

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 10, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: David McKinney, Ellen Smith, Dan Lawes, Nathan Gedge, John Winn, and Lesa Bridge. Jesse Valenzuela was excused.

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Scott Langford, Jennifer Jastremsky, Todd Johnson, Paul Brockbank, and Julie Davis.

OTHERS: Larry Fullmer, Zac Zimmerman, Don Warburton, Roxane Nelson, Chuck Nelson, Josh Becker, Jay Fullmer, Shareen Neff, Scott Neff, Glen Ballard, Carol Weenig, Dave Weenig, Brent McNee, Cathy McNee, Paulsens, Jonathan Taylor, Randy & Susan Tyson.

The briefing meeting was called to order by David McKinney.

New Commissioners Ellen Smith and Lesa Bridge were recognized. Minor typographical errors were corrected on page two of the minutes. Clarifying points were made on Item 4. The history of Item 5 was reviewed. A discussion regarding the code for undergrounding utilities will be held at the next meeting.

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

1. Oath of Office for New Commissioners

Deputy City Clerk Carol Herman administered the Oath of Office to newly appointed Commissioners Ellen Smith and Lesa Bridge.

2. Election of Chair and Vice Chair for 2012

Nominations for position of Chair

Nathan Gedge nominated David McKinney and was seconded by John Winn. David McKinney accepted the nomination.

MOTION: Nathan Gedge moved, since there were no further nominations, to suspend voting and accept David McKinney as Chair by acclamation. The motion was seconded by John Winn and passed 6-0 in favor. Jesse Valenzuela was absent.

Nominations for position of Vice Chair

John Winn nominated Nathan Gedge and was seconded by Dan Lawes. Nathan Gedge accepted the nomination.

MOTION: John Winn moved, since there were no further nominations, to suspend voting and accept Nathan Gedge as Vice Chair by acclamation. The motion was seconded by Dan Lawes and passed 6-0 in favor. Jesse Valenzuela was absent.

3. Approve Minutes from December 6, 2011

MOTION: Dan Lawes moved to approve the minutes from December 6, 2011. The motion was seconded by John Winn.

AMENDED

MOTION: Nathan Gedge moved to approve the minutes as amended in the pre-meeting. The amendment was accepted by Dan Lawes and John Winn and the amended motion passed 6-0 in favor. Jesse Valenzuela was absent.

4. Fullmer Property Rezone; approximately 9300 South 2200 West; Rezone 8.5 acres from A-1 (Agricultural 1-acre lots) to PRD(H) (Planned Residential Development, high density with 10 units per acre maximum density); Dannen Development/Josh Becker (applicant) [#ZC20110009; parcels 27-04-479-023, 024]

Jennifer Jastremsky gave an overview of the application. The property is currently zoned A-1 with a high density future land use designation. The proposal is for ten dwelling units per acre for a total of 84 possible dwelling units laid out in 20 two-story buildings with four units per building. She showed possible project elevations. The existing housing stock in the area does not cater to the young professional and small family market that the applicant wishes to target. The general plan desires a diversity of housing types and densities. Additional design, open space, and architectural standards are required for a PRD zoning district. If rezoned, the final density would be approved by the City Council through the preliminary development plan process.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone the property generally located at 9300 South 2200 West from A-1 (Agricultural 1-acre lots) to PRD (H) (Planned Residential Development, high density with up to 10 units per acre) zone.

David McKinney noted that the general plan was recently updated and asked if the designation on this property had changed from the previous general plan.

Jennifer Jastremsky said this property was not discussed or changed.

Josh Becker, 2445 North 1450 East, Lehi, Dannen Development, had nothing to add to the staff presentation but was available for questions.

Don Warburton, West Jordan resident on Kensington Park Drive, stated that he was opposed to the project due to the increase in traffic on 2200 West, which is already hazardous due to cars parked on both sides of the road at Hawthorne Academy. An increase in crime rates due to high density housing concerns him. A study done at Purdue University showed that high density housing promotes more serious violent crime rates. Also, the University of Kentucky did a study that indicated the critical mass is over 50 units, and the proposal is 84 units. Decrease in property value concerns him as he has a half-acre property. He felt there *is* diversity in the area with senior housing, apartments, and single-family homes within one-half mile. Mr. Warburton pointed out his home location on the map at the request of Commissioner Bridge.

Larry Fullmer, Bluffdale resident, stated that his father and uncles are owners of the subject property. They are getting older and are no longer able to maintain the property or use it in an agricultural way. He clarified that the plan is not to have lower income housing, but it will be a middle class housing for young professionals. It can be difficult for that group of people to find this type of affordable townhomes with high quality people. He said the area around this property was once surrounded by fields where they could hunt pheasants and swim in the canal, but no one asked them for permission to build homes on that property, so he didn't know why people want to tell them what to do with their property. They had a previous opportunity to have a communication tower on the property, but the neighbors shot that down. The applicant is asking to develop a nice project in a zoning that the land is already planned for.

