

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

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

STAFF: Tom Burdett, Greg Mikolash, Ray McCandless, Nannette Larsen, Nathan Nelson, Robert Thorup, Paul Brockbank, and Julie Davis

OTHERS: Michael Dover, Tyler Bodrero, Jay Graft, Ryan Pool, Kyle Spencer, Christian DiFrancesco, Robert Poirier, Brad Burton, Luella Thompson, Von Vicchilli, Karleen Logan, Cindy Castro, Tim Williams, Lesle Wilkinson

The briefing meeting was called to order by Dan Lawes.

A typographical error was corrected on page 4 of the minutes. David Pack asked that his statement on page 5 stating that 'he didn't mean to deny it' be clarified to indicate he wasn't trying to say that the whole project needed to be thrown out but that they needed more discussion on the options.

The agenda was reviewed. A letter from the South Jordan Canal Company was distributed for item #2. An updated subdivision plat was distributed for Item #3. The parking and loading areas were reviewed.

David Pack stated for the record that he and the applicant on item #4 had some business transactions several years ago and asked if he should recuse himself. Tom Burdett said if he and the other commissioners feel there is no conflict he could choose to stay. The commissioners didn't feel that there was a conflict.

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

1. Consent Calendar
Approve Minutes from November 19, 2013

MOTION: David Pack moved to approve the minutes from November 19, 2013 with the correction on page 4 and clarification on page 5 as noted in the pre-meeting. The motion was seconded by John Winn and passed 5-0 in favor. Lesa Bridge was absent.

2. Okubo Farms Subdivision; 2021 West Gardner Lane; Preliminary Subdivision Plat (48 lots on 20.3 acres); R-1-12F Zone; AFJS Land Holdings, LLC/Robert Poirier (applicant) [#SDMA20130027; parcel 27-03-151-036]

Robert Poirier, representing AFJS Land Holdings, said they are proposing a 48-lot subdivision in the R-1-12 zone in order to provide a larger lot and very nice homes at a target range of \$300,000 to \$400,000. The lot size is the same as the subdivision to the west. Fencing along the canal will be vinyl, and a RhinoRock wall is proposed along Gardner Lane and 9000 South. He said he had spoken to neighbors along the western border who wanted to keep their existing fences, which is what they propose to do since there isn't a requirement for a new fence. However, if it becomes an issue they will install a vinyl fence.

Ray McCandless showed the proposed subdivision layout that will have access from Gardner Lane and from 9000 South via an existing stub street. There are three phases to the subdivision. Staff received a letter from South Jordan Canal Company, and those items can be addressed at the final platting process. He recommended that they add to condition #1 that a 6-foot high vinyl fence be constructed along the canal.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Plat for the Okubo Farms Subdivision located at approximately 2021 West Gardner Lane subject to the following conditions:

1. Install parkstrip landscaping and 6' high masonry walls with masonry pillars per Section 13-14.3.G. Streetscape Walls: for the lots along 9000 South and Gardner Lane and providing cross section drawings, elevation drawings and a colored rendering detailing the height and materials to be used.
2. Detail the ownership and perpetual maintenance of the proposed detention pond on the final plat.
3. All lots must comply with the applicable requirements of Title 13, Zoning Regulations and Title 12, Subdivision Regulations including, but not limited to lot area, width and frontage requirements.
4. All applicable city departmental requirements must be met prior to recordation of the final plat.

Zach Jacob asked if Farmhouse Road will also be built in phases.

Ray McCandless said that was correct. The fire department requirements will still have to be met regarding length of cul-de-sacs and dead end streets.

Dan Lawes opened the public hearing.

Jay Graft, West Jordan resident, said he spoke to Bill Baranowski about seven years ago regarding sidewalk on the south side of Gardner Lane. At that time he was told that the city was waiting for development to occur before it was installed. He wanted to know what the city's plans were for that area with regards to curb and gutter, especially since this is a safe walking route to Westvale Elementary.

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

Robert Poirier said they are required to install a collector street sidewalk and parkstrip, which is wider than a normal parkstrip. He said the phases are done in such a way that there will always be two accesses.

MOTION: John Winn moved to approve the Preliminary Subdivision Plat for Okubo Farms Subdivision; 2021 West Gardner Lane; AFJS Land Holdings, LLC/Robert Poirier (applicant) subject to the conditions 1 through 4 in the planning commission packet. The motion was seconded by Zach Jacob.

