom Burdett said easily. It may be closer to 15 years.

James Dupaix asked if it were a 30-year RDA.

Tom Burdett said they are generally about 25 years.

Neal Winterton, representing Larry Howell, said Rocky Mountain Power stated that in addition to the other requirements the buildings would require major electrical modifications with easements acquired for ground-mounted transformers. This is physically impossible to underground for this site only. The site is fully developed. The request is to add a shop on the back to store and redistribute their shipments.

Further public comment was closed at this point for this item

Staff reviewed the overhead line locations in the surrounding areas.

David McKinney said he was inclined to agree that it is unreasonable to require undergrounding on one piece of property where the likelihood of accomplishing the City's goal of undergrounding utilities is very small in a particular area, because it would take redevelopment of all of the properties to even come close to accomplishing that goal. He suggested approval of the request.

Justin Stoker said though he thought that nothing were impossible he agreed this was unreasonable.

MOTION: James Dupaix moved to grant the Waiver of Undergrounding Utility Lines for Capital Trading; 1333 West 7900 South; Larry Howell (applicant) based upon the findings of fact as stated in the staff report. The motion was seconded by David McKinney and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

6: Establish Zoning on 5.573 acres of land annexed 7-1-07 in the vicinity of 1300 West 6700 South to R-1-8C (Single-family Residential with 8,000 sq. ft. minimum lots) and Reconfirm the Future Land Use Designation of Medium Density Residential; City of West Jordan (applicant) [#ZC20070009; parcels 21-22-429-006, 011, 012, 013, 021, 022; 21-23-306-011, 012, 013]

Nathan Crane gave a brief explanation of the application that establishes zoning as required by State Statute on properties that are annexed. He reviewed the surrounding areas with their zoning and land use.

Staff recommended the Planning Commission accept the findings and recommend approval of application ZC20070009 a request to establish the initial zoning of R-18C (Single Family Residential) and R1-10D (Single Family Residential) on approximately 5.6 acres of property located in the vicinity of 1300 West and 6700 South. Nathan Crane gave an overview of the action to establish zoning on a recently annexed piece of property. He reviewed the surrounding land uses and zoning.

Further public comment was closed at this point for this item

MOTION: David McKinney moved to accept the findings and forward a positive recommendation to the City Council to establish the initial zoning of R-1-8C and R-1-10D on approximately 5.6 acres of property located in the vicinity of 1300 West 6700 South; City of West Jordan (applicant) based upon the findings in the staff report. The motion was seconded by James Dupaix and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

7: Establish Zoning on 1.30 acres of land annexed 7-1-07 in the vicinity of 1600 West 6700 South to R-1-8C (Single-family Residential with 8,000 sq. ft. minimum lots) and Reconfirm the Future Land Use Designation of Medium Density Residential; City of West Jordan (applicant) [#ZC20070010; parcels 21-22-405-017, 018]

Nathan Crane stated that this parcel also requires that a zoning be established.

Staff recommended the Planning Commission accept the findings and recommend approval of application ZC20070010 a request to establish the initial zoning of R-1-8C (Single Family Residential) on approximately 1.3 acres of property located in the vicinity of 1600 West and 6700 South.

Further public comment was closed at this point for this item

MOTION: David McKinney moved to accept the findings and forward a positive recommendation to the City Council to establish the initial zoning of R-1-8C on approximately 1.3 acres of property located in the vicinity of 1600 West 6700 South; City of West Jordan (applicant). The motion was seconded by James Dupaix and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

8: Text Amendment – Amend The West Jordan Municipal Code Sections 89-1-105(a)(1) and 89-5-402(b) to Remove Reference to the General Plan Committee; City-Wide; City of West Jordan (applicant) [#TA20070005]

Scott Langford gave an overview of the proposal to amend the text to reflect the recent changes made by the City Council to disband the General Plan Committee until it is needed in the future.

Staff recommended the Planning Commission accept the findings of the staff report and forward a positive recommendation to the City Council of the proposed amendments to Sections 89-1-105(a)(1) and 89-5-402(b) of the Zoning Ordinance.

