

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 19, 2010 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Justin Stoker, Kathy Hilton, Nathan Gedge, David McKinney, Ellen Smith, John Winn, and Jesse Valenzuela.

**STAFF:** Tom Burdett, Robert Thorup, Julie Davis, Greg Mikolash, Scott Langford, Jennifer Jastremsky, Ray McCandless, Nathan Nelson, Bill Baranowski, and Paul Brockbank.

**OTHERS:** Sherry Devenberg, Mickey Beaver, Clive Killpack, Mike Kingsly, Aaron Sorensen, Mary Anderson, Alicia Mickelsen, Randy Booth, Ryan Bailey, Lorin Paddock, Stan Spencer, Torrey Henich, Lynn Andrew, Petra Collins, Brooke Skinner, Natalie Ball, Don Fountaine, Robert Heightman, Jeremy Sorensen, Ethel Evans, Russ Evans, Savanna Sorensen, Wes Conrad, Kim Conrad, Matthew Smith, Ryan Castro, Christina Castro, Amy Etherington, Tina Smith, Todd Jeremenko, Nathan Hanson, Ryan Bevan, Andrew Lenz, Patrick Funk, Erin North, June Christiansen, Stephanie Roach, Mike Christensen, Derek Christensen, Dave Fresques, Erik & Megan Lindblom, Lance Jessup, Jenifer Sorensen, Aaron Thompson, Phil Babbitt, Robert Birrell, Patrick Struhs, Salina Lenz, Leslie B., Yvette Goins-Lopez, Sarah Hansen, Jeremy Hansen, Connie Wallin, Michael Wallin, Mark Garza, Troy Sanders, Nathan Zaugg, Josh Besser, Jessica Wall, Ryan Hales, and Kerry Bugger.

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The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed. It was pointed out that the proposed power substation is independent of the Mona to Oquirrh power corridor. An explanation of the pre-treatment operations was given on Item 3. Robert Thorup stated that Item 4 is more accurately described as a quasi-judicial application since there are specific factors in the code that have to be met.

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The regular meeting was called to order at 6:04 p.m.

**1. Consent Calendar  
Approve Minutes from October 5, 2010**

**MOTION:** Nathan Gedge moved to approve Consent Calendar Item #1 the minutes from the October 5, 2010 meeting. The motion was seconded by John Winn and passed 7-0 in favor.

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**2. Copper Hills Substation; 8600 South 7200 West; Preliminary and Final Site Plan and Conditional Use Permit; P-F Zone; Rocky Mountain Power/Mickey Beaver (applicant) [#CUP20100003; parcel 26-03-100-006]**

Ray McCandless gave an overview of the project. A 10-foot perimeter wall is proposed and requires planning commission approval. He pointed out the location of the existing poles and stated that earlier this year the planning commission approved future transmission lines. UDOT granted temporary access to U-111 from the south side of the property; however, when 8600 South is improved the access will shift to the north side. One of the recommended conditions is that the south side be landscaped when that access is shifted. Staff would also like additional trees like those on the west side as long as they won't interfere with safety and line clearance. Rocky Mountain Power had indicated that U-111 might not be a limited access highway in the future, so staff recommended that the first word on condition #2 be changed to "if" instead of "when". With any new development the applicant has to install full street improvements. We don't know when the adjoining properties will develop, so the applicant has entered into a development agreement with the city that says the improvements will be installed when the property is developed some time in the future.

Staff recommended that the Planning Commission grant Conditional Use Permit, Preliminary and Final Site Plan approval for the Rocky Mountain Power Copper Hills substation located at 8600 South 7200 West in a P-F zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. The applicant shall provide a photometric plan demonstrating that lighting will not adversely affect adjoining properties.
2. When the temporary access on the south side of the property is shifted to 8600 South, the driveway and gates shall be removed, the wall restored and landscaping be installed between the south wall and south property line.
3. Additional trees, 3 to 4 on the north and east sides of the substation and 1 to 2 trees on the south side, that will grow to 50-60 feet should be planted in the landscaped areas on the north, east and south sides of the property so long as the trees will not interfere with transmission lines or create a safety concern.

David McKinney asked about the width of the Mona to Oquirrh corridor and if the substation sits within that right-of-way. Kathy Hilton asked if the property leaves room for expansion.

Mickey Beaver, applicant, Rocky Mountain Power, 12840 South Pony Express Road, thanked staff for helping them throughout the process. They are now at the point to begin construction early in the year and to be operating May-June 2011. They can consider additional trees on the north, east, and south sides as long as they can accommodate the necessary clearances for safety purposes. This substation site is designed to not necessarily need expansion during our lifetime. There is room to add another transformer in the future when growth necessitates that expansion. He pointed out the existing lines and the route of the proposed Mona to Oquirrh line that will come out of Barney's Canyon south of the existing power line along 8600 South. The center line to center line distance is 70 feet, so there is about 150-foot corridor width of new power line with a 70-foot separation between it and the existing lines on the north and the one west of U-111. The location of the pole that comes across the substation is placed in order to accommodate a future detention pond in the area. The Mona to Oquirrh line is not directly connected to the substation.

