MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 19, 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, Julie Davis, Nathan Nelson, Paul Brockbank, Bill Baranowski

OTHERS: Justin Stoker, Jeff Haaga, Kelvin Green, Craig Dearing, Ron Parsons, Debbie Davenport, Ben Watson, Natalie Groebs, Ray Whitchurch, Joe Colosimo, JayLynn Thomas, Letizia Wetzel, Michelle Foote, Jeremy Searle

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The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying questions were answered. An explanation of a Community Development Area was given as it would relate to a possible pedestrian walkway on 7800 South.

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

1. Consent Calendar
Approve Minutes from July 15, 2014

MOTION: Zach Jacob moved to approve the minutes. The motion was seconded by Bill Heiner and Passed 7-0 in favor.

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2. The Station at Gardner Mill; 7659 South 1300 West; 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) [#SPCO20130009; DP20130007; parcels 21-26-351-020, 017, 022; 21-35-101-004]

Ray Whitchurch, IBI Group, said he was asked to improve upon the original apartment project with a fresh approach for a transit-based development to provide:

- a more compact development pattern
- walkability
- pedestrian connectivity
- integrated a mixed-use element with a commercial component
- a relationship with Gardner Village and the impacts on how the site should look, function, and feel. It should enhance the historic fabric in the Gardner Village area and optimize the offsite views and diversity of housing choices.

The original plan was adapted to make it more TOD friendly by:

- creating a mixed-use street at the front entrance off of 7800 South to serve residential and commercial purposes and create a sense of place
- building layout is bent to follow the lay of the land
- providing under unit parking on all of the downhill units, which changes the quality of the housing and gives it a higher ranking in the real estate market and provides a new housing type.

- moving the parking lots to the rear.
- working with UTA on a bridge situation to overcome the conflict of 7800 South
- providing a centralized clubhouse
- moving the community center to the center of the project for a sense of community
- utilizing the slopes as an asset instead of a liability
- strengthening the internal connections to be more pedestrian oriented with sidewalks and street trees, for a stronger connection to the Trax system and better connections to Jordan River trail system.

Mr. Whitchurch stated that they feel this proposal meets the intent of the TSOD ordinance by creating new building types, stronger building roof articulation to create variety and interest in the architecture, and under unit parking, which is important to a transit-oriented development. The density of the project was reduced because more land was acquired with the same number of units for a density of 19.28 units per acre. Colosimos are under negotiation for the other portion of the mixed-use so they can complete the street. He stated that a major move forward was the removal of the retaining walls that helped to connect the community. He showed a concept of how the pedestrian bridge might work. The new architecture relates more to Gardner Village with slopes on the roof, the materials that help to break up the building, and the articulation moves back and forth. The taller buildings were placed down the hillside so they feel about the same size as the other buildings.

It was clarified that the underneath parking in the multi-use building would provide direct access for the residents.

Zach Jacob pointed out that the angled parking on both sides of the mixed-use building would direct someone to go through the apartments or make a U-turn in order to get back to 7800 South.

Ray Whitchurch said they could assume a 90-degree position, but the angled parking gives more landscaping between the building and the street.

Tom Burdett clarified that the city and applicant mutually agreed to explore a new plan that would meet the criteria of the code and satisfy some of the concerns raised by city council as part of a settlement discussion, which is advantageous for the city, the property owners, and the Colosimo development team. A lot of work had been accomplished in the last two months in implementing the new design. He thanked staff for preparing the staff report and thoroughly reviewing the material.

Greg Mikolash asked if there were any questions related to the staff report.

<u>Preliminary Site Plan:</u>
Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission grant approval of the Gardner Station Preliminary Site Plan for the property located at the northeast corner of 1300 West 7800 South in a P-C (TSOD) zoning district with the conditions of approval as follows:

Conditions of Approval:

1. The applicant shall address and adhere to all City of West Jordan Municipal Code standards and adhere to all departmental comments, conditions of approvals as identified in this staff

report.

2. The applicant shall coordinate with the City and address any safe route to school issues and related improvements prior to Final Site Plan and Final Development Plan approval.
3. The applicant shall coordinate with City Staff in the origination of a CDA for the proposed pedestrian bridge intended to connect the subject development with the UTA Gardner Village Trax station and platform (spanning 7800 South).
4. An approved Preliminary Site Plan shall remain valid for one year following the date of approval. 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.

