

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 3, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Greg Mikolash, Ray McCandless, Nathan Nelson, Bill Baranowski, and Julie Davis

OTHERS: Boyd Brown, Sam Drown, Andrea Thomas, George Haines, Laura and Ken Wilson, Tom Dyckman, Rebekah Dyckman, Dennis Taylor, Lance Klotovich, Georgia Klotovich, Laura Butler, Heather Tang, Mallory and Lynn Bristol, Ray Tang, Susan Welch, Karen Welch, Robert Welch, Dale Steadman, Doug Steadman, Roger Meyer, Bob Butler, Ryan Boyle, Heather and Douglas Childs, Robert Taylor, Lorna Snow, James Swanson, Ryan Swanson, Mary Brazell, Derek Lee, Jacquie Zindel, Evelyn Stokes, Suzanne Stokes, Judy Meyer, David Alder, Debra Weight, Kate Boyle, and Bonnie Fernandez.

The briefing meeting was called to order by Nathan Gedge. The agenda was reviewed.

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

**1. Consent Calendar
Approve Minutes from August 20, 2013**

MOTION: John Winn moved to approve the Consent Calendar, the minutes from August 20, 2013. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

2. Leak Property Rezone; 8300 South 2700 West; Rezone 9.77 acres from R-1-10C (Single-family Residential 10,000 square foot minimum lots) to PRD (M) (Planned Residential Development – Medium Density); Castle Creek Homes South/Sam Drown (applicant) [#ZC20130009; parcel 21-33-403-037, 038, 039]

Ray McCandless gave an overview of the request to rezone 9.77 acres to the PRD (M) zone. He reviewed the current status of the surrounding area and pointed out the TRAX station and existing stub streets that connect to the property. The land use map indicates medium density for this area. A conceptual layout was provided to show the development potential of the property, but it is not to be reviewed for approval at this time. He read from the purposes of the PRD zone and said the Commission should consider if those are consistent with the intent of the approval criteria. He said that the developer had met with some of the residents in the area and the current concept plan was in response to some of the concerns, which included eliminating through traffic and compatibility with the existing neighborhood by including single-family dwellings adjacent to the existing single-family. Staff received a number of emails from adjoining property owners, which had been forwarded to the Commission. A lot of the comments dealt with traffic circulation. He turned the time over to Bill Baranowski to speak on that topic.

Bill Baranowski, West Jordan Traffic Engineer, said the biggest issue with existing traffic in this neighborhood is the lack of connections between 2700 West and 2200 West. He explained that the high school students began to use Bueno Vista as a cut through means when Sugar Factory Road was blocked off with the installation of the TRAX line. In 2011 the neighborhood asked for a traffic study for Bueno Vista with the possibility of speed bumps/tables to mitigate the traffic. A traffic study was not conducted for this development, but by applying the gravity of traffic principles the majority of the estimated 26 a.m. peak hour trips would turn right toward 7800 South. He said that staff plans to meet with Bueno Vista residents this winter to conduct a traffic calming project to discuss how they would like to redesign the street and where they would like speed bumps/tables.

Ray McCandless explained for the audience that the Planning Commission will make a recommendation to the City Council who will then make the ultimate decision on the request. A mailing will be sent prior to that meeting. Another notice will also be sent prior to any site plan or subdivision request.

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 located at 8300 South 2700 West, rezoning 9.77 acres from R-1-10C (Single-family Residential 10,000 square foot minimum lots) to PRD (M) (Planned Residential Development – Medium Density).

Nathan Gedge asked for clarification that if the property were to remain R-1-10C there could be 49 homes, but if it were rezoned to PRD (M) there would be only one additional unit allowed if density buy-ups were given.

Ray McCandless said there is a base density and buy-ups for amenities can be given for a higher density.

Zach Jacob asked for the base density for PRD (M). He calculated R-1-10 to be about 4.5 units per acre not counting roads.

Ray McCandless said it is 3.1 dwelling units per acre.