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

John Winn asked if anything in this proposal could be considered as part of the city's movement to require undergrounding of utilities.

Ray McCandless said that requirement is for the smaller lines and not for the large transmission corridors or substations. The limit for undergrounding is 69 kV, and these lines are considerably more than that.

**MOTION: Nathan Gedge moved to approve the Conditional Use Permit, Preliminary Site Plan and Final Site Plan for Rocky Mountain Power Copper Hills Substation; 8600 South 7200 West; Rocky Mountain Power/Mickey Beaver (applicant) based on the testimony and findings of fact with the conditions of approval as listed in the planning commission agenda, amending condition #2 by replacing the first word 'when' with the word 'if' and adding:**

- 4. Allow for the perimeter wall height to 10 feet.**

**The motion was seconded by David McKinney and passed 7-0 in favor.**

Clarification was made that condition #3 specifies that the additional trees are only required if they can meet clearance allowances.

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**3. Dannon Waste Water Pre-Treatment Plant; 6165 West Dannon Way; Conditional Use Permit; M-2 Zone; The Dannon Company/Joshua Besser (applicant) [#CUP20100004; parcel 26-11-126-004]**

Jennifer Jastremsky gave the overview for the item. Two conditional use permits are requested: 1) outdoor storage and operations, and 2) locating a pre-treatment plant in the drinking water source protection overlay zone. The applicant is expected to apply for an amended site plan that will include more details, which will be reviewed at the staff level. The project is located within subzone 4 of the protection overlay zone. The new pre-treatment plant is located outside of the existing area to the south. It will be on 1.13 acres of the site and the existing plant will be decommissioned once this plant is operational. The facility will include 5 silos, two of which will be built with future expansions. The silos will vary in size, but the maximum size will be 34 feet tall and 57 feet wide. The plant will treat waste produced on-site prior to being released into the sanitary sewer system in order to comply with the waste water discharge permit obtained from South Valley Water Reclamation Facility.

Staff recommended that the Planning Commission grant Conditional Use Permit approval for the Dannon Waste Water Pre-treatment Plant located at 6165 West Dannon Way in an M-2 zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. Obtain Amended Site Plan approval from the Planning, Fire and Engineering Departments.
2. Meet all Engineering and Fire Department requirements for best management practices per §13-6F-8B.
3. Obtain approval from the South Valley Water Reclamation Facility for all proposed site improvements.
4. The Conditional Use Permit shall be subject to review and/or revocation as per §13-7E-10.

Nathan Zaugg, MWH Engineering, and Josh Besser, Utilities and Project Manager for Dannon were in attendance. Mr. Zaugg said this is a key project for Dannon as the existing facility cannot expand. Dannon intends to drastically expand their plant, and a condition of that is to install the waste water facility in order to meet the requirements of SVWRF.

Justin Stoker asked Mr. Zaugg to discuss the BMPs that will help to protect the drinking water overlay area.

Nathan Zaugg said the site plan does include storm water prevention and water retention basins that will flow back into the existing facilities in place by Dannon and prevent off-site migration of waters from both the existing and new facilities.

Justin Stoker asked if there were a redundancy and containment for the reservoirs.

Nathan Zaugg explained that the reservoirs are aboveground tanks and everything will flow away from the water source protection zones as it does now. They don't anticipate any impacts as a result of the construction. He stated there are multiple layers of containment in place and should the reservoirs fail all the water would migrate away from the existing site and down into the storm water retention facilities built by Dannon.

The location of the new and existing plants was pointed out. David McKinney asked for an explanation of the kind of treatment that is being done now at the facility.

Nathan Zaugg said currently they have a physical process call the dissolved air floatation system, but that system is inadequate for the waste load that Dannon is producing. That is why they are adding another tier of treatment by adding a biological process that will convert the soluble material into an insoluble material so they provide much cleaner water to South Valley. The big benefit to West Jordan is that Dannon currently occupies a lot of the waste load allocation for West Jordan and this new facility will free up a lot of the waste load capacity.

To a large degree the types of waste products include whey and milk solids. Also included are cleaning wastes and excess production that isn't suitable for consumption.

John Winn asked if there is any hazardous waste.

Nathan Zaugg said the waste is all non-hazardous. The key issue is the strength of the waste water. Typical waste water is between 200 and 300 milligrams per liter of BOD and Dannon produces about four to five times that concentration. When that is sent to the treatment facility it can cause severe disruptions if it is not adequately treated up front. Dannon's goal for this facility is to drop the strength of the waste to something that is more typical to household strengths.

