

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 7, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Nathan Gedge, David Pack, Ellen Smith, Dan Lawes, John Winn, Lesa Bridge, and Zach Jacob.

STAFF: Tom Burdett, Greg Mikolash Robert Thorup, Scott Langford, Ray McCandless, Nathan Nelson, Bill Baranowski, and Julie Davis

OTHERS: June Christiansen, Randy Bowler, David Barber, Mark Garza, Matt Smith, Kelly DeLeeuw, Greg Hughes

The briefing meeting was called to order by Nathan Gedge.

Commissioner Bridge asked to be excused from the May 21st meeting. The agenda was reviewed. Background information was given regarding Item #2. Scott Langford clarified that the bridge across the wash in Item #3 is not a condition of approval nor is it shown on the subdivision plat or development plan but was a carryover from the 2007 plan. Also, the criteria discussion mentioned stamped, colored concrete crosswalks at all intersections. However, there it is not in the plans, because there is no requirement and the city doesn't want to take over the maintenance. Soils issues are being addressed. Half-width roads were discussed briefly. School capacity issues were also discussed.

The regular meeting was called to order at 6:01 p.m.

**1. Consent Calendar
Approve Minutes from April 16, 2013**

MOTION: John Winn moved to approve the Consent Calendar the minutes from April 16, 2013. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

2. Bowler Property Rezone; Clarification and possible re-proposal of Chairman Gedge's April 2, 2013 motion to recommend approval of a proposed request to rezone 10 acres from RR-1D (Rural Residential 1-acre minimum lots) to A-1 (Agricultural 1-acre lots minimum) located at 7402 South 5490 West; Bowler Livestock LC/Randy H. Bowler (applicant) [#ZC20130003; parcels 20-25-300-001, 030]

It was explained that this is a business item and will not include a public hearing, but the City Council will consider the issue at a public hearing tomorrow night.

Chairman Gedge said that staff asked for a clarification of the motion from the April 2nd meeting regarding the Bowler property rezone, because they did not feel that all of the positive criteria were satisfied in his motion for a positive recommendation, and specifically Criteria #3. He referred to the staff report on the second page in Criteria #2 and stated that after a brief discussion in the pre-meeting, he felt comfortable in striking the sentence that states, "Criteria 2 does not require the Planning Commission to contemplate "future" development of adjacent properties in its decision making". He felt that the criteria is still satisfied for the existing property uses and that it is a good fit for the foreseeable future with the surrounding land uses.

The following findings of fact and conclusions of law were presented in the staff report:

Criteria 1 Finding: The Planning Commission determines that the proposed zoning amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan and through the City's Conditional Use Permit process any potential negative impacts to an adjoining property may be effectively mitigated.

Criteria 2 Finding: The Planning Commission determines that the proposed zoning amendment will result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3 Finding: The Planning Commission determines that the proposed zoning amendment furthers the general welfare and does not affect the health and safety of the citizens of the city and disagrees with city staff in their original Finding.

Criteria 4 Finding: The Planning Commission agrees with city staff on their original finding that the proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5 Finding: As noted in the April 2, 2013 staff report, page 5 “This Criterion does not apply.”

Criteria 6 Finding: As noted in the April 2, 2013 staff report, page 6 “This Criterion does not apply.”

Lesa Bridge commented that with regard to criteria #2 the staff report indicates that we must take into consideration the immediate and future needs of the property. With respect to Commissioner Gedge’s comment, she didn’t believe they were taking into consideration the immediate needs of the property.

Nathan Gedge asked staff if the report sufficiently addressed the criteria for a recommendation to the City Council.

Robert Thorup said all of the criteria had been addressed.

MOTION: Nathan Gedge moved that based on the findings set forth in the report that the Planning Commission forward a positive recommendation to the City Council for the Bowler Property Rezone; 7402 South 5490 West; Bowler Livestock LC (applicant) to rezone 10 acres from RR-1D to A-1. The motion was seconded by Dan Lawes and passed 6-1 in favor with Lesa Bridge casting the negative vote.