Sam Drown, Castle Creek Homes South, applicant, said he appreciated the concerns of the neighborhood and would like to build a development that they will all be happy with. The vision for neighborhood is to create a community that incorporates the TRAX station as an amenity and to buffer the existing neighborhood from the TRAX station, and this zoning will allow for that transition. Their target market for the townhomes will be mid-twenties and 55+. He lives in a townhome development. He wants nice neighbors and a nice neighborhood without the yard maintenance, and that is a growing trend. The market research also shows that people who live in a townhome community are more likely to use the public transportation. During the neighborhood discussions some of the residents said they were in opposition to the TRAX station in the first place and if there were quarter-acre lots next to the station they wouldn't want to buy one. So they don't feel that placing big lots next to the TRAX station made sense. Another thing they want to provide is connectivity throughout the neighborhood. The townhomes will be alley-loaded so they will face on community open space that is maintained by an HOA. There will be a path and sidewalk network that connects all of the units. They don't want to create two different communities, but they will have the connecting walkways. Also, each single-family detached home would have a large, covered porch in the front yard to provide neighbor interaction. Protective covenants will ensure that the landscaping is in good condition, parks are maintained, and architecture features are enforced on all four sides. The craftsman theme will carry to both the townhomes and single-family detached homes. It will be all masonry siding, stone, board and batten accents, shake shingles, and all this will add to the attractiveness of the area. They have tried to take all concerns expressed at the multiple meetings into account. Based on that feedback they provided the two cul-de-sacs, an access to 2700 West, and they lowered the density from their initial proposal by placing single-family buffering on the perimeter. Other concerns were traffic; there are a lot of studies that show townhomes produce less traffic than single-family detached. Property value was a large concern. According to Harvard's joint center for housing study, high density housing does not pose a threat to nearby single-family home values based on 30 years of U.S. Census data. The last six months of MLS data for six homes that have sold in this area had an average of 1268 square feet aboveground and their townhome project will be approximately 1750 square feet above ground. The average price for the homes sold in the area was \$217,000 (\$115 per sf). They are planning to sell the townhomes from the low \$200,000 (or about \$120 per sf). Single-family detached would start at 1800 aboveground square feet selling for \$250,000 (about \$140 per sf). He addressed the concern regarding crime. Studies show that there no correlation between density and crime. The neighborhood was concerned there would be apartments, but they aren't building them.

Nathan Gedge read the names of those who submitted emails to the Commission: Bob Butler, Mary Brazell, David Day, Ryan Brakey, Jen Brakey, Evelyn Stokes, Laura Butler, Derek Lee, Robert Walker, Heather Walker,

Robert and Karen Welch, Lorelei and Lehi Petersen, Chad and Amie Fraser, Rebekah Dyckman, Thomas Dyckman, and Corie Steadman. He stated that the Commission has taken these comments into consideration.

Nathan Gedge opened the public hearing.

Andrea Thomas, West Jordan resident for 15 years, said she liked a lot of things that Castle Creek listed for the development and she is looking forward to having this be a part of her neighborhood. She said on July 17, 2007 the City Council voted to keep the R-1-10C zoning on the property and she asked if anything had significantly changed since then. She understood that homes are needed for increased population and she also understood that just because a lot is 10,000 square feet it doesn't mean that there will be fewer people. However, this area still has the flavor of old West Jordan with larger lots and this addition to the neighborhood is totally different and she asked if that addition will have an adverse affect. She said the road circulation is already confusing in the area and now they are talking about opening Alba Lucia. She referred to the finding in criteria 12 that notes it is an issue that this development is limited to property available and all other property in the area is developed.

Dennis Taylor, West Jordan resident, stated he is speaking for the surrounding community that borders the property. The applicant's petition of support notes that there would be no increase in density, so he didn't believe that the community is on board with the proposal. They would like the property to remain R-1-10. The land use is incompatible with the adjacent properties since there are lots of various sizes from one-half acre to 10,000 square foot lots. He thought the concept plan is out of proportion. Traffic has been discussed, but the whole community is concerned with child safety. He said there are other places in the city for high density, where someone moving to the area will know what they are buying. This community purchased their properties assuming that this same type of neighborhood would be build next door. This proposal is not cohesive to the rest of the neighborhood.

Bob Butler, West Jordan resident, said the applicant said that they are planning to have community parks and such, and he asked if the HOA as part of the community would be accessible by the surrounding neighborhood.

Nathan Gedge said they wouldn't be discussing the development plan until the next phase of the development and isn't being considered today.

Laura Wilson, West Jordan resident for 40 years, stated that they chose their lot because it was 'country living'. She said this is the fourth time they have been before City Council to say they bought their property to have area to move about and not to be too close to their neighbors. She asked the Commission to approve something that will be an extension of what exists and not to slap in a high rise or townhomes that don't belong.