Further public comment was closed at this point for this item

MOTION: James Dupaix moved to forward a positive recommendation to the City Council for the proposed amendments to Sections 89-1-105(a)(1) and 89-5-402(b) of the Zoning Ordinance based on the findings in the staff report. The motion was seconded by David McKinney and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

9: Text Amendment – Amend The West Jordan Municipal Code Section 89-3-803 To Allow Farmers Market as a Conditional Use In the P-F (Public Facilities) Zone; City-Wide; City Of West Jordan (applicant) [#TA20070006]

Jennifer Jastremsky gave a briefing on the proposal to allow Farmers Markets in the P-F zone as a conditional use. Previously the Commission recommended that it be a permitted use, but a conditional use would allow for additional oversight on each application.

Staff recommended that the Planning Commission recommend approval of the proposed text amendment.

Further public comment was closed at this point for this item

David McKinney asked what kinds of issues would be considered under a conditional use as opposed to a permitted use.

Jennifer Jastremsky said the site plan would be reviewed with regards to how the business would operate.

Reed Scharman said an example would be of a market in a parking lot where they would have to designate safety measures that might not automatically be considered.

There was a discussion regarding the previous hearing where the Commission recommended a permitted use. At that time they had determined that each application would be reviewed in conjunction with a business license. They had also considered the cost of the application.

Nathan Crane stated that there are criteria that would have to be reviewed for each site on a case-by-case basis with regards to site layout, length of time, hours of operations, etc.

There was a discussion regarding the costs involved to the applicants. It was suggested that it be reviewed as an Administrative Conditional Use, although that fee may still be difficult for some groups.

MOTION: James Dupaix moved to accept the staff findings and forward a positive recommendation to the City Council for an amendment to Section 89-3-803 of the Zoning Code to allow Farmers Market as an Administrative Conditional Use Permit. The motion was seconded by Ellen Smith.

Nathan Hendricks said he would vote against the motion, because he felt that the review is already covered by the agency who is giving permission for use of the property.

Tom Burdett explained that this type of application would probably be applied with a longer term farmers market. A temporary use permit is still available for those that are held only once per year.

Commissioner Hendricks felt comfortable with that option.

VOTE: The motion passed 5-0 in favor. Nola Duncan and David Beecher were absent.

10: General Plan Amendment - Amend Chapter 4 – Housing Element of the West Jordan General Plan Document Updating the Affordable Housing Plan; City of West Jordan (applicant) [#TA20070007]

Jeremy Olsen explained that the State Legislature passed a bill in 1996 that required municipalities to adopt an affordable housing element in their General Plan and to submit a bi-annual report to the State regarding the findings of the plan. Regarding the existing market, affordable housing is now \$1,200 per month or less. The average cost of a house in 2020 is projected to be a little less than \$500,000. They added a new goal to the General Plan to provide increased opportunities to residents to purchase housing within the community. This goal is accomplished with the policy to encourage large employers to offer employer-assisted housing as a benefit. The report side of the Statute indicated the change that the City provides \$50,000 in grants for first time homebuyers rather than the previously approved \$100,000.

Staff recommended the Planning Commission accept the findings and recommend approval of the Moderate Income Housing Plan Element of the Comprehensive General Plan to the City Council in order to fulfill the requirements of UCA §10-9a-408.

Jeremy Olsen explained that the cut in funding was determined by the availability of Federal funding.

David McKinney said another factor is age of housing. The Planning Commission and the City are generally in favor of redeveloping older areas, but at the same time that would remove affordable housing. He asked how they reconcile the goal to revitalize areas while eliminating housing for lower income residents.

Justin Stoker said in Las Vegas the market pushed affordable housing to smaller and smaller lots. He wondered if that is what it will become here in the future as well.

James Dupaix said in larger metropolitan areas the housing is built up into the sky and provides affordable housing.

Further public comment was closed at this point for this item

MOTION: David McKinney moved to accept the findings and forward a positive recommendation to the City Council to approve the Moderate Income Housing Plan Element of the Comprehensive General Plan in order to fulfill the requirements of the UCA Section 10-9a-408. The motion was seconded by James Dupaix and passed 5-0 in favor. Nola Duncan and David Beecher were absent.

Tom Burdett updated the Commission on City Council actions.

MOTION: Justin Stoker moved to adjourn.

The meeting adjourned at 10:23 p.m.

David L. Beecher
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2007