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

**MOTION: John Winn moved to approve the Conditional Use Permit for Dannon Waste Water Pre-Treatment Plant; 6165 West Dannon Way; The Dannon Company (applicant) with the conditions of approval as listed in the planning commission packet. The motion was seconded by Ellen Smith.**

Robert Thorup stated that the motion should reference both conditional use permits being granted.

**AMENDED**

**MOTION: David McKinney moved to amend the motion to specify that we are granting conditional use permit approval for outdoor storage and operations for the proposed silos and also for the pre-treatment plant within the drinking water source protection overlay zone. The motion was accepted by John Winn and Ellen Smith and the amended motion passed 7-0 in favor.**

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**4. Maple Hills Land Use Amendment; 6509 West 7800 South; General Plan Land Use Amendment for approximately 49.3 acres from Low Density Residential to High Density Residential; P-C Zone; Wasatch Pacific/Mark Garza (applicant) [#GPA20090004; parcel 20-27-400-017; 20-27-476-001]**

Scott Langford stated that this is a continuation from the October 5, 2010, meeting. Staff had the chance to look at the request in greater detail, so the staff report was modified to include Exhibit H that estimates school enrollment based on the new proposal as it compares to the original approval. Sherry Devenberg from Jordan School District was in attendance to address that, if needed. He gave a brief history of the property that was rezoned to P-C in 2004 with a maximum density of 2.87 dwelling units per acre. In 2007 the planning commission approved a 146-lot single-family residential subdivision, which was never recorded. The general plan is currently being reviewed and updated, and staff noticed that the map needs to be amended for various parts of the city to reflect what is actually built. He showed what the map would look like in this area if the map reflected what was built. The future land use map for The Maples currently indicates medium density residential, but a portion of that development is in the high density range. The Richmond/Hamlet Homes development is actually 6.9 du/ac that falls within the high density category. To the east is an area approved with the Jordan Hill Villages master plan for 300 future apartment units, which calculates to 10 units per acre. Serengeti Springs apartments to the south are almost 14 du/ac in the very high density designation.

The low density designation supports residential development within densities from 1 to 3 units per acre. High density is a broad range that supports development from 5.6 to 10 units per acre. He reviewed the development process this project would take should it be approved by city council, including zoning hearings, preliminary development plans and subdivision plats, and then final approvals for each phase. He showed the concept plan associated with the application, which is general and shows how the development could possibly achieve the higher density.

Mr. Langford reviewed the seven findings of fact that must be met as required by the zoning ordinance in order to make an amendment to the land use map. It is good planning practice to put areas of higher density along the future Trax line, 5600 West, and other high transportation corridors and areas that have higher levels of commercial services. The Mountain View Corridor may help the traffic situation in the future, but the timing is uncertain. The future land use map does show other areas suited for high density. He reviewed the average densities of the surrounding properties. The proposal of 8.72 du/ac has a greater density than the average 6.65 du/ac density of The Maples, although it falls within the high density range. The concept plan attempts to have single-family lots on the north next to existing single-family with townhomes and higher density units on the south end adjacent to the future apartment complex. If the map is amended and density is allowed to increase then staff would hope to see the future density on the property capped to match the 6.65 du/ac of The Maples. He noted that the grade is extreme in some areas of the subject property, so there is a need for retaining walls, which is challenging for high density and is one of the reasons single-family lots were approved originally. Staff is not convinced that this amendment constitutes an overall improvement at this time. Perhaps it would make more sense in the future when more commercial services and road infrastructure are in place. The proposed density as shown on the concept plan would impact the existing community by increasing levels of traffic and the number of children in the schools, and limiting the density would lessen the impact. The city engineering department also reviewed the concept plan. They were not concerned about the water and sewer needs, but the topography of the site with the proposed number of units was the main cause for concern. Even though the city cannot request a will-serve letter from the school district staff did an analysis for those services.

Option #1:

Staff recommended that the Planning Commission forward a negative recommendation to the City Council to amend the General Plan Future Land Use Map of property generally located at 6509 West 7800 South from the Low Density Residential to High Density Residential land use designation, based on the findings of fact as mentioned in this staff report.

Option #2:

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend the General Plan Future Land Use Map of property generally located at 6509 West 7800 South from the Low Density Residential to High Density Residential land use designation, based on the findings of fact as mentioned in this staff report.

Justin Stoker asked if they should be looking at the amendment as it is reflected on the concept plan that shows different densities on portions of the property instead of using an overall density designation like was done with The Maples.

Scott Langford said the P-C zoning allows for the range of density, but the applicant has the choice to specify the designations.

Greg Mikolash said they are only looking at a concept plan. Also, the P-C zone allows for clustering of homes.

Justin Stoker asked if they would be doing a land use map amendment in the future to reflect what is actually built if it is changed to an overall designation now.

Greg Mikolash said that is a possibility. If this were not in a P-C zone he would be more concerned, but the review becomes very detailed when the site plan, development plan, and subdivision are reviewed. It is acceptable to look at this property as a whole with the P-C zoning and the rezoning process would pin down the density.