Kate Boyle, West Jordan resident, said because the target group of people in their 20's may have little children a big concern she had was the close proximity to TRAX. She was also concerned with the lighting in the alleys of the townhomes, because she already gets a lot of light from the TRAX parking lot.

Nathan Gedge said that they would take a close look at lighting in the next phase, whether or not the property is rezoned.

Bonnie Fernandez, West Jordan resident, stated she lives a mile north of this property, but she was also concerned with traffic on 2700 West. She questioned the trip generation chart that doesn't seem reasonable taking into consideration the density and number of homes to have a limited number of 26 trips in the morning and 23 in the evening at peak hours. She didn't read anything about the high school and the amount of existing traffic that is generated during high school hours. She asked them to only consider the rezone and whether or not the densities are appropriate. She asked them to give consideration to the traffic and the existing neighborhood.

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

The applicant was asked if he wanted to give a closing statement but declined.

Ellen Smith questioned if criteria three is met because of the issue with the morning peak hours with the high school traffic and the TRAX commuters. There already isn't a lot of stacking in the area and once this new roadway is opened to 2700 West there will be people waiting in that area to cut through by the townhomes and up through Bueno Vista. She was concerned that there hadn't been a traffic study because they are adding points of conflict onto 2700 West. She said she couldn't vote on the rezoning until they have more information on the traffic situation at 2700 West especially during the peak hours.

Zach Jacob said one thing to consider is that the proposal is not technically for an increase in density. The R-1-10 zoning would allow about the same number of units as the proposal. The zoning allows the developer flexibility with the types of lots. They still have to average a certain number of lots per acres starting at 3.1 and going up to 5 units per acre with buy-ups. Since the subdivision layout has been referred to by the applicant, he stated that page 31 of the General Plan states, "In evaluating areas that may be appropriate for multiple family residential uses, identify sites that are in or near urban areas, employment, shopping, recreation and transportation centers and located within convenient access to public transit." He noted that the phrase is *and* not *or*. Just because they are near a public transit station does not make it an appropriate site for multi-family housing. The PRD zone might be appropriate as far as creativity, but the subdivision concept is not. He felt that the proposal with the potential for multi-family here violates criteria one and two.

Nathan Gedge felt similarly.

David Pack said page 4 under criteria 2 states it does not adversely affect adjacent properties. That is up to interpretation. No property is taken, but it impacts the use of properties relative to what they bought them for. He didn't fully disagree with staff's analysis, but no one seems to be speaking in favor of the rezone. He understood his job is to represent the public, and if the public is saying that it does adversely affect their adjacent property there is a question on criteria two. He agreed with Commissioner Smith on criteria three and didn't see how it furthers the public health, safety, and general welfare of the citizens in the city when traffic is increased along with other issues that were mentioned. He would have a hard time recommending the rezoning.

Dan Lawes agreed with Commission Pack. There are some components that work, but it is difficult to separate the two issues. They would have an opportunity to review the development plan on a finite level and hash out details on the site design.

Lesa Bridge said she wasn't opposed to the rezoning if a traffic study would resolve the issues.

Nathan Gedge didn't think they should delay the application since the City Council will make the final decision and they will see from the minutes that there were concerns with the traffic.

Dan Lawes said it is too ambiguous to say 'based on' the traffic study, because it could have very broad implications. They should either completely put it off pending the traffic study or move it forward.

David Pack asked for clarification on what it means to have 26 peak hour trips.

Bill Baranowski said it is correct that a townhome produces fewer trips than a single-family home. Traffic engineers monitor how many trips they produce during the peak hours. He only listed a.m. on the slide because the high school and the subdivision will have the biggest impact in the a.m. peak hour. He failed to mention on the table that he included a 10% reduction for being next to a TRAX station, which is typical. He should have listed the numbers without the reduction, but he hoped that 10% of the people would use it during the peak hour. Other developments have been given credit for proximity to the TRAX station. The calculation was taken from the national standard. If they wanted a separate study for West Jordan residents they could do that.

Zach Jacob said a typical townhouse has fewer trips, but there are more townhomes in the same space that one single-family home would occupy. He asked if the study still holds true.

Bill Baranowski said it is black and white with numbers for 33 townhouses and 9 single-family homes.

David Pack also wondered about that. If it is a 5 to 1 ratio he would have a hard time believing that the single-family homes would produce 20% of the trips that the townhome would. So on a peak hour there would only be 26 vehicles turning on that street.