3. Maple Hills Subdivision; 7800 South 6400 West; Preliminary Subdivision Plat (146 Lots on 51.746 acres), Preliminary Development Plan, and Modification to Design Standards for a Half-width Road; P-C Zone; Urban Chase Property Management, LLC/Greg Hughes (applicant) [#SDMA20130008, DP20130005, MISC20130008; parcels 20-27-400-017, 20-27-476-001]

Scott Langford said various developers have tried to change the future land use map for this property over the years and each request had been denied. Today the proposal is to develop the area as previously approved in 2007, which is supported by the future land use map and densities. The City Council approved the P-C zone with a caveat that no more than 146 lots could be developed on the property and the average lot size of the full subdivision had to be at least 8,864 square feet, which this subdivision meets. The P-C Zone requires a preliminary development plan, but it does not include a set list of specific buy-ups for density, etc., so it is open to what the commission feels meets the intent and purposes of the P-C Zone. The project was reviewed by the Design Review Committee with the majority of that meeting focusing on architecture. Certain architectural standards are required and are listed in the development plan. The applicant is also working with the homebuilder, Richmond American, who included four basic home elevations that they believe meet the requirements in the plan. He showed the proposed monuments sign, which will be placed in the future roundabout on 6400 West. Building elevations were shown. Garage setbacks are to be at least five feet behind the living space or front porch, which the plans meet.

Bill Baranowski, Traffic Engineer, said they reviewed the intersections at 6700 West and 6400 West at 7800 South that both operate at acceptable levels of service now and in the future. Most of the new traffic from this development will go through the intersection by the fire station and will actually make the existing development work better by giving people at least two new exit points to the east. Staff was concerned that they aren't building a full road, but with the proposed intersection at 6400 West they believe it will be better with the proposed center turn lane on 7800 South and with the proposed right turn eastbound only deceleration lane coming into the intersection from Mountain View freeway. He pointed out the section of 7800 South that will be widened as part of phase 1 as well as the intersection improvements at 6400 West and 7800 South. Most of the improvements on 7800 South in the next two years will be between the freeway and 5490 West where it will be widened to at least 3 to 5 lanes.

Scott Langford said part of the application was for a half-width road. He showed a cross section of 6400 West that showed the proposal of an additional six feet onto the neighboring property. The applicant is trying to secure easements with the property owner to accommodate the design. The pavement will be 24 feet in width for two-way traffic with curb and gutter on both sides and a nine-foot parkstrip and a five-foot wide sidewalk on the west side of the road. Staff felt that all findings of fact for the preliminary subdivision can be conditionally met as listed in the staff report. Staff also compared the purposes and intent of the P-C zone with the Preliminary Development Plan and believes they can support the request with the conditions of approval.

Maple Hills Preliminary Development Plan

Based on the requirements listed in the Zoning Ordinance, staff recommended that the Planning Commission approve the Maple Hills Preliminary Development Plan generally located at 7800 South 6400 West with a residential density of 2.87 units per acre for a total of 146 single-family residential lots, with the conditions as listed below.

Conditions of Approval:

1. Meet all requirements of Title 14 and Title 13 of the 2009 City Code, and the requirements of the P-C zoning district.
2. The applicant and/or developer shall address and adhere to all departmental comments, conditions of approval as identified in this staff report.
3. Before the final plat and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
4. The Developer is to indicate on all plans, and bond accordingly, for all grading of the site in accordance with the grading plan. The Developer shall install retaining walls as indicated on the submitted grading plan. The Developer shall also install side and rear lot drainage swales, and/or pipes and inlets to facilitate side and rear lot drainage as indicated on the approved engineering construction plans.
5. Building permits are required for any retaining walls over 4-feet in height. Retaining walls over 4-feet in height shall be engineered and installed in accordance with §13-6D-4 of the 2009 City Code.
6. The Developer shall bond for and provide slope stabilization and revegetation plans for all areas disturbed in the subdivision grading process. The revegetation method and plans are to be approved by Engineering Department in accordance with the methods and BMP's provided in the City's Land Disturbance Design and Construction Standards.
7. Final Plat recordation cannot occur until the following stipulations have been met:
 - a) The development/pioneering agreement is approved by the City Council (with abutting property owner's consent), accepting the placement and installation of improvements along the proposed right-of-way of 6400 West and 7800 West.
 - b) The Real Property Agreement is approved by the City Council which identifies the trade area for the City park and Maple Hills development area. The final plat cannot be recorded until the land exchange agreement is signed and executed between the City and the Developer which includes approval by the City Council. The City Council is to defer street improvements for 7400 South and 6400 West along the boundary of the Maple Hills Phase 3 Plat (Future City Park).

