

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 7, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Sophie Rice, David Pack, Ellen Smith, Lesa Bridge, Zach Jacob, and Bill Heiner.

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Larry Gardner, Julie Davis, and Melanie Briggs

OTHERS: Vic Barnes and Warren Kirk

The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed. Brief histories of the city’s policy on park maintenance and the property in Item #5 were given and clarifying questions were answered.

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

1. Oath of Office for New and Returning Commissioners

Melanie Briggs administered the Oath of Office for Commissioners Dan Lawes, Bill Heiner, and Sophie Rice.

2. Election of Chair and Vice Chair for 2014

Lesla Bridge nominated Dan Lawes to serve as Planning Commission Chair and Ellen Smith seconded.

Zach Jacob nominated Ellen Smith to serve as Planning Commission Chair and Dan Lawes seconded.

Vote: Commissioner Dan Lawes was elected Chair.

Lesla Bridge nominated Ellen Smith to serve as Vice Chair and Dan Lawes seconded.

Dan Lawes nominated Zach Jacob to serve as Vice Chair and Sophie Rice seconded.

Vote: Commissioner Zach Jacob was elected Vice Chair.

3. Approve Minutes from December 17, 2013

MOTION: Zach Jacob moved to approve the minutes. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

4. **The Station at Gardner Mill; 7659 South 1300 West; Preliminary Subdivision Plat, Preliminary Site Plan (224 units on 11.039 acres); Preliminary Development Plan and establish residential density of 20.29 units per acre; P-C (TSOD) Zone; Colosimo Brothers (applicant) [#SDMA20130018; SPCO20130009; DP20130007; parcels 21-26-351-020, 017, 022, 21-35-101-004]**

Staff recommended that the Planning Commission continue the Preliminary Subdivision Plat, Preliminary Site Plan, and Preliminary Development Plan for The Station at Gardner Mill located at the northeast corner of 1300 West and 7800 South to a date uncertain.

MOTION Ellen Smith moved to continue the Preliminary Subdivision Plat, Preliminary Site Plan, and Preliminary Development Plan for The Station at Gardner Mill; 7659 South 1300 West; Colosimo Brothers (applicant) to a date uncertain. The motion was seconded by Zach Jacob and passed 7-0 in favor.

5. **Discussion - Siena Vista Amended Zoning Conditions; 7000 South 5715 West; Discuss options regarding the application to remove or amend the open space requirement for Siena Vista Subdivision [parcel 20-26-200-016]**

Tom Burdett said the discussion tonight is between the Commission and staff. The applicant understands that the discussion will relate to the project history and vetting the options for staff, which will then be scheduled for the public hearing.

Larry Gardner gave a brief history of the property. In 2001 the Siena Vista area was rezoned to R-1-8 and R-1-6. A zoning condition stipulated that 10% open space be provided for the entire development. Over three phases of the subdivision 149 homes were built in the R-1-6 zone, leaving 7.2 acres in Phase 4. The Jordan School District has since purchased the entire R-1-8 property. The original phasing plan in 2004 has open space in both zones connected through the power corridor. He showed the existing parks within a quarter-mile, half-mile, and one-mile radius of the property. A retention basin was built with Phase 1, but that is not usable as an active park. He showed concept 1 from Peterson Development's application that shows a half-acre park in the middle of the remaining seven acres. Staff felt that it was the developer's intent all along to provide something, but they haven't performed on that and, in the meantime, the city has changed positions on accepting smaller park areas. With this concept there would be 23 homes, so the 10% requirement would not be met. Another concept is to eliminate the park altogether. The staff report suggested possible discussion points and the commission could add any that they like as well. He briefly reviewed some of the possible options. One suggestion was a fee in lieu of to be used for the construction of a larger park in the western edge of the city, but he didn't know if that were legally feasible. That type of park would be for more than just the residents of this subdivision.

Dan Lawes asked the Commission if they wanted to review each option and give staff suggestions.

Lesa Bridge felt that the immediate need is to answer the question of what was promised the residents.

Larry Gardner said 10% was required, but he didn't know what was sold to the residents.

Tom Burdett said legal counsel indicated it would be best to answer that question at the public hearing.

Larry Gardner said he could find out what was promised to the residents of Phases 1, 2, and 3 regarding what type of park and the timing of the installation and he will provide it in the staff report.

Greg Mikolash said no matter what was promised by the developer, the zoning condition that required the open space has been a matter of public record for anyone to see.