Preliminary Development Plan:
Staff recommended that the Planning Commission grant approval of the *Gardner Mill* Preliminary Development Plan for the for the property located at the northeast corner of 1300 West 7800 South in a P-C (TSOD) zoning district subject to the conditions of approval for the Preliminary Site Plan and Preliminary Subdivision being met.

Tom Burdett explained the importance of remembering that these items are more quasi-judicial in nature. The legislative decisions on zoning and how the general plan is implemented have already been determined by city council. The city council designated the property as a high density site in the general plan and they rezoned it to Planned Community using a concept plan that showed 256 units on 11 acres in February 2013. The city also put a Transit Station Overlay District on the property. All of those legislative actions led to a higher intensity mixed-use land use approval. At this point in the process it is not so much whether or not it should be a mixed-use development of a higher intensity nature, but it is what kind of design goes into the site plan and preliminary development plan that demonstrates that it meets the standards and if there is a physical design within the development itself that fits in with the surrounding areas.

Dan Lawes opened the public hearing.

Kelvin Green, West Jordan resident, said this plan is a great start but they are only at 50% of where they need to be. He spoke against the plan. He said the original concept plan at the original zoning was for 14 acres that included the three acres on the corner. They don't need a haphazard development that leaves that piece standing alone. The citizens felt that the subdivision plat was illegal because it created a 3-acre P-C zone, which is not allowed by ordinance. He said the plan still doesn't meet criteria 2, because there aren't a variety of uses and structures, it doesn't encourage a broad range of housing types, and there is no open land for the general benefit of the community or public at large for recreation or social activity. He didn't believe there was 36% open space in the plan. He said the planning commission had been a rubber stamp for developers and he challenged them to vote with the citizens and not with the staff and development.

Ron Parsons, West Jordan resident, said his biggest concern was that Gardner Village is a small community village, but this plan belongs in Salt Lake City or in the West Jordan City Center area. He said that the road coming onto 7800 South is one way, which will create more traffic and congestion on 1300 West. It isn't in the best interest to have 4-story buildings on top of the hill, and they shouldn't be more than two stories.

JayLynn Thomas, West Jordan resident, said the Watterson home is 131 years old where building two is proposed. She contacted the Utah Division of State History and they have not issued a letter of permission to remove the home. They need to determine if there is significant historical value to the home, which is a possibility, considering the proximity to Gardner Village. This development is being funded by HUD, and it is a federal and state requirement to have this letter of determination. The home immediately west of Watterson's home was built in 1900. If the home is removed without the letter it could result in a federal or state lawsuit.

Letizia Wetzel, West Jordan resident, felt that the developer had come a long way since the first plan. She liked the architectural additions, but she was concerned that it doesn't meet the intent of the P-C zone and several of the criteria. It doesn't allow for different types of ownership, for buildings to be arranged differently, or for community open space. The plan is close to meeting the intent of the ordinance, but the community, planning commission, and city council should continue to work with the developer. Her biggest concern was with the building height. Based on topographical information the fall difference is 25 feet. So there are still four stories above the bank, and looking from the river bottom it will be even worse. She didn't think the building type ties in with Gardner Village based on that height and visually it would be a detriment to the gateway into the community.

Debbie Davenport, West Jordan resident, said she liked the new look of the buildings, but there are improvements that still need to be made. The buildings are too high. All other apartment buildings in West Jordan are only three stories. The buildings in Midvale are all three stories with the only exception being one complex with three buildings that was four stories. She read in a TOD magazine that suggested a buffer zone between high density housing and single-family homes. The magazine suggested condos or townhomes. She suggested a 50-foot easement with growth of mature trees with a 40-foot girth that would buffer the homes to the west. She had often wondered why this property has been vacant for so long. She read from page 18 of the planning commission minutes from August 17, 2005 that indicated the developer of a previously approved project decided not to build on the site due to the risk of high liquefaction levels in the area caused by a prehistoric landslide. That development was for condominiums and not 5-story apartment buildings. She asked if the soils can change that much in 10 years if the problem was prehistoric.