- c) Warranty deeds shall be provided to the City for all property and slope easements outside the boundary of the platted subdivision for dedication of roads, utilities or other improvements as required by the City Engineer.
 - d) Submit documentation of the HOA's responsibilities within the project (CC&R's). Areas within the subdivision which are to be the HOA's responsibility shall be indicated within the final development plan.
8. The land designated as 'Parcel C' on the preliminary plat shall be replaced by a 25 foot wide utility easement, with the land dedicated equally as part of lots 1089 and 1090.
 9. Unless completely mitigated to the satisfaction of the City Engineer, a note shall be placed on the plat indicating specifically what lots in the first phase are affected by the Collapsible Soils. A separate document shall be recorded with the County Recorder's Office which specifically states that these lots are within a sensitive soils area. This enables Title Companies to become aware of the situation and therefore the information can be relayed to the future property owner. A Certificate of Present Condition is a typical document that is recorded for these types of situations.
 10. Provide information to the City which indicates how there will be no conflict between the pedestrian walkway and the future driveways of lots 1081 & 1082 of the first phase.
 11. All homes constructed within the Maple Hills subdivision shall comply with the requirements of the P-C zoning district and all of the requirements listed in the Preliminary Development Plan.
 12. The developer responsible for the construction of 6400 West shall also be responsible for any required contaminated soil cleanup and/or remediation.

Maple Hills Preliminary Subdivision Plat

Based on the required findings listed in the Subdivision Ordinance, staff recommended that the Planning Commission approve the Maple Hills Preliminary Subdivision Plat generally located at 7800 South 6400 West, with a residential density of 2.87 units per acre for a total of 146 single-family residential lots, with the conditions as listed below.

Conditions of Approval:

1. Meet all the conditions of the Maple Hills Preliminary Development Plan.
2. The Maple Hills Final Subdivision Plat shall integrate traffic calming design within the interior of the subdivision as directed by the city engineering staff.
3. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (Section 14-3-8B of the 2009 City Code)
4. In order to facilitate efficient and cost-effective maintenance of streetscape landscaping, a 6 inch concrete mow strip, measured from the supporting masonry posts into the landscaped area, shall be installed along the entire length of the streetscape wall.
5. A Development Agreement between the developer and city shall be approved prior to or concurrent with approval of the final subdivision plat of the first phase.

6400 West Modification of Design Standards

Based on the required findings listed in the Municipal Code, staff recommended that the Planning Commission forward a positive recommendation to the City Council to approve the requested Modification of Design Standards for 6400 West adjacent to project boundary of the Maple Hills subdivision as requested by the applicant and recommended by the City Engineer.

Dan Lawes asked how the road plans would be altered in the event they can't get an easement for the six feet of property.

Scott Langford said the applicant has been working on this issue and could address the question.

Ellen Smith asked what standards would be used to determine if the collapsible soils have been mitigated and whether or not the city could be sued due to issues with collapsible soils after we sign off.

Nathan Nelson said the city requires geotechnical investigations to ensure that the soils are capable of supporting foundations, roads, etc. The applicant's geotechnical engineer has been taking and testing samples and they are producing a map showing location and depth of the soils. Staff hasn't seen the full extent of the plan with mitigation, but once they are identified they will be excavated and removed from the site or wasted in areas that will not be supporting buildings or roadways. Mr. Nelson stated that part of the geotechnical consultant's responsibility is not only to prepare the plan but to ensure on-site inspections are handled during excavation, then to provide the written reports to the city's satisfaction that it has been executed. If there are failures they will look back to the license and credentials of the geotechnical engineer to bear the responsibility for the improper handling of the soils.

There was a brief discussion regarding the smaller setbacks for a P-C zone compared to a traditional zone. The proposed setbacks comply with the P-C Zone.

Greg Hughes, representing Urban Chase Management, gave a brief background stating that his interest is typically with higher density products, and he thought that this property would have been a good location for smaller square footage lots because of the addition of the Mountain View Corridor. However, there is a great interest in single family lots and he now is looking to approve the original plat from 2007. The half road is what they can control. There is a 15-foot slope easement they need in order to build half of the road and it requires the participation of the Jensen Trust. It is his preference to build the road, because it is more costly to arrange for a deferral agreement, but they need cooperation from the adjacent property owner. He said they plan to put the utilities on their own side, so more of the road cost will be incurred on their side. In the event they can't obtain the easement they will be left to consider a deferral agreement from the City. He complimented the city on the positive experience he had with the design review committee. The meeting was very collaborative and with the observations and comments they were able to get an improved product. He said that the elevation of the land will require rock retaining walls, and there will be a lot of architectural features beyond the homes because of the topography as well. Richmond American is bringing their product and it will be a great example for their other developments. They will do whatever GSH, their environmental engineer, requires for mitigation of collapsible soils, which will be reviewed by the city to make sure it complies with codes and ordinances.