AMENDED

MOTION: Dan Lawes moved to amend the motion to add to condition #1 that a 6-foot high vinyl fence be constructed along the canal. The amendment was accepted by Commissioners Winn and Jacob and the amended motion passed 5-0 in favor. Lesa Bridge was absent.

4. **Thompson Ridge Rezone and Land Use Amendment; 8950 South 1030 West; General Plan Land Use Amendment for 2.46 Acres from Professional Office to Medium Density Residential and Rezone approximately 5.97 acres from A-5 (Agricultural 5-acre minimum lots) to R-1-10E (Single-family Residential 10,000 square foot minimum lots, 'E' subzone minimum home size) Zone; RP Realty, Inc./Ryan Pool (applicant) [#GPA20130003, ZC20130011; parcels 27-02-177-005, 006]**

Kyle Spencer, Northern Engineering representing the applicant Ryan Pool, said the staff report gives a good summary. They feel that the land will be better used as medium density residential instead of office especially with the primary access off of 8925 South. He noted that the concept plan shows 17 lots with a temporary

turnaround and connection for further extension to the north. The average lot size is over 11,000 square feet and the homes will be substantial in size and will benefit from the views that the slope will afford.

Greg Mikolash showed the approximate location of the property. North and west of the property is single-family residential in the R-1-8 and R-1-10 zones. A professional office development is to the east. The proposal is compatible to the adjacent single-family uses. The remaining property along 9000 South is master planned as professional office and is large enough to accommodate a single office complex. Access is gained off of 9000 South onto 1075 West and then from 8925 South. He showed the conceptual plan of a double cul-de-sac layout. If the proposal is approved by the city council the subdivision submittal will be reviewed for adequate access and serviceability.

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 amend the Future Land Use Map from Professional Office to Medium-Density Residential and rezone the property from A-5 (Agricultural 5-acre lots) to a R-1-10E (Single-family Residential, 10,000 square foot minimum lots) for the property generally located at 1030 West 8950 South.

Zach Jacob asked how the private lane for the home to the north will figure in with this property.

Greg Mikolash said that would be addressed during subdivision process.

Nathan Nelson said there are also three houses that front onto that lane directly west of the subject property, so that lane will have to be preserved as a private drive.

Dan Lawes opened the public hearing.

Michael Dover, West Jordan resident, spoke in support of the rezoning. He had concerns with the slope of the property due to some of the difficulties in the Millrace Bend area, and he asked for commentary from the engineers. He said if 8925 South is extended down into that area it will have a significant grade and it will be difficult for fire access and other services. Generally speaking he was in favor of rezoning the property to residential because it will match the adjacent uses.

Brad Burton, West Jordan resident, said the project looks nice, but he hoped the city will look at the increased number of accesses over the years at the intersection of 1075 West and 9000 South and consider a traffic signal.

Karleen Logan, West Jordan resident, also requested a traffic signal on 9000 South because it is extremely dangerous. She said she was in support of the rezoning. She didn't want their private access lane turned into an alleyway where people dump garbage and trash. She was also concerned about the utility easement access for her home that runs down the center of the subject property, and she asked how that will be addressed. They would like to work with the builders to possibly put their cables in the ground.

Lesa Bridge arrived at 6:20 p.m.

Tim Williams, West Jordan resident, described their situation with the power poles that he hoped would be taken down and the lines buried when the property is developed. He said they will need to retain the lane access to their homes, but he asked who will be in charge of the road. The road is more than 20 years old and is in need of repairs, but Mr. Vicchilli would not allow him to arrange for the maintenance. He suggested that something be done to the road so it could at least last another 20 years. Since it is a private lane he suggested that the property owners be given the easement so they could take care of the maintenance. He spoke about the steep slope of the property and was concerned about the safety of the homes. He pointed out that 8925 South isn't very wide and when the garbage cans are out there is only space for one car at a time. He strongly suggested a

6-foot high vinyl fence along the entire length of the subdivision so those on the private lane can't see into messy rear yards.

Christian DiFrancesco, West Jordan resident, said his lot is directly to the north and east of this property. There are water issues due to a natural clay layer that is just slightly above the elevation of his home that is greatly exaggerated when people are watering their yards. Besides the steep slope he is concerned with how the water will be retained so it doesn't go into the yards in his cul-de-sac. If fill is brought in to raise the property he wanted to be sure that they have adequate retaining walls that become a permanent fix to the problem. He also asked if fencing will be required along the property.

Luella Thompson, West Jordan resident, asked how her property was rezoned to professional office when she wasn't notified and didn't agree to it. Now her property is being taxed as professional office.

