

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JULY 1, 2009 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, Chad Nichols, Nathan Gedge, David McKinney, Ellen Smith, John Winn, and Jesse Valenzuela.

STAFF: Tom Burdett, Robert Thorup, Julie Davis, Greg Mikolash, Ray McCandless, and Paul Brockbank.

OTHERS: Thomas Monroe, Debi Monroe, David Sandberg, Cathleen Sandberg, Faunice Dixon, Peter Dixon, Ross Klvacek, Ramon Beales, Dixie Bess, Sandra Beales, Hank Cahoon, Dale Henrie, Alisa Merrill, Faith Wilhelmsen, David Neal, Brian Smith, Mark and Angie Daniel, Jeri Lay, Juan Lay, Edward Durtschi, Kris Durtschi, Deidre Griggs, Ridley Griggs, and Wayne Harper.

The briefing meeting was called to order by Justin Stoker, and a brief review of the agenda was conducted.

The regular meeting was called to order at 6:00 p.m.

- 1. Consent Calendar**
Approve Minutes from June 17, 2009

MOTION: Nathan Gedge moved to approve the Consent Calendar. The motion was seconded by Ellen Smith and passed 7-0 in favor

- 2. Paige Meadows Land Use Amendment and Rezone;** 7480 South 2540 West; General Plan Land Use Amendment and Rezoning for approximately 3.1 acres from Low Density Residential Land Use and R-1-10B Zone (Single-family Residential 10,000 square foot minimum lots) to High Density Residential Land Use and R-3-6 Zone (Multi-family Residential 6 units per acre maximum density); Wayne Harper (applicant) [#GPA20090003 & ZC20090003; parcels 21-28-403-027, 029]

Ray McCandless gave the overview of the application to rezone and amend the land use plan to allow for 17 single-family dwellings to be individually owned with commonly owned land. The R-3-6 zoning was the best fit for the requested 17 units, and would be less than 6 units per acre. The density for the proposal is almost double of what exists. The applicant stated that the homes would be for senior housing, which the general plan supports, but the density is being considered at this time and whether or not it is compatible in this area. He reviewed the criteria stated in the report. Higher density is best along high traffic volume corridors as well as near commercial areas as stated in the general plan. A diversity of dwelling types is encouraged in the general plan, but it also states that the density of residential infill areas be similar to existing adjacent development, and staff did not think that the request was consistent with the goals of the general plan.

Staff recommended that the Planning Commission forward a negative recommendation to the City Council for the request stated above, currently located in an R-1-10B zoning district based on the findings of fact as noted in the staff report.

Wayne Harper, 6683 Nottingham Drive, applicant, stated that lifestyles, homes, and state demographics are changing. He referred to a presentation made to the Wasatch Front Regional Council that noted a variety of housing should be provided for, some of which should be for the retired population. He quoted from the summary that stated, "The growth along the Wasatch Front is going from 650,000 to 840,000 people over the next 20 years. Household types with children will drop from 47% to 38% and households without children will go from 53% to 62%". Mr. Harper stated that based on this information and the aging demographics within West Jordan, they desire to change their original request for 7 lots of single-family to a senior development, which is the type of development the City Council desires more of. They will target above 55 year-old residents who will own the home, but an HOA will maintain the roads, trash, water, landscaping, etc. Their homes will be

from 1300 to 1700 square feet on a single level with two-car garages, and basements if they are desired. They submitted for a medium density residential land use, which ranges from 3 to 5.6 units per acre, and their request is for 5.4 units per acre. He noted that the high density that staff is speaking of is from 5.6 to 10 units per acre. They could put in 20 to 24 homes with that density, but there are 17 existing lots that abut this property, so they will be matching that with the addition of an HOA. The City has expressed desire for this type of development, and infill with regards to the general plan has some flexibility. As he spoke to the neighbors he found that they are afraid that this will turn out to be something different than what they are proposing. He could understand their concern. He doesn't want townhomes or apartments on this property either. They want it to be similar to what exists but with something that also addresses the needs of the empty nesters. He would like to have a recorded development agreement that will lock them in to this use, so if they should sell the property those who buy it will also be locked in to the same product. This agreement should be made a condition of approval.

David McKinney felt the biggest problem he sees for this area is the sudden jump in density with this island of property, and he asked how they could justify it.

Wayne Harper noted that there is a medium density land use with 8,000 square foot lots less than a block away. The general plan puts the R-3-6 zone in high density, but the density ranges in the general plan puts their request of 5.4 units per acre in medium density, because it is less than 5.6 units per acre.