Michelle Foote, West Jordan resident, said she liked the new plan more than the old one, but one of the biggest issues is there was no change in what it will do with the traffic and congestion on 1300 West and 7800 South. At the last city council meeting they asked for a right in and right out on 1300 West, but that isn't in the new design. The plan shows a second access onto 1300 West, and she asked if that will be used for this development or if it is for the corner property. She was concerned with its proximity to 7800 South. The angled parking was a problem because vehicles will be forced to drive through the complex and exit onto 1300 West. She liked the added retail, but would like to see some in the bottom level of building #2 as well to make it more of a mixed-use. She would like the corner lot developed with this project so it can be cohesive. The building height was a concern before because it doesn't fit in with the gateway and with Gardner Village, and now it is even higher. The community is proud of West Jordan and she hoped they will do something great with this land, but she wasn't sure we were there yet.

Ben Watson, West Jordan resident, said if this is a new plan that is substantially different from the previous plan, then it is appropriate to come before the commission. However, if this is the same plan with some modifications as the result of the threat of lawsuit due to a denial from city council, then it

should not be in this venue. He felt that traffic issues were the core of the problem. If the city widens 1300 West most of the issues go away. This plan has the same number of units but now they have retail customers that will be forced to go north and exit onto 1300 West. The traffic issues haven't been mitigated. The traffic study gives no time or substance as to when the study was conducted and he wanted to know where the statistics come from that say it isn't a substantial impact to traffic on 1300 West. Height is an issue as they have gone from 49 feet to 74 feet on the east elevation. That type of structure will have an impact on how people using 7800 South as a gateway will view West Jordan. West Jordan has its own character and he didn't want this to blur that line between every other city that has vast amounts of high density development. He hoped they would consider the concerns and conditions of the community.

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

Ray Whitchurch said the building in question is not on the historic register. He helped to set up the University Historic District and he knows that being an old building doesn't necessarily justify it as a historic structure. The proposed building height is within the code. They could lower the building height by removing the roof pitches, but they are following the vision established by the city council and the code to match Gardner Village. With regards to the past processes, their attorney told him that there was no reasonable timeframe on any challenge to the earlier decision. This was passed 7-0 previously and with the goodwill of the Colosimo brothers they are trying to make the plan more integrated.

Zach Jacob asked if the 224 units are necessary for financial viability of the development or if they could remove one story but keep the roof pitches.

Joe Colosimo, applicant, stated that they need a certain number of units to have the amenities and off-site management and security and they are at that threshold. Also, the seller is entitled to ask for what they need in order to make it work for them.

Ray Whitchurch spoke regarding buffer zones. He is a transit oriented developer across the United States, and those buffer zones often take streets into consideration; it isn't always just real estate. In this case 1300 West is buffering the residents to the west. It is a long way from this project to the neighborhood west of 1300 West. How the property fills out between this development and 1300 West is to be determined. They did several options for the 3-acre parcel on the corner that will show consistency with the overall concept. Those were also shown at a neighborhood meeting last week. The market will determine which option is used when that time comes.

Zach Jacob asked if the buildings on the 3-acre parcel would be mixed-use or apartments.

Ray Whitchurch said the building directly to the west of the mixed-use street would remain mixed-use. The other uses are not determined, but they provided a variety of arrangements and uses that would still keep the goal of the area.

Ellen Smith asked if they had done geotechnical studies on the property and how they will deal with the liquefaction and geotechnical issues.

Joe Colosimo said Gordon Geotechnical did a study. The soils on top are fine. Some of the soils on the bottom are a little suspect, but they can be mitigated with a Geopier or a Helical pier to accommodate the soils.

Lesa Bridge said the corner parcel seems to be a concern with controlling the architecture to tie in with the overall development. She asked if they will incorporate that in CC&Rs so they can control the design.

Ray Whitchurch hoped it will take on the character of what was happening in the apartment units and with Gardner Village, but he didn't have any control over that. They worked with Joe Long through the process to make sure he is aware of where they are headed.

Ellen Smith asked if a traffic signal would be needed at the northern access on 1300 West to handle the added traffic.

Bill Baranowski asked the consultant for the project to answer that question.