Bill Baranowski said it would be appropriate to do a traffic study with calculations for that intersection, but he only considered the homes that connect to 2700 West. If they add back 10% for the TRAX users it would be more like 33 trips during the a.m. peak hour. He assumed that 100% of the people would go to 2700 West because it is a direct route out of the street.

Ellen Smith said her concern is there are so many points of conflict in that area with the high school and commuters and the traffic from the new area and from Bueno Vista. There isn't a lot of stacking area in the center lane. They need to look at the way it is developing and see if there is a more efficient way to move the traffic in that area.

Zach Jacob asked if there would be a fence on the south property line.

Greg Mikolash said a subdivision wall would be required.

Dan Lawes asked if the planning commission could request a traffic study to be completed before it is presented to the City Council.

Greg Mikolash said they can request it.

Nathan Gedge felt that the PRD might better protect the existing neighborhood than the current zoning by allowing creativity and protecting home values. He did have concerns with the concept plan and traffic flow, but the PRD might actually have a lower density. Since they are considering the rezone tonight and not the traffic study or anything else he was leaning toward being in favor of the request. The subdivision design comes through a separate process.

MOTION: Dan Lawes moved to forward a negative recommendation to the City Council for the Leak Property rezone; 8300 South 2700 West; Castle Creek Homes South (applicant) rezoning 9.77 acres from R-1-10C to PRD (M). The motion was seconded by Ellen Smith.

Nathan Gedge asked that he cite specific criteria supporting the recommendation.

AMENDED

MOTION: Dan Lawes moved to amend the motion to state that criteria 2 and 3 had not been met. The amendment was accepted by Ellen Smith.

AMENDED

MOTION: Dan Lawes further moved to amend the motion stating more specifically the previous concerns as mentioned by Commissioner Smith and Commissioner Pack in regards to criteria 1 that the proposal does not enhance the established neighborhood, criteria 2 it is not compatible with adjacent properties, and criteria 3 it does not further the safety and general welfare of the citizens. The amendment was accepted by Ellen Smith.

ROLL CALL VOTE

Commissioner Gedge - no

Commissioner Pack - yes

Commissioner Winn - no

Commissioner Jacob - no

Commissioner Smith - yes

Commissioner Bridge - no

Commissioner Lawes - yes

The motion failed 3-4.

John Winn agreed that they are considering a rezoning that would be better for the current residents than how it stands and benefits the neighborhood. He thought that they are focusing too much on the concept plan tonight, which can be changed in the future.

MOTION: Nathan Gedge moved based on the evidence and testimony received today to forward a positive recommendation to the City Council for the Leak Property Rezone; 8300 South 2700 West; Castle Creek Homes South (applicant) rezoning 9.77 acres from R-1-10C to PRD (M) and recommend that a full traffic study be presented to the City Council when it is discussed by the City Council. The motion was seconded by John Winn.

Zach Jacob spoke in favor of the motion, but he wanted it to be clear that they are not voting to increase the density. In fact they are voting to decrease the density subject to the developer buying up additional density. He told the developer that he is opposed to multifamily residential in this location, and if it comes back as a subdivision with multifamily residential he would vote against the subdivision.

Greg Mikolash asked for clarification on what he considered to be multifamily.

Zach Jacob said for the purpose of this discussion and the concerns of the neighborhood he would like to see single-family detached homes.

Dan Lawes said he was in favor of the traffic study and asked if it had to be part of the motion or could it be a simple direction.

AMENDED

MOTION: Nathan Gedge moved to amend the previous motion by striking the requirement for a traffic study with the intent of the Planning Commission to city staff for the City Council to have one provided. The amendment was accepted by John Winn.

Clarification was given that the traffic study is still a recommendation from the Planning Commission.

ROLL CALL VOTE

Commissioner Smith – no

Commissioner Lawes – no

Commissioner Bridge – yes

Commissioner Pack – no

Commissioner Winn – yes

Commissioner Gedge – yes

Commissioner Jacob – yes

The motion passed 4-3 in favor of a positive recommendation.

Nathan Gedge explained that the final decision will be by the City Council and he encouraged the residents to be involved with that meeting.

Zach Jacob expressed his gratitude for those who chose to come and take part in the process.

Nathan Gedge promoted the upcoming demolition derby event.

MOTION: Zach Jacob moved to adjourn.

The meeting adjourned at 7:14 p.m.

NATHAN GEDGE
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2013