Ellen Smith asked if this property is permitted to receive bonus density if they meet the incentives under the West Side Planning Area.

Scott Langford said the applicant looked at both the west side plan and P-C zoning options and chose the P-C option. The two function similarly. Amenities and an HOA will have to be provided and the requirements are similar. He said the high density range will be capped at 10 du/ac. The development plan will have to show the details with all the amenities and the final density will be set at that time.

Ellen Smith said there were a lot of issues with regards to collapsible soils on this property. She asked if that had been considered as it relates to the increased number of structures that would be allowed on the property.

Nathan Nelson said the original plan and proposal was to excavate and remove the collapsible soils that had been mapped out. When they come back with any kind of a development plan then that issue will be reviewed for mitigation.

John Winn asked about a third option that recommends a specific density.

Scott Langford said they removed the third option because they need more information to base a decision for a specific density. That information will come when the development plan, site plan, and subdivision plat are submitted. Zoning conditions were applied to certain properties in the past, but we no longer do that for rezoning or land use amendments. Staff felt confident that with the additional reviews that the density can be honed.

Greg Mikolash said the city wants to stay away from contract zoning when they haven't seen the full plan. You want to see the project as a whole and not at the conceptual stage when assigning density.

Ellen Smith asked about the status of the commercial area in Jordan Hills Villages.

Tom Burdett explained that final approvals were received, but the applicant couldn't get the financing and commit a tenant for the anchor store. There has been no movement on the property recently. He felt that they are waiting for more rooftops in the area and when the grocery store comes in the rest of the shopping center will fall into place.

Sherry Devenberg, Jordan School District, 7387 Campus View Drive, said they didn't know exactly how to analyze the project when the request was made, so she took comparable densities from nearby subdivisions. When they combined single-family homes, mansion homes, and townhomes together they arrived at 190 students per 100 units. Of that 190 students, 128 would be elementary, 32 middle school, and 29 high school. She noted that there is a new elementary currently under construction that should open next year at 8200 South and 6200 West.

Justin Stoker asked if the new elementary will be able to accommodate the additional 128 students plus the excess from the overcrowded Hayden Peak elementary school.

Sherry Devenberg said that is hard to say, because all of the elementary schools are crowded right now with Oakcrest being the most crowded. Since the boundaries are not yet decided she didn't know to what extent the elementary schools in the area would be relieved. She felt that the school will relieve the area, but if they arrange the boundaries like the new Herriman elementary school it won't be filled to capacity at the beginning, but it will leave room for new development.

Justin Stoker asked if the new school will open up with portables or if there will be room for new growth.

Sherry Devenberg felt that the school will be close to capacity, but not overcrowded.

John Winn said he understood that the new school will open at over capacity, which means portables.

Sherry Devenberg explained that 'over capacity' can mean several things. Sometimes 'at capacity' can mean on a traditional calendar with an ideal number of students in each room. Out of 32 elementary schools in the Jordan School District there are 20 that are year round, and that schedule can accommodate an additional 25% over the traditional calendar. So it may or may not mean there will be portables.

David McKinney referred to Exhibit H in the staff report that shows lower numbers than what the school district is showing. He asked if that is because the average was based on the entire county and not just the west side, which appears to have higher numbers.

Sherry Devenberg said that is probably a correct statement based on the report, and staff's numbers are probably low. She stated that the number of school children per unit decreases the more dense the property is.

Kathy Hilton noted that the traditional schools are mostly on the east side of the city because the population is getting older. Also apartments tend to have older students.

David McKinney asked if there were any elementary schools in the west side of the city that are not at capacity.

Ms. Devenberg said no.

Scott Langford indicated that not all higher density is created equally. There are 'mansion home' units that have square footage equal to small homes.

Justin Stoker noted the discussion in the staff report regarding a traffic analysis that was submitted to the city. He asked staff to address the report as well as any upcoming projects on 7800 South.

Bill Baranowski said he made a broad statement in the report that 7800 South as they approach Bangerter Highway was not addressed in the traffic analysis and that there are currently failing intersections the closer to Bangerter Highway that you go. It was his opinion that additional traffic from this project would make the situation worse. Because we are catching up to the development on the west side there won't be a lot of improvement to those congested intersections for several years. The applicant is required to fully widen 7800 South immediately adjacent to this property, which was also required with the previous approval.

Nathan Nelson pointed out that they don't require a detailed traffic analysis at this stage in the process, because they don't know the final approved density. They can look at a project of this size and know that there will be an increase in traffic, but they don't know the details of what the distribution would be. That type of analysis would be done later on when the number of units was known.

Justin Stoker said with the statement that intersections at Bangerter Highway are already failing, that helps in the decision tonight with the request to approve a high density designation. He asked if anything is in the works to alleviate that problem.