Jeremy Searle, Hales Engineering, said they did the traffic study for this development. He said the north access on 1300 West would not meet signal warrants. They analyzed it with the additional project traffic and it should function at an adequate level of service. He was at that intersection tonight during the peak hour for 20 minutes and was able to pull out of the driveway in less than 20 seconds every time. He clarified that the access road on 7800 South is a two-way road with full movement access onto 7800 South. All accesses on 1300 West will be full movement access and function at an adequate level of service. He understood that the city has acquired funding to reconstruct 1300 West that will add a right turn lane and extend the 2-way left turn lane north, which would alleviate a lot of the traffic issues. It will still be a busy area, but it will greatly improve the level of service and reduce the delay at 1300 West. He understood that the project is planned for 2016.

Lesa Bridge asked for clarification on an additional access onto 1300 West from the corner parcel.

Bill Baranowski said they would not allow another access between the driveway and the corner per code. There is a federal grant for $1 million to rebuild the intersection. Part of that is to add lanes north and south on 1300 West as far as they can afford to go. The current intersection is not wide enough for turning lanes and acceptable through lanes or a bike lane. If the developer comes in before then they will let developer help with the widening.

Zach Jacob said Section 13-6G-11 gives a maximum building height for a mixed-use building and a single-family building but it doesn't have a maximum height for a multi-family building.

Greg Mikolash stated that the definition of mixed-use refers to uses and not the structure itself; it includes residential but doesn't specifically include or exclude multi-family residential.

Zach Jacob read from 13-6G-11.B.1. and said that it doesn't seem to apply to a lot of the buildings in the proposal.

Dan Lawes wondered if the pedestrian overpass that connects the whole development to the transit station could meet the requirement.

Robert Thorup said there will be a myriad of details to work out between preliminary and final site plan, and this is an example of one of those issues. It isn't something that would bar them from acting tonight.

Greg Mikolash said at the time the ordinance was written they didn't know they would be dealing with infill developments directly across the street from the Trax station. He referred to the street development standards that allow the planning commission the ability to find the code can be met where the plan shows that better circumstances are applicable.

Ellen Smith asked about the open space and what is passive and active. She liked the trails, but she would like to see a connecting loop for an active pedestrian walkway instead of having everything next to the clubhouse. She asked if there will be benches or the like installed for people who are visiting the commercial side of the mixed-use area or the trail system. This area is meant to draw visitors in to spend the day, so what is there for them.

MOTION: Ellen Smith moved to allow the architect to address the question. The motion was seconded by Sophie Rice and passed.

Ray Whitchurch said open space is interesting when dealing with transit. Open space in the West is often thought of as green parks and trees. When dealing with transit you look at streets as if they are the civic space or open space. They have activity spaces focused near the center and around the edges with the trail system. Benches will be located where the views are best and connect where it connects with trails, and the trails have public use. The open space is clustered around the clubhouse because they want it to be a central gathering place, which also includes the street. Hopefully when the mixed-use area gets going with restaurants and businesses the street will be activated and they will get the interaction.

Ellen Smith asked if there will be a walking ring so they don't always have to go to the clubhouse to exercise. You can congregate in the street, but there are also issues with the traffic that moves right through the center of the development. So there needs to be a provision for pedestrians, joggers, etc. to move freely through the space without conflict.

Ray Whitchurch said they can take a look at how they can create a trails loop through the project. Part of his hesitation is that he would like to know how the properties on 1300 West are going to develop. The trail loop is an interesting problem with this L-shaped property so the loop will be a long oval. There is a 13% grade, but they could integrate the trail system into that easier so they come along the edges and come back through and loop back down through the street. There is a sidewalk system in the project as well. Those things are easy to accommodate as they develop the site plan further.

Ellen Smith said her direction would be to actively consider what kinds of uses are funneling down that center street and how they can lessen those conflicts.

David Pack reviewed the issues raised by the citizen. They addressed the 3-acre parcel, the open space, traffic studies showed positive result, building height regarding the topographical slope, the historic preservation letter that has two sides to the story, and the geological issue had been addressed with professional feedback. He liked the improved materials, the mixed-use, it is aesthetic, functional,

self-contained, it is less dense than it otherwise could be, there has been professional feedback, legal feedback, and it meets the code.

Robert Thorup said it isn't the city's responsibility to enforce laws with regards to a possible historic building. Those issues have nothing to do with whether or not the site plan should be approved.

Ellen Smith said the only other concern that was raised by the citizens was that there wasn't a variety of housing types.