Justin Stoker said they recently heard the concerns from a senior community that had a public street running through their development, and he could potentially see the same situation in this case. He asked what type of safety measures would be provided.

Wayne Harper said it is short stretch that connects to the two neighborhoods, and he felt the ordinance would require the connection.

Justin Stoker said he is more concerned about the residents that would want to cross from one side of the development to the other and if there would be gates or if any other safety measures such as speed bumps would be provided.

Wayne Harper said there could be signage, but this is a pretty small area for gates. These issues would be addressed at the site plan stage.

Thomas Monroe, West Jordan resident, presented a petition signed by 88 residents of the area who are opposed to the request. He and his wife moved to the City a year ago and don't want their investment to be adversely affected. He is a mortgage broker and has seen this type of high density come to a single-family area that makes a negative impact to the existing residents. Property values can drop anywhere between 15-30% with this type of development in the area. He said a number of homes on 7530 South are for sale because those residents are afraid of what might be developed here. He said that would allow developers to buy those homes at reduced prices and build duplexes.

Debi Monroe, West Jordan resident, said they talked to 88 people regarding the issue, and there was only one person who thought the development might be a good thing, but only because they wanted to see the field developed in some manner. Other concerns are increased traffic and congestion, and it could possibly increase crime. She felt that it might set a precedent as well. People in the area are proud of their neighborhood and don't want to see the change.

Ross Klvacek, West Jordan resident, was opposed to the proposed change. He noted that with 17 homes it would possibly bring 34 vehicles, which could increase traffic by more than 100 cars per day including visitor traffic. He said that 7 units on the original proposal versus 17 is a large increase. He liked the idea of the garages, but he thought that the roads were too narrow to be able to back out of the garages. He said there would

be a lot of area that won't let the water percolate into the soil, and that would provide too much water runoff. He wanted to know how the age requirement of 55+ would be enforced. He was also concerned with the language in the proposal that uses words such as '*primarily* for, *many* are empty-nesters, *few* school-aged children, empty-nesters and seniors are *the focus* of the development', because it doesn't say that it would only be 55+.

Dixie Bess, West Jordan resident, was opposed to the rezoning as it is now proposed, because she didn't feel they need the added density in the area. Traffic is a concern, there is no guarantee for the elderly residential, a homeowners' association is only as good as the homeowners, and the ability to maintain the property may diminish over the years. She felt the area was given the existing zoning because it is good for the area and should be developed as such. She said a handout was given to some residents that indicated the development would resolve conflicts that are associated with the open field, but she felt that those issues should be resolved by using the existing codes and ordinances of the City; not by rezoning. She said there is no guarantee of the financial backing of the development and that the units would actually be occupied.

Peter Dixon, West Jordan resident, said that many of his concerns had been stated. He moved here from a condominium complex in order to raise their family in the best possible environment. He felt that much of the proposal may compromise that. They are concerned with the increase in traffic and how the age of the residents would be enforced.

Ramon Beales, West Jordan resident, agreed with what had been said against the rezoning, mainly because he wants consistency in the neighborhood. Other concerns are with property value impacts, traffic, and concerns with the lack of privacy of those existing neighbors adjacent to the property. He was told that there would be no fencing provided. If this property were to be rezoned his concern would be with how they would maintain the existing zoning in other parts of the area in the future.

Faith Wilhelmsen, West Jordan resident, had been in the mortgage industry for over 20 years, and she knew others in the same business who were all very concerned about their property values. She explained that traffic is currently an issue in the area, because people who don't live in the subdivision use the main thoroughfares. She didn't know that anyone was truly confident that it would remain an over 55 development. She felt that this request is only due to the economy, and she believed that this property should be built out as currently zoned, and the request isn't a benefit to the community. She agreed that these types of developments belong along other corridors and not within the neighborhood.

Sandra Beales, West Jordan resident, understood that West Jordan has been trying to accommodate the needs of seniors, but she is opposed to the plan and would like the density of this sort to be limited to areas near commercial or high-traffic areas as stated by the general plan. She also said that the existing roads are main thoroughfares for those going to and from the middle school, and this would only make it worse. She hoped that they could increase open spaces within the City. This property was once designated to be a park, was changed to low density, and now it is going to high density. She asked that the property even be considered as a park again. She didn't feel that the wants and desires of a developer or just 17 future residents should be considered to be greater than those people who have lived in this area for a long time.