There was a brief discussion regarding the adjacent church site and that there is no cross access coordination needed, since all stub roads will connect to existing public roads.

Greg Hughes spoke about the half road saying it will not be critical to the success of the project, because the traffic plan will work with the adjacent areas without the road.

Lesa Bridge asked if the proposed homes will look and feel very similar to the style and nature of the existing homes in the area.

Greg Hughes said yes, but they are larger homes and lots.

Zach Jacob added as an observation that the placement of the monument signs may be better located closer to the entrance to the neighborhood north of the fire station as more of a welcome to the neighborhood.

Greg Hughes said they have a challenge with the change in elevation because of the retaining walls. He was not adverse to the suggestion but would have to look at the area, because Richmond will want to take advantage of sight lines the best they can.

Ellen Smith was excused from the meeting at 6:33 p.m.

Nathan Gedge opened the public hearing.

Matthew Smith, West Jordan resident, said he lives just to the west of the project and was happy with the design overall. There are a lot of people moving out of their homes in need of a bigger home, so it is a great way to keep good people in the neighborhood and the city. He referred to Lot 2026 and said an established road of six or seven years is currently there that connects Bridge Maple Lane to the church and he asked about the status. He wanted to make sure that all dangerous bullets and metals were removed from the site since it was previously a firing range. He wondered if there is still a water well planned in the area. Also, if the half road will go all the way to 7400 South and if 7400 South is included in the development, and he asked about a timeline for the park to the north and if this development will speed up the plans. Lastly, he said that at one time the master plan had part of the area designated for an elementary school, but the topography would not allow it. He asked the commission to keep in mind that with the extra homes there would be more children.

Nathan Gedge said the water well is still intended to be on the property, he recommended that Mr. Smith attend the City Council meeting the following night as they will discuss parks, and there are no plans for an elementary school in this development and the school district is aware of this development. He asked staff and/or the applicant to address the church lot connection and half-road.

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

Greg Hughes understood that the emergency access easement to the church is not required and will no longer be needed once the road is connected.

Lesa Bridge said the geotechnical individual will discover if there are any hazardous items on the property.

Nathan Nelson said the firing range was cleaned up about 4-5 years ago with a notice of completion from the Department of Environmental Quality. He explained that when the old Bingham Magna ditch was abandoned sediments with high levels of arsenic and lead were deposited. Kennecott came through around 2007 and in areas that were accessible they excavated and removed all of the contaminated soil. As part of that work plan they were not required to remove soil under paved roads. So when they get ready to reconstruct the road and put utilities in its place they will create a work plan to be approved by the state and city and will complete the section under the emergency access road.

Zach Jacob asked if the back driveway from the church out to Bridge Maple will be eliminated and a home constructed.

Scott Langford said yes.

Nathan Gedge thought that the proposal is a good fit and matches the intent of the 2007 approval and he was in favor of approval along with the conditions presented by staff to help protect the neighborhood.

MOTION: Dan Lawes moved to approve the Preliminary Development Plan for Maples Hills; approximately 6400 West 7800 South; Urban Chase Property Management, LLC/Greg Hughes (applicant) with the conditions of approval 1 through 12 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 6-0 in favor. Ellen Smith was absent.

MOTION: Dan Lawes moved to approve the Preliminary Subdivision Plat for Maples Hills; approximately 6400 West 7800 South; Urban Chase Property Management, LLC/Greg Hughes (applicant) subject to conditions of approval 1 through 5 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 6-0 in favor. Ellen Smith was absent.

MOTION: Dan Lawes moved to forward a positive recommendation to the City Council for the requested Modification to Design Standards for 6400 West adjacent to the project boundary of the Maple Hills subdivision; approximately 6400 West 7800 South; Urban Chase Property Management, LLC/Greg Hughes (applicant) as requested by the applicant and recommended by the City Engineer. The motion was seconded by Lesa Bridge and passed 6-0 in favor. Ellen Smith was absent.

Tom Burdett said a draft agenda for the Planning Commission/City Council workshop included locations of multi-family sites, school capacity issues with a presentation from the school district, and the City's development vision. Suggested training items for the Commission will be scheduled when there is a light agenda. He updated the Commission on recent city council actions.

Nathan Gedge reminded the Commissioners that there is training for all city committees on June 6th from 6-7:30 p.m.

MOTION: Dan Lawes moved to adjourn.

The meeting adjourned at 6:47 p.m.

NATHAN GEDGE
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2013