Carol Weenig, West Jordan resident, concurred with Mr. Fullmer, but her concerns were with the increased traffic. They already have high density traffic from the apartments and there are new units being built to the east. They are concerned with increased density, and they are experiencing vandalism. She asked them to consider the safety and density of the traffic.

Brent McNee, South Jordan resident, said he was extremely opposed to the high density factor and has no doubt that it will bring a crime factor. He encouraged them to consider less density for the property. He asked for clarification on the staff report regarding a 50-70 foot barrier and a water line loop across the canal. He wanted to be on record stating his concern if they are coming to his side of the canal.

Jennifer Jastremsky said the barrier refers to the width of the canal and canal road right-of-way. There would additionally be a required 20-foot landscape buffer.

Todd Johnson believed that the waterline is already in place on the west side of the canal, and the waterline that needs to be constructed on the east side will be constructed if this project comes to site plan. He didn't believe the subdivision on the west would be affected in the future. Todd Johnson explained that an encasement is a pipe that goes around the waterline so the pipe can be easily installed and removed. The waterline is looped across the canal for flow requirements to the subject property so they can get water from multiple locations. He offered to provide more information and maps at a future time.

David McKinney referred Mr. McNee to the City Engineer to obtain answers to these questions.

Roxane Nelson, South Jordan resident, said she and her husband are against the project and high density for this area. She didn't mind the development that had occurred since they moved here in 1990, but they also still enjoy the open spaces. She suggested that a park would be nice. She said all of the school children from this development would have to be bussed unless they went to the nearby charter school, and it would increase the traffic in the morning and afternoon. She was also concerned with looping the water across the canal and what that would do to her property. Property values are a concern as well as the small size of the buildings that are proposed to have four units each.

Jay Fullmer, property owner, said he lived on the property when there were only four houses in the whole area. They've never complained when people built around them when the farms were sold. If the area hadn't been developed then there wouldn't have been a West Jordan community. His brother Gene put West Jordan on the map. They've used their property as gardens and pastures but never complained about development around them. The property is somewhat of an eyesore now, so they are trying to do something about it. He felt that the proposed development couldn't be improved upon, and it would be beautiful if developed according to the proposed plan. He was on the canal board and didn't see any problems with the canal.

Randy Tyson, Saratoga Springs resident, and representing his uncle and the Fullmer family as a real estate agent, said there had been judgments regarding the type of people that might move there. He wondered how many of those in the audience had lived in this type of middle class townhome situation and if they found more problems within their neighborhood. There will be more cars coming in and out of the development, but he didn't think it would affect the traffic level that much compared with the benefits to the area with the project.

Brett Paulsen, West Jordan resident, said he wasn't opposed to this development, but his questions had to do with traffic. He hoped the City will do something about traffic and parking on the road near the school at 9000 South. He asked if there would be sidewalk on the project and he hoped the weeds would be cut soon.

Jennifer Jastremsky said curb, gutter, and sidewalk would have to be installed when the property is developed.

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

Josh Becker responded to the comment regarding a park and stated that there would be a 3-acre park in the project. There will be a minimum of a 90-foot buffer between their property and the properties to the west. They also added another buffer between the project and 2200 West. Regarding traffic and parking, he can't do much once people leave the development, but more than adequate parking would be provided within the development. Addressing crime, he had developed these types of projects before and had lived in them, and he had never committed a violent crime. All of the reports and studies he had compiled and seen stated that crime has nothing to do with density and everything to do with socioeconomic status, which can't be considered by the Commission. However, he won't build anything that isn't nice.

Lesa Bridge asked about the anticipated price point or defined demographic.

Josh Becker said once he knows the density that will determine the price point. The demographic would be medium to upper scale targeting young professionals and small families.

Nathan Gedge referred to the memo from the Engineering department and confirmed the comment that states there appears to be no significant impact to transportation and traffic in the area.

Todd Johnson said there are some issues with the charter school on 2200 West, but the roadways in the area will remain as collector streets and will require no further upgrades.

Ellen Smith asked if there were any studies on 2200 West in this area that confirm it can handle the increased load.

Todd Johnson said they have traffic counts, but he didn't have specific numbers available at the meeting.

David McKinney said it appeared that all criteria had been met with the possible exception of #2 regarding compatible land use relationships and effect on adjacent property. The property is bordered on three sides with low density single-family residential, so the change would be a sudden jump from low density to high density. Ordinarily it is more desirable to have a more gradual change. Even though the general plan calls for high density he wasn't sure it fits. He would be willing to consider a medium density on the project as an appropriate buffer.