Cathy Sandberg, West Jordan resident, was against the proposal for the area. They have lived here for 20 years. She didn't know how they could be protected from this project being rezoned for one thing and then having something else such as apartments being built. She asked how they can only sell the homes as a senior development and if that were even legal. She was concerned about the impact to the water pressure and sewer lines in the area. When the previous proposal to remove the park designation was discussed, the Lay family was told that the land would have to be built up in order to accommodate the new sewer system, which would cause the new homes to look down onto the existing homes. She pointed out that the R-1-8 area in the vicinity is not as

desirable as the R-1-10. The increase in traffic is just too much, and she felt that single-family homes belonged there rather than anything else. She felt that the request was inconsistent with the neighborhood.

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

Dave Neal, co-applicant and property owner, noted that the front page of the staff report states the property ownership incorrectly. If he lived in the neighborhood he would have some of these same concerns, but the goal is to include a mechanism that would ensure that only the project as proposed would be ultimately built there. He stated that the project is not high density, but is only listed that way because of the definition problems within the city's code. The density of the project would be that of an R-1-6 zone, which is medium density. However, they need the R-3-6 zoning in order to create the common homeowners' association maintenance part of the yards. This is single-family, detached project and not multifamily. As the Commission considers the future they need to look at the long-term best interest of the communities and realize maybe areas don't have to be homogeneous and that we should put all the old people off somewhere next to an industrial zone. He felt that this property was perfect for a development of this type as it has many access points that will spread the traffic, and the impact would be quite light. He said that aging people have a desire to stay in their neighborhoods without having the burden of yard maintenance. He appreciated the concern of the property values, but the proposed homes will be sold for typically \$250,000 to \$300,000 with garages and modern construction, which will bring property values up. Apartments would have the opposite effect, and that is why they are asking for a development agreement that would required that no more than 17 single-family, detached homes would be built. He welcomed neighborhood input with regards to the design of the project in order to make it an enhancement to the neighborhood. They have made no decisions yet regarding fencing, etc. He said that generally a homeowners' association maintained community will be maintained at a higher standard than the surrounding neighborhood.

Ellen Smith said the previous subdivision approval was only for 7 lots and even that required waivers for sidewalks and street widths. Now they are talking about 17 homes for seniors in the same amount of space. She wanted to be sure that the street widths and sidewalks would be provided for safety reasons, and she had a hard time seeing where that could all be provided with the requested density.

Greg Mikolash acknowledged the differences between the density ranges in the medium and high density designations. They are requesting an R-3-6 zoning classification in order to make the project a condominium development. The gross calculation for 17 units would give each property 7,900 square feet minus the roads. Taking away a conservative 20% for roads would allow for 6,500 square feet, and with a 40-foot right-of-way and turnarounds it is likely that 30% is being taken away that would leave 6,000 square foot lots or less. Although they could get up to a certain number in an R-3-6 zone, feasibly and perhaps physically they may not be able to get 17 lots after all the other code requirements are met with regards to setbacks and building codes.

Ellen Smith felt that this is a density issue as the general plan states, and she felt that this goes against the general plan goals of what they want in the community by being placed behind the 10,000 square-foot-lot residences. She also wondered if there may be issues later on that would require more waiver requests in order to make the project work.

David McKinney said that many of the issues brought up are valid, but some would be considered later on. Restrictions for a senior development can be made through CC&R's, but this is a zoning issue tonight. The fact alone that everyone who spoke is against the proposal or the issue of property values isn't necessarily the issue to consider, but the key issue is if this is the right place for a higher density development. Senior developments are desirable, and the city promotes and wants them, but he wasn't convinced that this is the place for one. This would create a small island of higher density in a much larger area of low density residential, and he would be opposed to the request.

Chad Nichols pointed out that the Commission should also consider that there is a landowner who has rights. Each of the residents also has rights to be here, but they don't own this property. He agreed that this density doesn't fit the area. The 7-lot subdivision that was approved a year ago fits the design of the neighborhood more appropriately. He didn't think that the perceived drop in home values would apply in this situation, because with CC&R's this development could raise property values. If he were a neighbor of this property he would likely be in favor of it, but as a Commissioner considering the general plan he didn't think this density fit with what the community needed.

MOTION: David McKinney moved to forward a negative recommendation to the City Council for Paige Meadows; 7480 South 2540 West; Wayne Harper (applicant) for the requested Land Use Amendment and Rezoning. The motion was seconded by Ellen Smith and passed 6-1 in favor with Nathan Gedge casting the negative vote.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at: 7:02 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2009