Greg Mikolash took her information and said he would research the history and call her back.

Lesle Wilkinson, West Jordan resident, reiterated her concern with the traffic and access at 9000 South. Currently they have to go through the neighborhood to 8600 South to exit the subdivision. She was against the change unless they could get a traffic signal at 1075 West and 9000 South.

Cindy Castro, West Jordan resident, said 8925 South is not wide enough to be the only access to the subject property. She didn't mind the rezoning, but stated that there needs to be another access. The sidewalks are right next to the curb and there is only room for one car at a time to go through. This area is going to bloom with the walking trail that is coming, so she really wanted it to be planned out.

Von Vicchilli, West Jordan resident, gave a history of what occurred when the office complex to the east was developed and he lost ten feet of his property and his fence and he wasn't reimbursed for it. He has petitioned the federal land bank regarding it, because he felt like his rights had been violated.

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

Kyle Spencer addressed some of the concerns. They are aware of the lane and the access easement along the western boundary. If they receive approval for the rezoning and land use amendment that will be the first thing they talk about. They hired a geotech engineer who ran several soil borings and tests to look at the slope stability and the bearing capacity of the soils as well as any concerns that the soils specialist had regarding the water tables. If there is a perched water table there might be a farm or other agricultural property to the west that will take several months for the water to migrate in, so they will take that into consideration. The slope of the road in their concept plan will not dip down. The homes on the east will have walkout basements and they will address property wall retention for a usable yard with the preliminary and final plans. They are very concerned with the access from 1075 West onto 9000 South and that may impact the final marketing of the development, so they are also interested in how that will be treated. He stated that all future power lines will be buried and if there are existing overhead supply lines they will be undergrounded within the road right-of-way. Granting the easement right for the residents on the private lane can be addressed with recording the subdivision plat. They are aware of the privacy and integrity of the proposed lots as well as the existing homes that use the private lane. He hoped that the future homeowners won't place garbage and debris on the other side of the fence. They will address fencing requirements as they move forward. When they submit their grading and drainage plan they will have to make sure that they detain and retain their own storm water. If the grading plan indicates import fill, the retraining wall treatment will follow the parameters of the geotech report and will be permanent. The slope of the property makes any other access besides 8925 South prohibitive, so it is the only access to this infill property. The existing stub road was placed there and was fully intended to extend and to provide access to this property. When it was developed the city had the appropriate right-of-way dedicated for the width of 8925 South knowing that it would provide access to the subject property. He felt that rezoning the

property to medium density versus professional office will reduce the traffic demand and will fit better with the neighboring property and is the best option for the property. He stated that regarding the concerns of the property owner to the south, they are aware of the boundary surveys that have already been executed on both parcels and they are in agreement with those surveys.

Lesa Bridge asked if 8925 South was smaller than a standard street.

Kyle Spencer said he would have to look at a plat, but he wasn't aware of it not being in compliance with city roadway standards.

Ellen Smith referred to the entire area and asked where the other access point was besides 1075 West.

Zach Jacob said you can go north to 8600 South.

Tom Burdett explained why the subject property didn't have a connection to the north.

Ellen Smith asked if West Jordan has any control over the installation of a traffic signal on 9000 South since it is a UDOT road.

Nathan Nelson said the city can request UDOT to run a warrant analysis at that location. Some good points have been made tonight and he will have the traffic engineer submit that request for a study regardless of whether or not this proposal is granted.

Ellen Smith said if the city can work with the citizens of that neighborhood then this problem may be solved separate from the land use process. She asked if the residents can follow up with him.

Nathan Nelson said that Bill Baranowski will be the point of contact with the city.

David Pack wanted to disclose that a decade ago Mr. Pool and he had some real estate transactions, but he didn't feel they were germane to this issue. Responding to Ms. Thompson's concern about the zoning change, he asked if that may have been done with the update of the master plan. He was also appreciative of the citizen comments and stated that there are so many checks and balances in place that power lines, traffic signals, grading, easements, etc. will all be reviewed with the subdivision application, which should alleviate some of the concerns.

Zach Jacob thanked everyone who participated in the meeting. He felt that a traffic signal should be considered for the intersection on 9000 South, and 17 more units could add to the problem. Most of the concerns would be addressed at the subdivision plat review. The question tonight is whether homes or something else is a good use for the property. He clarified that the future land use for the southern half of the property is master planned for professional office, but the zoning is agriculture.

