

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 18, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

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

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

OTHERS: Darrelyn Rodman, Gwena Kitto, Marcus Crook, Douglas Webb, Jay Weight, Jeanette Drake, Ron Drake, Mary Brazell, Jacquie Zindel, Daniel C. Griffee, Scott Geertsen, Linda Crandall, Gene Drake, Norman Steadman, Aleen Smith, Colleen Graham, Mark Klotovich, Lavar Burton, Rebekah Dyckman, Dennis Taylor, Bob Butler, Rob Barrus, Ned Huntsman, James Huntsman, Janet Rowley, Kay Ryan, Sherm Miller, Pat H. Miller, Julie Dole, Troy Ferran, Robert Welch, Todd Gamble, Sam Drown, Kelvin Green, Merlin Harrison.

The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed. Clarifying conditions were given for Item #2 on the sound wall. Clarification was given on the request for Item #3 which is now a rezone to PRD(H) for the entire property and using the Redwood Road Overlay for the office use.

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

**1. Consent Calendar
Approve Minutes from March 4, 2014**

MOTION: Zach Jacob moved to approve the minutes from March 4, 2014. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

2. Henry's Place Subdivision; 8305 South 2700 West; Preliminary Subdivision Plat (29 lots on 9.66 acres); R-1-10C Zone; Castle Creek Homes South/Sam Drown (applicant) [#SDMA20140001; parcels 21-33-403-037, 038, 039]

Sam Drown, applicant, stated that this is a standard subdivision designed to meet all of the city ordinances. He didn't have any concerns with the conditions listed in the staff report.

Larry Gardner gave an overview of the single-family subdivision that has 29 lots on 9.7 acres with a layout of two cul-de-sacs and a bulb out. Lot sizes will match the zoning of the surrounding developments. Access to the property is through Alba Lucia and 8270 South. A previous proposal showed an access off of 2700 West, but this property doesn't meet the criteria for an offset intersection at that location. He clarified the location of a required sound wall next to the TRAX line that is similar to the existing sound wall. An 8-foot wide pedestrian access leading to 2700 West will make an easier access to the TRAX station.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Plat for Henry's Place Subdivision located at approximately 8305 South 2700 West subject to the following conditions:

1. Install a minimum six foot (6 foot) high opaque masonry or lightweight precast fiber reinforced concrete wall per Section 13-14-3G. Streetscape Walls: along 2700 West and providing cross section drawings, elevation drawings and a colored rendering detailing the height and materials to be used.
2. Install a wall exactly or similar in type, construction and height along that portion of the residential properties that abut the Utah Transit Authority TRAX corridor.
3. Remove all installed drive approaches abutting the project boundaries along 2700 West and replace the curb, gutter and sidewalk as directed by the City Engineer.
4. Work with City staff on the final design, ownership and perpetual maintenance of the proposed detention pond as part of final subdivision approval.
5. 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.
6. All applicable city departmental requirements must be met prior to recordation of the final plat.

Dan Lawes opened the public hearing.

Public comment for this item was closed at this time.

MOTION: Lesa Bridge moved based on the findings presented today and upon the evidence set forth to approve the Preliminary Subdivision Plat for Henry's Place Subdivision; 8305 South 2700 West; Castle Creek Homes South/Sam Drown (applicant) with conditions 1 through 6. And as further stated in the meeting today, amending:

2. The applicant shall install a sound wall exactly or similar in type, construction and height as what currently exists along the TRAX corridor along that portion of the residential properties that abut the Utah Transit Authority TRAX corridor.

The motion was seconded by Zach Jacob and passed 7-0 in favor.

3. **Amara Court Townhomes; 7292 South Redwood Road; Rezone approximately 2.78 acres from R-1-8A (Single-family Residential 8,000 square foot minimum lots) to PRD(H) (Planned Residential Development – High Density for an estimated 21 units) Zone; Ferran Construction/Troy Ferran (applicant) [#ZC20140001; parcel 21-27-178-014]**

Troy Ferran, applicant, 1711 Ellerbeck Lane, agreed with the staff's outline of the proposed zone change and was available for questions.