David Pack said the concerns have been answered, but that doesn't necessarily mean that it couldn't be improved.

Dan Lawes said they have given feedback to the applicant and they could have it come back to the commission for final approval.

Zach Jacob referred to criteria A to meet the goals and intents of the general plan. He questioned the mix of housing types within a TOD, a concentration of jobs, and increasing the floor to area ratios within the TOD to improve the city's jobs to housing ratio and promote higher transit ridership; he didn't think these were quite being met. In criteria B they talk about access points, traffic, and building height not negatively impacting adjacent properties, but that could be called into question by the residents who said they will be impacted.

Dan Lawes asked how they define adjacent given the amount of space between the edge of the development and the properties across 1300 West.

Zach Jacob said there are six or seven homes that are not across 1300 West.

Dan Lawes said they are anticipated to be improved upon sometime in the future.

Zach Jacob said this is typical of a planning commission decision where they have to weigh the property rights of the current and future property owners. He was concerned with what will happen with the corner remnant parcel.

David Pack said one of the major concerns at the first hearing was with the gateway of West Jordan and seeing an extremely tall structure.

Bill Heiner said they approved this project prior, it went to city council, and is now back to the commission. Some of the concerns had been addressed but there are some still out there. If they decide to pass this project forward to the city council they are giving the developer and public the opportunity to take care of some of the details and to move forward. They aren't rubber stamping this project by approving it. If they don't approve it then it will just die here and then they will revisit all of the same issues with another developer and another proposal. He lives in this area and may be affected by the traffic, but from a citizen's standpoint he would speak for it. He liked the concept and the changes that they made. It isn't perfect, but maybe there are some things that can still be done with the city council and the public working together. This is only for the preliminary approval.

David Pack could see this two ways. If you start to button your shirt wrong and try to get it right it will never get right until you go back to the beginning. The term preliminary is a bit nebulous to him. He wondered if they approve the site plan with the concerns that have been raised if there is still flexibility.

Greg Mikolash asked if he is trying to narrow down density, height, and bulk criteria. One of the things they need to do is give their recommendation on density. Once that is set they can't change it unless the developer wants to go less or change the design. Outside of that they can have minor adjustments to setbacks, roadways, and parking, etc.

David Pack said basically if they approve it then it will be five stories tall.

Greg Mikolash said they don't want to approve five stories and then later say they can only have four.

David Pack said they don't want to start at square one, but if they approve it then it will move forward as an approved plan.

Zach Jacob asked what things area allowed to change between preliminary and final approval.

Tom Burdett explained from a legal perspective they are looking at a building type of multi-family with a density of 19.28 units per acre and a certain building height. The building height criteria in the zoning code can be more thoroughly vetted between now and city council to see if there is some conflict. The final site plan and development plan can be brought back to the commission for approval. But generally the development still needs to comply with the applicable bulk dimensional criteria in the zoning code. He said to a degree they can still negotiate between preliminary and final where it is lesser in intensity. The preliminary development plan and site plan would set the limits.

Ellen Smith said the open space issues can be dealt with, the traffic issues will be alleviated as the intersection is reworked, the soils issues have been dealt with, she liked the building architecture and how the buildings go more with the lay of the land. Her biggest issue is with the building height. She said nowhere in the city is a five-story building. Even when the building is lower on the slope they will be higher than the buildings at the top of the slope.

MOTION: Dan Lawes moved to approve the Preliminary Site Plan for Gardner Station; northeast corner of 1300 West 7800 South; Colosimo Brothers (applicant) with conditions 1 through 4 as listed in the staff report, adding:
5. The final site plan return to the Planning Commission for approval.
The motion was seconded by Lesa Bridge and passed 5-2 in favor with Ellen Smith and Zach Jacob casting the negative votes.

MOTION: Dan Lawes moved to approve the Preliminary Development Plan for Gardner Mill northeast corner of 1300 West 7800 South; Colosimo Brothers (applicant) subject to the conditions of approval for the Preliminary Site Plan and Preliminary Subdivision being met and adding a condition that the final site plan return to the Planning Commission for approval. The motion was seconded by Lesa Bridge and passed 5-2 in favor with Ellen Smith and Zach Jacob casting the negative votes.

MOTION: Zach Jacob moved to adjourn

The meeting adjourned at 7:28 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014