Ellen Smith agreed with Commissioner McKinney and the concern of having this many units next to single-family, especially to the north. She liked the fact that the proposal is for a PRD, which tells her the applicant is willing to go the extra step on the project. She drives this road almost every day and would like to see the current traffic counts and levels of service, because adding 84 units on 2200 West could create a safety issue.

Lesa Bridge felt the project meets a needed niche in the area for appropriately priced medium to upper scale units that will have to meet the extra design criteria. She felt that 84 units with 3 people per household on 8.5 acres isn't a lot of people. This project could work if they meet the guidelines and the City carefully monitors the design.

Dan Lawes said it isn't that uncommon to have this jump in density, and he gave the example of Country Park Villas on 7000 South that is surrounded by single-family development.

David McKinney said Commissioner Bridge's comment on traffic is fair and the impact would be relatively small. His concern is the jump in density.

Nathan Gedge said there is an appropriate setback from the properties to the east and west. He is more concerned with the properties to the north and south, but with the community design and amenities required in the PRD the proposal would be good for the community and an improvement to the site.

MOTION: Nathan Gedge moved based on the findings of fact in the report being satisfied to forward a positive recommendation to the City Council for Fullmer Property Rezone; approximately 9300 South 2200 West; Dannen Development/Josh Becker (applicant) rezoning 8.5 acres from A-1 (Agricultural 1-acre lots) zone to PRD(H) (Planned Residential Development, high density with up to 10 units per acre) zone. The motion was seconded by Dan Lawes and passed 4-2 in favor with David McKinney and Ellen Smith casting the negative votes. Jesse Valenzuela was absent.

David McKinney said for the record his concern was with the jump in density.

Nathan Gedge explained to the audience that this is the first step in the process and they are invited and encouraged to attend the City Council meeting.

Ellen Smith said she wasn't opposed to the development of the project and if done right it will be an excellent product, but they need to be aware of the traffic issues and the jumps in density from north to south.

5. Corner Shops at 90th South Waiver; 9022 South Redwood Road; Reconsideration of Undergrounding Overhead Utility Waiver; SC-2 Zone; Proterra Development/Jonathan Taylor (applicant) [#MISC20110010; parcel 27-03-327-010]

Scott Langford gave an overview of the request to reconsider a waiver to the requirement to underground utilities. The original condition of the site plan required a waiver or a deferral agreement. The applicant has met with staff, Rocky Mountain Power, and UDOT. They have been trying to craft a deferral agreement that would work for the site. Exhibit D in the staff report documents all the avenues taken by the applicant to meet the condition. Staff felt the applicant had done their due diligence and pursued the deferral agreement as far as possible, and due to unique circumstances on this site a waiver is justified.

Based on the information set forth in this staff report, staff recommended that the Planning Commission grant a waiver to Section 8-2-4 requiring the undergrounding of overhead utilities for property located at 9022 South Redwood Road. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

David McKinney understood that the power line feeding the development is underground.

Scott Langford showed the route of the underground service line. The lines along Redwood Road are for distribution.

David McKinney said by granting the waiver they won't get anything more or less overhead.

Scott Langford said that is true. The applicant has designed and buried the service line to make it less expensive and easier in the long run if the distribution line were to be buried in the future.

Jonathan Taylor, 2231 East Murray-Holladay Road, applicant, thanked the staff and city attorney for months of trying to figure this out, and they are now back where they started. He explained how the existing poles currently service the surrounding businesses and what would have to happen should the pole be removed. That

would create the need for Firestone and Jiffy Lube to be involved in the issue. What they did was put the power to their building underground, which will make it less expensive and easier if the other lines are ever buried.

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

Nathan Gedge felt that the applicant had attempted to accomplish what the City wanted and appreciated their efforts. He was in favor of the waiver.

David McKinney said this is one of the situations where they are between a rock and a hard place where the City wants utilities to be underground, but in this case it is very difficult to do so.

MOTION: Dan Lawes moved based on the information in the staff report and the explanation from the applicant this evening that the planning commission grant a waiver to Section 8-2-4 requiring the undergrounding of overhead utilities for Corner Shops at 90th South; 9022 South Redwood Road; Proterra Development/Jonathan Taylor (applicant). The motion was seconded by Ellen Smith and passed 6-0 in favor. Jesse Valenzuela was absent.

David McKinney asked for an update on what the City is doing regarding the undergrounding issue.

Scott Langford said we typically receive three waiver requests per year, so staff felt that we can try to improve upon the code. Research comparing other cities will be distributed in preparation of a discussion at the next meeting.

Tom Burdett gave an update on upcoming City Council items.

MOTION: John Winn moved to adjourn.

The meeting adjourned at 7:04 p.m.

David R. McKinney
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2012