Ray McCandless stated that the applicant had initially wanted to rezone the front portion of the parcel to professional office, but that could be considered a spot zone based on the standards in the code. However, the Redwood Road Corridor Overlay would allow the applicant to request an office use in the existing home even if the property is zoned residentially. For that reason, the entire property is requested to be zoned PRD(H). The future land use map designation is for high density residential,

which is consistent with the PRD(H) zoning designation. The commission will also review the concept development plan associated with the rezoning that shows 21 townhome units with an access from Redwood Road, a community garden, and office use on Redwood Road. A 30-foot buffer from the residential area to the west is shown. Concept elevations were shown, but final design will be determined after the Design Review Committee gives their input for the preliminary development plan and approval by the Commission. Proposed density is a little more than eight units per acre, but the final density will be based on the amenities shown in the preliminary development plan and within the range for high density residential.

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 approve the Concept Development Plan and rezone the property located at approximately 7292 South Redwood Road, rezoning 2.78 acres from R-1-8A (Single-family Residential 8,000 square foot minimum lots) to PRD (H) (Planned Residential Development – High Density).

Dan Lawes opened the public hearing.

Kelvin Green, West Jordan resident, was opposed to the project because it is inappropriate for the neighborhood. The Municipal Code requires all property owners on the application to sign an affidavit, but since the property is in a trust the people listed on the application are trustees. The Code also requires that the concept development plan includes a legal description, a topographical map, plans, a general location, and a preliminary development schedule. Three of these things are missing from the application. He referred to criterion #6 and #12 and said that 2.45 acres is not a large planned community, so this development is not appropriate for PRD(H) and must fail. This is inconsistent with the General Plan that says the city should have an 83/17 mix of high density units. However it is currently at about 80/20. They need appropriate growth according to the plan, and there are already numerous high density complexes being forced upon them. The General Plan says that in 2012 they should have 554 units of high density in this area in the city. This development will put it at almost 500. Within a mile of this project there are three manufactured home communities, seven apartment complexes and one pending.

Public comment for this item was closed at this time.

Troy Ferran said they had spent a lot of time with staff on this project. Because of the flag lot configuration, it took numerous revisions to develop a plan that works well for the property and one that meets the fire department and street requirements. They feel it will be a great addition for the area and a good use for the property. His company is considered expert in the infill market.

Zach Jacob asked staff why they are applying for the PRD zone and not multifamily residential.

Ray McCandless said PRD allows for more flexibility in placement of the units. Since this is a flag lot there are some challenges with placement. He didn't think it would be considered a spot zoning because there are apartments immediately south of this that are even higher density. The use makes a good transition from Redwood Road to the single-family residential to the west.

David Pack understood that the applicant feels that he had followed all of the procedures required by staff, but Mr. Green stated that perhaps all of the rules hadn't been followed.

Ray McCandless said the affidavit is required as part of the submittal, but it is not included in the planning commission packet. The legal description is in the development plan.

Greg Mikolash said every application goes through the same process, but not everything is shown in the meeting.

Lesa Bridge reviewed the surrounding area that includes townhomes to the south, storage units to the north, a collection of miscellaneous uses around Redwood Road, and residential lots to the west. The applicant has experience with infill properties and she felt that the proposal would be a good infill development for the area, and it is better than what exists today.

Zach Jacob asked Mr. Thorup about the comment that trustees cannot sign the affidavit.

Robert Thorup said a trust can only operate through its trustees. So if the trustees are signing, then the trust is signing.

Zach Jacob said the project is probably a good fit. He agreed with the 80/20 versus the 83/17 goal and they need to look at finding low density houses, however, the proposal is a better fit than R-1-8.

Bill Heiner liked the project, and from an aesthetic standpoint it will be an improvement. He asked how the 83/17 goal will affect future projects.