Bill Baranowski said they haven't analyzed it for this new traffic, but they have five projects including Bangerter Highway and 7800 South, Airport Road and 7800 South intersection to be widened, the widening of the railroad crossing at 4600 West, the interchange with 7800 South and Bangerter Highway will be upgraded to a freeway style interchange, the Mountain View Freeway will add two new signals along 7800 South that will help with speeding, and a left turn lane was just added at 5600 West and 7800 South.

Troy Sanders, ASWN, 5151 South 900 East, noted that East Maples Investments is the entity developing the property. There is a planned intersection at the Mountain View highway at 7800 South with an anticipation of development with commercial retail and high density housing that will be developed around that intersection, so they took that into consideration from a planning perspective. The entire Jordan Hills Villages development is medium density, but the Maples by itself is high density. The northern single-family portion is at 5.1 units per acre at medium density, the portion along U-111 to the south is 7.2 units per acre and the apartments are 14.48 units per acre based on 20 acres of property. They felt it made more sense to be consistent with the densities going from the Maples to Maple Hills and then transitioning to the higher density/commercial areas near the highway. The concept plan incorporates the medium density to match the northern portion of the Maples and higher density on the south next to the apartments. The types of products in the southern portion would be 8 to 9 units per acre and the northern portion would be less. The concept plan shows 8.72 units per acre. There is often a misconception with the term 'high density'. It doesn't always mean 4-story apartments, but in some cities it may mean 60 units per acre. In this case it is a very similar product to what is already in the area. They are aware of a number of traffic issues. Because 7800 South is the primary access, it will have traffic issues to be resolved over time. He showed their calculations for the intersections at 6400 West, 4800 West, and 4000 West. They assumed a year of 2014 just prior to the Mountain View highway coming online. It shows 7.6 % of the traffic entering onto 7800 South from 6400 West is generated by this development. Approaching 4800 West, 2.6% of the traffic is from this development, and 1.6% at 4000 West. When they take into consideration the Mountain View highway the calculations then change to 10.9% at 6400 West, .5% at 4800 West, and .3% at 4000 West.

Kathy Hilton asked if his statement put the Mountain View highway at completion by 2014, because at the last UDOT update it was anticipated at only two lanes, which will still have traffic signals.

Bill Baranowski said the four-lane frontage road has begun on the south portion. The frontage roads end in West Jordan and they will get something similar to that up to 5400 South by the end of 2015. It won't be the full freeway at that time.

Troy Sanders responded to the question regarding the Jordan Hills Village commercial property, stating that it is owned by Raddon Development who is actively pursuing grocery tenants. They have no other information other than it is an issue of rooftops. A grocer anchor requires a certain number of rooftops, and with the amount of commercial nearby at Jordan Landing the retailers are looking at a half-circle radius on the east side of U-111. Indications from the realtor stated that the number of units is getting close. The applicant is working with Holmes Homes that has pedestrian friendly products and the product will incorporate trail systems connecting to the future parks as well as the city's master trail system. They understand the need for schools, and the school district is currently looking at sites within Maple Hills to see what could be feasible. He reviewed the fiscal analysis that showed three scenarios for cost to the city over 15 years. The single-family lots have a cost of \$620,000. Alternative 2 at 4.5 units per acre has a cost of \$1.2 million, and the current proposal would have net revenues of \$724,000. The density of 6.65 that is similar to the Maples overall density falls in line with breaking even with the net revenue versus the cost of city services.

Justin Stoker asked for an explanation of how they arrived at those figures.

Troy Sanders said he didn't do the fiscal analysis, but there is a bell curve that is based partly upon the services provided by the city and the amount of sales tax and property tax revenue. When you get to a certain point there is enough density and property tax coming in that it offsets the cost. He stated that they could get further information from Bob Springmeyer. With more density there are more people paying for the upkeep of the roads. Also, for example, the denser the area the less street frontage is required per person.

Kathy Hilton disagreed with the analysis, because denser areas cost more in areas such as fire and police services, so she would like to see those figures

Justin Stoker agreed that public safety increases exponentially with density.

Troy Sanders said Holmes Homes did a comparison on their residents in Daybreak that showed student trends, and their scenarios show fewer students in each of the multi-family unit categories. He asked the commission to look at the project from the 'big picture' knowing there will be significant changes in this area in the next few years. There is a logical reason to change the land use pattern in this area. The master plan is a living document and sometimes there is a need to change, which is why there is a process to do that. They felt there is logic in keeping the transition of density consistent across 7800 South from the interchange to U-111 and that they are able to make the reasonable transitions and buffers within the project itself through the site plan process.

John Winn said people may not be against the development, but he asked if he agreed that now might not be the best time to develop this area due to the lack of infrastructure.

Troy Sanders said the staff report indicates that there are adequate services (water, sewer) to meet the needs of the project. However, if there are upgrades or improvements that need to be made to meet the requirements of the project, the applicant will do that. But the city has the capacity to make those services available to this project. This project will also pay impact fees that will go toward road improvements. As far as a percentage of total traffic on 7800 South, the traffic produced by this development is a relatively small portion. He explained that improvements come with development. Impact fees are paid, which contribute to those upgrades as the city deems in the capital facilities plan.