MOTION: Zach Jacob moved to forward a positive recommendation to the City Council for the Thompson Ridge Land Use Amendment; 8950 South 1030 West; RP Realty, Inc. (applicant) to change the land use designation for 2.46 acres from Professional Office to Medium Density Residential. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

MOTION: Zach Jacob moved to forward a positive recommendation to the City Council for the Thompson Ridge Rezone; 8950 South 1030 West; RP Realty, Inc. (applicant) to change approximately 5.97 acres from A-5 to R-1-10E Zone. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

[The order of the items was rearranged to give the applicant additional time to arrive.]

3. Ascent Academies of Utah – West Jordan Campus; approximately 8200 South 5600 West; Amended Final Development Plan for The Highlands, Preliminary Site Plan and Preliminary Subdivision Plat (1 lot and 1 parcel on 15.24 acres); MFR Zone; Pace Construction Management (applicant) [#DP20130012, SPCO20130015, SDMA20130029; parcel 20-35-200-033]

Tyler Bodrero, representing Ascent Academies of Utah, said they had been working with staff regarding the site plan and he was available for questions.

Nannette Larsen said the item includes an amendment to the Highlands Master Plan (Highlands East) area that will change the southwest portion of the master plan from single-family to a school on the southern portion of the Brooklands neighborhood and single-family on the northern portion. The amended collector street will be changed from 8200 South to 5600 West and will eventually connect to the north portion of Highlands East. The request also includes the preliminary subdivision plat for Clay Hollow Subdivision. It includes approximately 300,000 square feet and will have one lot for the charter school, Parcel A that will be a portion of the medium density residential, and Parcel B that will be a 10-foot trail dedicated to the city. There is also a trail along the wash to the north of the subdivision. The site plan for Ascent Academy will have three access points: one from 5600 West that will exit onto 8200 South and a second access from 8200 South to the charter school. The east and north portions will contain ball fields. Title 10 of Utah State Code allows for only certain reviews from the city, which does not include landscaping. However, a fence will be extended from the north portion of the lot to the east along 5600 West in order to enclose the ball field.

Preliminary Subdivision:

Based on the positive findings of fact in the staff report, Staff recommended that the Planning Commission grant Preliminary Major Subdivision approval of the Clay Hollow Subdivision located at approximately 8200 South 5600 West in a MFR zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The final subdivision plat must meet all requirements of the Engineering and Fire Departments.
3. Approval of a Final Subdivision Plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator. (14.3.8.B)

Preliminary Site Plan:

Based on the positive findings of fact in the staff report, Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Ascent Academies of Utah site plan located at approximately 8200 South 5600 West in a MFR zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The final site plan must meet all requirements of the Engineering and Fire Departments.
3. Approval of a Final Site Plan shall become null and void if development does not commence within two (2) years of final site plan approval (13.7B.5).
4. Ascent Academy shall ensure students are aware 5600 West (at the corner of 8200 South) cannot be used as a crossing area.

Preliminary Master Plan Amendment:

Staff recommended that the Planning Commission grant approval of the amended Highlands Development Plan.

It was pointed out that the maintenance of the trails in the Highlands development will be through a special assessment area.

Nathan Nelson addressed the development of 5600 West street. It is currently a half-width road with curb and gutter on both sides and sidewalk on the east side and functions to meet all of the current traffic. There are two possibilities for the full construction of this road. First would be through a development agreement with Peterson Development that is triggered based on development of a certain number of acres to the west. The second and more likely is that the city will build the road because there is funding and it is on the capital plan to be designed during the next year and constructed within about two years.

Dan Lawes opened the public hearing.

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

MOTION: John Winn moved based upon the findings of fact in the staff report to approve the Preliminary Major Subdivision Plat for Clay Hollow Subdivision; 8200 South 5600 West; Pace Construction Management (applicant) with the three conditions of approval in the planning commission packet. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

MOTION: John Winn moved to approve the Preliminary Site Plan for Ascent Academy; 8200 South 5600 West; Pace Construction Management (applicant) with the conditions 1 through 4. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

MOTION: John Winn moved to approve the amendment to the Highlands Development Plan for the property located at approximately 8200 South 5600 West; Peterson Development (applicant). The motion was seconded by Lesa Bridge and passed 6-0 in favor.

Tom Burdett gave an update on upcoming City Council items.

MOTION: Ellen Smith moved to adjourn.

The meeting adjourned at 7:19 p.m.

DAN LAWES
Interim Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2013