Greg Mikolash said there will be ebb and flow patterns. They won't always fit the ratio exactly, but they are shooting for that range. Tonight the commission should look at whether or not PRD(H) is the appropriate use of the site. They have been working on this project for a long time, and because the property is close to an arterial street and between storage units and very high density residential, in his opinion the proposal is a good fit.

Tom Burdett said when the city council adopted the policy in the general plan the city was already over the percentage. The general plan serves as a guide. One point of view could be that the city intended a moratorium on all multifamily when they put that in the general plan, but he didn't think that was the case. There were no studies done at the time to determine whether or not the land use plan or the existing zoning map even met that policy. They can discuss implementation of the policy that at their workshop with the city council.

MOTION: Dan Lawes moved based on the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council for Amara Court Townhomes; 7292 South Redwood Road; Ferran Construction/Troy Ferran (applicant) for the concept development plan and rezoning approximately 2.78 acres from R-1-8A to PRD(H). The motion was seconded by Lesa Bridge and passed 7-0 in favor.

4. **West Jordan Future Land Use Map Amendments – Amend the West Jordan Future Land Use Map for approximately 12.1 acres of land located at approximately 1850 West Drake Lane from High Density Residential to Medium Density Residential and approximately 9.13 acres of land located at approximately 9053 South 1150 West from Very High Density Residential to Community Commercial; City of West Jordan (applicant) [#GPA20140003, parcels 21-27-177-010, 011, 012, 014, 015, 016, 017, 018, 019, 020; #GPA20140004, parcels 27-02-326-002, 003, 004, 008, 009, 010, 011, 012, 028, 031, 032]**

Ray McCandless said at a workshop last June the City Council and Planning Commission looked at two areas that were identified as high density residential that could be changed to another use type.

Drake Lane

The current zoning is R-1-8A. He explained the difference between the zoning map and the future land use map. The application is not to rezone the property, but to change the future land use map. Staff's recommendation is medium density residential, because high density residential is not consistent with the R-1-8 zoning.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Future Land Use Map amendment for approximately 12.1 acres of land located at approximately 1850 W. Drake Lane from High Density Residential to Medium Density Residential.

1150 West

This property is currently zoned A-5 and is surrounded by commercial and apartment uses to the west and east and low density residential to the south. The current land use is very high density residential and staff's recommendation is to make a change to community commercial, but there are other options for them to consider, such as extending the low density residential to the north with the frontage on 9000 South being professional office or commercial.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Future Land Use Map amendment for approximately 9.13 acres of land located at approximately 9053 S. 1150 W. from Very High Density Residential to Community Commercial.

Dan Lawes asked what the advantages/disadvantages are of changing it to low density residential and then revisiting it in the future when there is an application to redevelop.

Ray McCandless said 9000 South is a busy street with a lot of traffic, so they could take advantage of that frontage. He didn't like putting a residential development next to that much noise, so even professional office along that frontage would provide buffering to the residential uses.

Greg Mikolash said when they put R-1-8 through R-1-12 uses along a busy road someone will be impacted.

Dan Lawes opened the public hearing.

Jeanette Drake, West Jordan resident, read a list of the property owners and said none of them were given advance notice so they could arrange their schedules and prepare to respond to this change that will affect them materially and financially. Their needs, desires, and interests were ignored and compromised. She didn't see a need to make a land use change now when the current agricultural use is going to continue. It is a waste of time for city employees and volunteers and taxpayers' resources to make a change on paper when the process will just be repeated once the property is developed. They should wait to see if the change is necessary. The change from high density to medium density residential is not consistent with the surrounding area. None of the residential developments that surround this property are medium density residential. According to the Salt Lake County Assessor's office, the properties in Camelot Subdivision are 7,405 square feet and in Richland Estates they are 8,712 square feet, which is not medium density. If the city wants to change colors on the map to be consistent then these other subdivisions should be changed to high density.