John Winn stated that the potential 430 additional cars in the area are a significant increase.

Justin Stoker said there are currently failing intersections with no capital improvement projects in the works to address that. The numbers provided by the applicant regarding the impact to the intersections rely heavily upon build out of the Mountain View highway, but completion date is uncertain.

Troy Sanders said the point is well taken. There are significant infrastructure elements that need to take place that are not solely caused by this development. Tonight they are asking for a land use change that they feel is consistent with the land use goals of the city and the general plan, and they can work through those issues.

Justin Stoker said he didn't see any way that this development can make the traffic situation better. The section of 7800 South from 4800 West isn't even in the 10-year plan. He asked if there is any benefit to the city from this development regarding traffic.

Troy Sanders said not as far as improving the full length of 7800 South, but they will do their proportional share of widening 7800 South and by paying impact fees that the city can use toward their priorities.

John Winn said it doesn't help to just widen a portion of the street.

Justin Stoker said if they could find a way to not make the traffic worse it would be worth considering.

Kathy Hilton asked if their density would decrease if an elementary school were built in the project or if they would have the same density only in a smaller area.

Troy Sanders they didn't know at this point, but there is no proposal on the table now for an elementary school.

Ryan Hales, Hales Engineering, 2364 North 1450 East, Lehi, Utah, stated that they ran an analysis of 430 units. They counted the intersection of 6400 West and 7800 South during the peak p.m. period. There is 2007 historical information from West Jordan that showed the same intersection had 780 vehicles entering during the

p.m. peak hour and during the a.m. peak hour there are 781 vehicles. From their analysis they found that they generate more traffic and more trips based on the p.m. conditions of the project. So it generates more traffic in the p.m. peak hour than the a.m. peak hour. There were 315 vehicles in the p.m. versus 246 in the a.m. So the combination of those two volumes created a higher impact during the p.m. peak. They evaluated 6400 West and 7800 South. Although there is traffic congesting the intersections at 4800 West, 4000 West, and Bangerter Highway, that condition dissipates as you head west. When they ran the analysis they graded the intersection at 6400 West currently at A level of service. When they add the project as well as additional growth in the background at 2015 it is at level C, which is within the acceptable range. He explained that the Mountain View highway is planned for 2012-2015 and will be partially built during that time period. They also project the widening of 7800 South to five lanes during the period of 2016 to 2025 as stated by the Wasatch Front Regional Council long range plan. He thought the WFRC is trying to secure funding for the improvements. The funds are allocated as it gets closer to the 2016-2025 time period.

Justin Stoker felt that the projection of 2016 is a little presumptive. He asked if there is any justification by WFRC for those improvements.

Troy Sanders explained how the WFRC compiles the model for improvements and then identifies the phases for the improvements. However, he doesn't know where the funding sits at this time.

David McKinney asked if the presumption for 6400 West and 7800 South would remain as it is without a traffic signal.

Ryan Sanders said that is correct.

David McKinney asked if the bulk of the traffic in the p.m. peak is westbound.

Ryan Sanders said when the 2007 report was taken 53% were westbound and 47% eastbound. This is also the case for the a.m. In the p.m. peak with the majority of the traffic heading westbound they looked at the southbound left hand movement to give it a worst-case scenario, and that gives the C service level. He said they did assume a 3-lane cross section for this area, which will give opportunity for eastbound traffic to make a left turn into the development northbound.

**A recess was taken at 8:07 p.m. The meeting reconvened at 8:15 p.m.**

Andrew Lenz, West Jordan resident, said as a property/leasing manager for 10 years he is very familiar with what it takes in infrastructure for a project such as this. His main concern was with the lack of infrastructure and the crowded schools. His personal traffic count produced 20 vehicles per minute during the peak hour. He related some public safety issues that indicate the need will only be greater if the density increases. There is no shoulder or planned shoulder on 7800 South, which is dangerous. He argued that the cost analysis does not include the cost to the city for increased roads, schools, and public safety. He said if they wait until 2016 when all the improvements are supposed to happen, then he will support it.

Tina Smith, West Jordan resident, asked the commission to please take their concerns into account, because they are the ones who live in this area. They are not opposed to growth in the area and would welcome low density as it would create a balance in the area along with the existing high density. They understand the need for transition, but asked if it made sense to put more and more high density and if that would balance the neighborhood. She spoke to UDOT's development division that told her what WFRC does by making recommendations regarding 7800 South, and it is on their docket to look at by 2040. She was assured that there is no funding within the next ten years. The one-lane road causes other traffic problems when there are accidents, snow drifts, construction, etc.