Ellen Smith said the remaining open space requirement is about 3 or 3.5 acres and the Commission is being asked to approve a half-acre tot lot as one of the options. She said a park is used for many different things. A tot lot is useful if you have small children, but not for all people. She was leery to say they can get rid of the open space requirement and she is leery saying they only need a half-acre, because a larger acreage park would allow for a bigger scope of uses for more people, because parks aren't only for little kids.

Zach Jacob agreed with a lot of what Commissioner Smith said. He thought the residents understood there would be a 3-acre park. Because the city changed the policy after the fact shouldn't put the burden on the residents to either maintain it or accept a smaller park. The burden is on the city and he leaned strongly towards the original agreement. They need to understand that neither the developer nor the city may win in this situation. The developer doesn't get 12 new lots and the city has to accept a smaller park and the maintenance. The residents would win because they get what was promised.

Ellen Smith said she agreed to a certain extent. She would like to hear in the public hearing what the residents want. Also, even though there is a school on the other side of the power lines and the school district currently allows people to use the playfields, it might not always be the case. She asked if the area under the power lines could be utilized.

Greg Mikolash said that is more of a regional discussion. The future land use map shows the area as open space, but he didn't know if anyone had used it as such. He didn't think it was out of the question.

Tom Burdett said they hadn't approached Rocky Mountain Power or Questar with the corridor in mind, but they could find that information for the hearing. He didn't know if connecting the school's field area with a Siena Vista park would be too difficult. But if there is a desire for park land under the power corridor they need to explore the costs.

Dan Lawes said over the years there had been a general consensus to move away from the pocket parks. He asked if the fee in lieu of is a legal option to consider.

Robert Thorup said they have talked about it in the past, but the city code doesn't currently have a provision for that option. A text amendment would be needed.

Bill Heiner referred to option H and asked where the new park would be located and how it would affect the current subdivision. He asked if there was land available for such a park. He didn't want the homes to be built out and then discover there isn't an alternate location for a park.

Greg Mikolash said there would be a designated holding place for the future park so they knew where the funds would be spent.

Zach Jacob asked if it would be similar to impact fees. He asked if there were park impact fees collected for the initial 147 units of this subdivision and it was used. The Ron Wood Park is a large west side park that benefited from impact fees. Additional money could be put into Ron Wood Park improvements, but it is a long way from Siena Vista.

Tom Burdett said they could research what was collected so far for neighborhood parks for Siena Vista.

Dan Lawes said if they remove the park requirement it would set a precedent for other developments to push open space development to the end in hopes that the requirement is removed.

Zach Jacob said any decision made regarding this application will set a precedent. He asked what they can do during this process to mitigate the unintended consequences.

Dan Lawes felt that until they hear from the residents as to what they want, the commission can't really set a direction.

David Pack agreed and echoed the sentiments of Commissioner Smith that a lot of the discussion is somewhat conjecture. Demographics and times change. It is a decade later, so getting citizen input at the public hearing is the best use of time.

Zach Jacob had an aversion to any of the options that include "loss of public trust in appointed and elected officials" in the list of cons. As an appointed official he didn't like hearing when promises aren't carried through.

Dan Lawes agreed that the statements in the options are conjecture until they hear from the residents. Prior to his service on the commission, he went to hearings that affected him, and the comment was often made of what people were promised, but the makeup of West Jordan has changed a lot in 20 years.

Ellen Smith said the Commission is assuming a use, but the condition only states that there be 10% public open space, which leaves the uses wide open. There might be a use that doesn't require lawn mowing or high maintenance. The type of open space wasn't defined, so there are options.

Larry Gardner said community gardens are a possibility, but any use will bring its own set of issues. There are good examples around the valley of different types of casual open space rather than strictly active areas.

Ellen Smith hesitated to say they won't require it or that it has to be something specific. She wants to know what the residents want and what they were expecting. She felt like the city was backed into a corner because most of the area is already developed.

Dan Lawes said part of that was the change in the city policy.

Larry Gardner said when the application comes before the Commission it will be a recommendation to the City Council to change the zoning condition or not. Whether or not the city accepts park space is an issue for another day.

Zach Jacob also thought they need a public hearing before they can make any decisions.

Lesa Bridge pointed out comments by Commissioner Kathy Hilton on May 16, 2001 who referred to another area of the city that was promised open space and never got it, and she didn't want that to happen with this development.

It was the consensus of the Commission that the item be scheduled for a public hearing.

Tom Burdett welcomed the new commissioners.

MOTION: Ellen Smith moved to adjourn.

The meeting adjourned at 6:46 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014