Ron Drake, West Jordan property owner, said the staff report states they want to make the property consistent with the zoning and the city's general plan, but on page 9 of the general plan it indicates that the general plan is a guide to decision making, the policies represented is a course of action and not mandatory, and no one policy is binding on the city. So if they approve the proposal it isn't binding on the city at all. But if it is approved, then the property owners *will* be bound, which is unfair. If the city changes the land use, it will be harder for the property owners to ask for a change in the future. The staff report states that there are other sites for high density, but this application is about their property and not for other sites. He did not agree with the statement that the change would be consistent and appropriate because the subdivisions to the west, north, and east are high density and the home sizes don't match medium density. No one in attendance knows how many homes could be built on this property, but if they develop in ten years and want 5.1 homes per acre he won't be allowed if this change is made.

Linda Crandall, West Jordan property owner, stated that she owns part of the property with her siblings. She didn't receive notice of the meeting, so she chose not to attend her caucus meeting in order to be here. She felt that they as owners should be able to decide what to do with their property. Their farm has been in West Jordan since 1885, it is a centennial property, and it is valuable. They've had some ideas for their property, but until they want to pursue it they don't think it is appropriate for the city to make any recommendations.

Dan Lawes asked about the noticing and it was stated that the notice gets mailed to the address for the property owner as listed by the Salt Lake County Recorder's office.

Gene Drake, West Jordan resident on the north end of the farm, said they would like to keep the zoning R-1-8A. The farm has been in the family since 1880, and they currently have no plans to change it. Everyone in the room eats three times a day, and their farm provides food for people. They would like to keep the land use designation as high density.

Robert Barrus, West Jordan property owner, spoke concerning the property on 1150 West. He said that a meeting with the property owners would have been appropriate so they could have more than three minutes to speak. He said it took him four years to develop the River Oaks Subdivision even without any zoning changes. One problem was that the apartment developer on 9000 South didn't finish the access, so he had to buy the home on the corner and install improvements costing him \$1 million. He asked the city if he could stub four water meters and sewer outlets into the one-acre parcel so he wouldn't have to tear up the road to develop that corner property, which was approved. Later he

asked to develop those homes and he has been stymied by the city ever since. There are builders who want to put twin homes there now. But now the city turns him down on the application when he comes in every 18 months to 2 years. He has had no offers for commercial uses on his property, but he has had several calls about high density residential and a few for apartments. He would like the neighborhood involved in the process. He didn't think commercial would be good unless someone buys all eleven lots at once, but he didn't think that they were all available. He is frustrated that he can't move forward with his property because of the city.

Julie Dole, West Jordan resident, lives north of the proposed change on 9000 South. She has lived there for eighteen years, so people *do* live on busy streets. She agreed that a neighborhood meeting with the property owners would be nice to gather ideas. More information on the notice would be helpful. There are other residential and agricultural lots in the area and she wasn't sure if she would want to be across from a business development. If this area is made commercial then a traffic signal would be needed at 1075 West.

Merlin Harrison, West Jordan resident, said it is a waste of time to rezone the area for any reason until there is a developer who wants to do it. Right now the only access to the properties is through a private lane. If they approve a change now then the residents will be bothered by developers to sell the property. The properties aren't for sale so he didn't know why the council wanted to make this change. If the frontage is developed commercially it will land lock the properties in the back. So they need to deal with all of the properties together in a sensible manner.

Janet Rowley, West Jordan resident, said they live just south of the subject properties, and they aren't interested in any change in zoning. She agreed that it would have been nice to receive notification with more clarity.

Public comment for this item was closed at this time.

Ellen Smith asked staff to clarify medium density residential.

Ray McCandless said R-1-8 and R-1-10 zones are medium density, which would match the zoning of the properties to the west of the Drake property.

Zach Jacob said they are not discussing a change in the zoning tonight. The zoning on the Drake property is already R-1-8, which is the same as the property to the north and the west. The size of the home is not what determines the density, but it is the lot size. The lots to the north and west are all about 8,000 square feet, which is medium density. The only high density property in this area is the apartments to the east. He thought if a developer asked for a high density development on the property today, the planning commission and city council would probably turn it down. He didn't think that apartments and townhomes would be compatible for the Drake property.