June Christiansen, West Jordan resident, lives south on a 5-acre ranchette. The traffic is currently so bad it is a safety concern to turn left into their property, because there is no center turn lane. She agreed that the proposal would cause problems with roads, schools, lack of parks, decreased property value, noise, congestion, and traffic hazards. The gang activity will increase with the increase in density. Several years ago with the initial development she predicted that West Jordan would follow in the footsteps of West Valley City and she felt that was an absolute with the proposal as it stands. It will increase the crime. When you drop the socio-economic status of the area West Jordan will not be a desired place to live.

Aaron Thompson, West Jordan resident, said the Sycamores development will be impacted as well and he admonished the commission to give a negative recommendation. He felt that most people in attendance were opposed to the development. The city engineers even said to some extent that it is illogical.

Matthew Smith, West Jordan resident, said he and his wife wrote a 12-point argument that was delivered to the commission two weeks ago. He was at the original submittal in 2007. At that time he wasn't concerned with the density, but he was concerned that a school designation had been removed from the land use map. During that meeting there was also a land swap of ten acres. One of the conditions of the swap was that the land would be developed as single-family homes. He felt that to allow anything else would be a breach of the contract. He was concerned with the infrastructure and future infrastructure, because currently 7800 South and possibly 9000 South are the only east/west roads that cross Bangerter Highway and go all the way across the city. He also felt that this change will open the door for any other developer to make this same request.

Dave Fresques, West Jordan resident, said this wasn't what the residents were expecting when they moved there. He wasn't opposed to development, but just with the type of development that lacks amenities. The timing is poor. Items lacking are roads, schools, parks, usable open space, commercial areas, and emergency and utility services, so he didn't think that this or any other plan should be considered at this time. He asked them to stay focused on the bigger picture in 10-30 years and the desired outcome for all parties.

Patrick Struhs, West Jordan resident, would like a negative vote. There is currently a crime problem, and he calls the police on a weekly basis, so they need more police protection before density is added. He drives his kids to another school that is less crowded. He said there are currently maintenance problems on the property, and this developer has shown that they can't be trusted. He is trying to sell his home, but comments he receives from potential buyers are it is too far west (which could be mitigated with wider roads), homes are too close together (he is in the medium density area), and the condition of the neighborhood (lack of maintenance from Wasatch Pacific). He pointed out that the park area has only one playground for this large area.

Jessica Wall, West Jordan resident, was mainly concerned with the upkeep that has been lacking in the area and that would only increase with a denser development. The crime and response time for emergency vehicles is too long already, and it will cost more to get the added protection.

Lorin Paddock, West Jordan resident, related that two years ago there was a major snow storm and caused him to abandon his car in a snow drift for three days. If this happens again, how will they get emergency vehicles in the area since 7800 South will not be widened in the near future. That road doesn't typically get plowed to a reasonable level until 10 a.m. Accidents are a concern, but bad weather increases that. They have gang activity in the area and he has observed that they live in the very high density area.

Kerry Bugger, West Jordan resident, understood that the developer wants the increased density to make more money, and the city may want it for more tax base. But everyone else in attendance is here because it is where they raise their families. It is important to have enough yard space for kids to play and to raise families. He said there is already plenty of high density, and they all have vacancies. Families don't live in apartments; they want homes.

Robert Heightman, West Jordan resident, pointed out the open space depicted in the presentation and stated that the open space is a ravine with weeds and boulders and is not usable. He said another piece of proposed open space is so steep it won't be useable either.

Ryan Bailey, West Jordan resident, did not discourage development, but it will help the community grow. He pointed out that the land structure is not stable, and might not be sound for the proposed density and the number of retaining walls that would be required. Rock and ridge walls are very susceptible to the elements. He asked about the noticing procedures regarding new development and who would be responsible if there were any damage due to the construction or with the leveling off of the property.

Justin Stoker said he would be notified of the zoning hearing. He suggested that Mr. Bailey speak to staff after the meeting.

Don Fountaine, West Jordan resident, said there are a lot of changes with the school busing system and many children have to cross 7800 South, and to send more cars in that area isn't safe.

Ethel Evans, West Jordan resident, said they were the first to move to the Maples. People have mentioned the traffic on 7800 South, but U-111 is also crowded. She was concerned that people will cut through past her home instead of going to 6400 West. There are too many people in the area right now.

Jeremy Sorensen, West Jordan resident, reminded the commission of the statement in the findings that in order to make the change there has to be a benefit to the city and the community. It has been shown tonight that it won't provide that benefit, so he supported the existing low density designation.

Torrey Henich, West Jordan resident, said if there is an accident on 7800 South the traffic has to be routed through residential neighborhoods. Increased density will increase the traffic on 7800 South, and the road is blocked at least once per winter.

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

Troy Sanders felt that most of the issues had been addressed in the initial presentation. Their land use attorney looked at the land swap issue and the determination was that there was no contractual provision in the actual agreement that would prohibit the city from exercising its legislative discretion to approve a zone change if it so desired. He explained that the benefit to the city is in maintaining land uses that are compatible with each other. When there is such a short area for the land use to transition, the low density area that is sandwiched between two high density uses on a major east/west arterial will devalue over time. The proposal will provide a more transitional land use buffer in the area.

John Winn stated that the city map didn't show high density to the east like it was portrayed on the applicant's land use map.

David McKinney appreciated the public comments and said it was safe to say that the comments from the public have generally been against the change. However, the commission needs to consider the specific criteria. Regarding the possibility of an elementary school on the site, he remembered several years ago the same discussion was held but the school district said the site was too steep. Regarding the presentation on cost to the city with different densities, that is partly true that with higher density development there is less street frontage and water, sewer, and electricity infrastructure items per household. However, there are more police and fire expenses and he felt that at some point they balance out. The applicant made the point that it looked like it might reach a zero point within the medium density range. Commissioner McKinney asked about the land swap issue.

Robert Thorup said he was not familiar with the land swap.

Tom Burdett said the swap occurred to provide a 10-acre park further to the north rather than by the fire station. He hadn't researched the contracts to know if there was a land use condition, but the initial purpose was to exchange land. The purchase of 3 acres took place, but he didn't know if the land exchange had taken place.

David McKinney said many of the issues regarding traffic, emergency services, open space, topography, etc. are the kinds of things that can be dealt with in a development. However, he wanted to go through the criteria to gather findings to consider. Finding A: he didn't think the proposal was consistent, because the increased density is not currently near any significant commercial sites or transit corridors. The commercial area near Serengeti Springs isn't developed and we don't know the timeline. B: there are a lot of places in the city that are zoned for higher density uses and could be developed in this way. C: He felt this has the most to do with the opinions from the residents tonight. These people moved into the area with a specific density in mind, and this proposal is quite different from that. D: this is not met, because all things considered, there is a net negative to the city. This change helps the property owner to sell for more money, which is the primary benefit. E: many of these things can be met, but there are also many topography problems. That finding could go either way. F: doesn't apply. G: there will be an impact on the schools and maybe even significantly more than what the city staff has estimated. He was favoring a negative recommendation to the city council.

John Winn said they have seen throughout the county that higher density is selling better than single-family homes. The developer is having a hard time selling or developing the property, so they want to change it. To him, that is the only reason for the change and there isn't a single positive thing it would bring to the area.

Justin Stoker supported David McKinney's observation. It doesn't appear that the infrastructure is in place for any development at this time let alone a more intense density. It appeared to him that the applicant is meeting the minimums of constructing their portion of 7800 South, but there is no other real benefit to improve the city's lacking infrastructure, safety, and schools, which are crippling the existing developments. He understood the need for balanced zoning and the market conditions, but the infrastructure is not there.

David McKinney said that higher density developments can work very well in certain areas and they don't necessarily turn a city into an urban swamp. He saw a development near Boise that had smaller lots and larger homes that was high quality and well taken care of. However, they have to be done in the right way and in the right place. He pointed out the subject property and the surrounding uses and said he felt that by keeping the site as low or medium density it makes a better transition for the city.

**MOTION:** John Winn moved to forward a negative recommendation to the City Council for the Maple Hills Land Use Amendment to amend 49.3 acres of property from Low Density Residential to High Density Residential; 6509 West 7800 South; Wasatch Pacific/Mark Garza (applicant) based on the facts and testimony that there is not the infrastructure to support the proposed higher density and changing the future land use map changes the flow and the way the map was intended from the beginning. The motion was seconded by Ellen Smith.

**AMENDED**

**MOTION:** David McKinney moved to amend the motion to include specific findings; Finding A of 13-7C-6 is not met, because the increased density is not currently near any significant commercial services or transit corridors; Finding B is not met, because there are adequate optional sites for the proposed use or change in density; Finding C is not met, because the expectations of neighbors related to prior density standards for this property are not consistent and that the greater density is incompatible with the existing use; Finding D is not met, because the proposal seems intended primarily to benefit the developer and not the city. John Winn and Ellen Smith accepted the amendment.

There was a discussion of whether or not the specific findings need to be put into the motion and if it should also reference the specific goals and policies from the general plan.

Nathan Gedge pointed out to those in attendance that this meeting is only the first step of the process, and he strongly encouraged them to attend the next step with the city council.

**ROLL CALL VOTE:**

- Commissioner Winn – yes**
- Commissioner Gedge – yes**
- Commissioner Smith – yes**
- Commissioner Stoker – yes**
- Commissioner McKinney – yes**
- Commissioner Valenzuela – yes**
- Commissioner Hilton – yes**

**The amended motion passed 7-0 in favor of a negative recommendation.**

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Tom Burdett gave updates of recent city council actions.

**MOTION: Nathan Gedge moved to adjourn.**

The meeting adjourned at 9:16 p.m.

Justin Stoker  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010