Dan Lawes explained that the future land use map is a guiding document as to what they envision for the area.

David Pack said land rights are a paramount concern to people. In the background analysis it says that the change may be appropriate at this time. It doesn't necessarily need to be done at this time. The applicant is the city and the city should serve its residents, but tonight there hadn't been one comment

in favor of the proposed changes. Using a devil's advocate viewpoint he didn't see a clear benefit to make the change right at this time for either of the areas.

Ellen Smith agreed that the noticing could have been done better and there is a lot of education and explanation that needs to take place with the city and the residents. It is her understanding with a future land use designation of high density residential that someone could apply tomorrow and ask for the maximum density that is allowed and it would be within their rights. So by not changing it they run the risk of getting a development that doesn't match the uses to the west and the north. However, that doesn't mean they should move on it tonight.

David Pack asked if she was saying that this change actually safeguards the residents.

Ellen Smith said they have heard from the property owners who want it to stay the same so they have the freedom to do what they want and what gives them leeway. They have only heard from one resident on the previous item who spoke against high density. Tonight they are balancing the rights of the property owners and the surrounding residents and their need to safeguard what could be developed. Developers usually ask for the maximum density allowed.

Zach Jacob agreed that education needs to happen between the city and the residents and property owners. He thought that if they vote for the change it would actually be giving the owners and residents what they want, but they just don't know it yet, so it needs to be explained better. They can either table it tonight or they can go forward with a recommendation and let the city council decide if there needs to be a meeting.

David Pack asked how large the noticing was for the items, because they hadn't heard from the surrounding residents.

Tom Burdett said it was 300 feet from the property line.

David Pack also felt that there should be more discussion with the residents so people feel more informed and more comfortable with how the city runs.

There was a discussion regarding the timeframe of when the item would go to the city council and when a meeting with the property owners could take place.

Ellen Smith said on the surface the proposal is leading to the lower densities that the city council wants.

Tom Burdett said the city council initially identified these properties when they denied a multifamily development on the Fullmer property. At that time they asked staff to look at other high density areas in the city that were similar to the Fullmer property, and these were identified. At the workshop in June staff asked what use designation they wanted instead of high density.

Bill Heiner had empathy for the citizens who felt blindsided by the request. The planning commission knows what they are trying to do, but the citizens will need time to talk about it and give suggestions to the city.

MOTION: Bill Heiner moved to table the Future Land Use Map Amendments until they can have more public input and staff education so that the citizens have a better feel for what they are trying to accomplish without feeling railroaded. The motion was seconded by Zach Jacob.

There was a discussion regarding what are they trying to accomplish and if there is a set timeframe.

Bill Heiner withdrew his motion.

MOTION: Zach Jacob moved to table the Future Land Use Map Amendments to give the City the opportunity to meet with the property owners and neighboring residents so that everybody is on the same page, and to bring it back within 6 months. The motion was seconded by Lesa Bridge.

AMENDED

MOTION: David Pack moved to amend the motion changing the timeframe to up to 2 months so they can take prompt action and not leave the residents waiting. The amendment was accepted by Zach Jacob and Lesa Bridge and the amended motion passed 7-0 in favor.

Tom Burdett gave updates of recent and upcoming city council actions. A workshop for the city council and planning commission has been scheduled for April 30th at 6:00 p.m. He indicated that city emails can be created for the commissioners if they are interested.

David Pack suggested that they should look at dates of official government business when planning their yearly calendar so they don't have conflicting meetings.

The commission asked that the agenda be changed to more clearly state that citizen comment is limited to 3 minutes per person and that the representative of a group may have 5 minutes to speak.

Robert Thorup gave an update on recent legislative actions.

MOTION: Bill Heiner moved to adjourn.

The meeting adjourned at 7:32 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS, Executive Assistant
Development Department

Approved this _____ day of _____, 2014