

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

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

**STAFF:** Tom Burdett, Greg Mikolash, Ray McCandless, Larry Gardner, Nannette Larsen, Robert Thorup, Nathan Nelson, and Julie Davis

**OTHERS:** Tracy Stocking

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The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed. Item 1B will be pulled for discussion. Larry Gardner recommended adding a condition of approval to Item 2, and Nathan Nelson explained the purpose. Robert Thorup suggested another condition that informs the credit union that their private sewer will be on private property. Corrections and clarifications were discussed to the draft ordinance on Item 3.

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

- 1. Consent Calendar**
  - A. Approve Minutes from September 16, 2014**
  - B. Sommerglen Heights Phase 1; 7300 South 5600 West; Final Subdivision Plat (32 lots on 11.86 acres); R-1-10D/E (ZC) Zone; Ivory Development/Nick Mingo (applicant) [#SDMA20130024; parcel 20-26-400-024]**

[This item was pulled to discuss as a business item.]

**MOTION:** David Pack moved to approve the minutes from September [16], 2014 as listed in the staff packet. The motion was seconded by Zach Jacob and passed 6-0 in favor. Lesa Bridge was absent.

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**Business Item**

- 1B. Sommerglen Heights Phase 1; 7300 South 5600 West; Final Subdivision Plat (32 lots on 11.86 acres); R-1-10D/E (ZC) Zone; Ivory Development/Nick Mingo (applicant) [#SDMA20130024; parcel 20-26-400-024]**

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Final Major Subdivision Phase I approval of Sommerglen Heights Subdivision located at approximately 7300 South 5600 West within the R-1-10 D/E (ZC) zoning district, with the conditions of approval as listed below.

1. Any changes to the subject site shall meet the submitted subdivision plat.
2. At the time a second permanent subdivision access to an established roadway is complete the temporary easement will be removed to allow the lot –the temporary access was placed upon-

to be a buildable lot.

3. Further Planning Commission review of the separate Final Subdivision Phases of Sommerglen Heights is not required as the pedestrian pathway amenities to school facilities have been provided.
4. The surrounding subdivision fence will need to meet fencing standards within the Highlands Master Plan Area and match existing developments within the vicinity.
5. Any existing above ground power lines under 69kv shall be undergrounded.
6. 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)

Ellen Smith said the planning commission asked that the final approval come back to them because of the safe walking route to the school. She asked staff to explain for the record how this issue was resolved.

Nathan Nelson explained that the project was on the boundary for two different elementary schools. Staff contacted the Jordan School District and they amended the boundaries so that the entire project will be assigned to Falcon Ridge, so the children in the development will walk to the north. There was one significant gap in the sidewalk on a property owned by Perry Development. Staff worked with Ivory Homes, who contributed funds, and the city installed the sidewalk to the north as a part of the 5600 West project. There is now a continuous sidewalk between this project and the school.

Ellen Smith said on behalf of the commission and those who will live in this development she appreciated all of the parties that worked together to provide that safe walking route.

Nathan Nelson said many people worked together and staff also appreciated that cooperation.

Zach Jacob asked if 5600 West is complete in this section.

Nathan Nelson said it is, but this developer will add sidewalk, parkstrip landscaping, etc. The contractor is still working, so 5600 West is not open yet, but it is paved to 7400 South. It will be open for this development.

**MOTION: Zach Jacob moved to approve the Final Subdivision Plat for Sommerglen Heights Phase 1; 7300 South 5600 West; Ivory Development (applicant) with the conditions 1 through 6 as listed in the packet. The motion was seconded by Ellen Smith and passed 6-0 in favor. Lesa Bridge was absent.**

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2. **Jordan Credit Union; 4830 West New Bingham Highway; Preliminary Site Plan; P-C Zone; TSA Architects/Tracy Stocking (applicant) [#SPCO20140013; parcel 20-36-278-029]**

**[This item was heard after Item #3 to allow the applicant additional time to arrive.]**

Tracy Stocking, architect and representative of Jordan Credit Union, stated that credit union board members, president, and civil engineer were also in attendance. He gave an overview of the application for a new 2400 square foot credit union branch on approximately 3/4 acre. Access to the

site is a shared with future development from 4800 West, and was designed with that in mind. They have worked carefully with staff since March in order to comply with the zoning ordinances. Parking and queueing for the drive lanes is adequate. UDOT did not approve their request for an access to the south on New Bingham Highway. Landscaping requirements have been met, and the dumpster and mechanical units are screened. He explained where the storm drain basin is located. The architecture is a residential style building with cultured stone and stucco in earth tones. A monument sign will be located on the corner. He clarified the location of curbing around the parking lot. Some of it will be temporary until future development comes in.

Larry Gardner said the applicant reviewed the project very well. It meets the zoning ordinance and engineering standards. He noted the two additional conditions that were added to the original staff report:

Preliminary Site Plan:

Based on the findings of the staff report, staff recommended that the Planning Commission approve the Preliminary Site Plan for Jordan Credit Union located at 4830 West New Bingham Highway in the P-C zoning district, with the following conditions:

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Preliminary Site Plan application and site plan.
3. The applicant will enter into a licensing agreement with the City and Peterson Development to connect to the private sewer line established through the Peterson Commons Commercial subdivision before final approval is granted.
4. The final site plan must meet all requirements of the Engineering and Fire Departments.
5. 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).
6. As part of the final site plan approval, the applicant will need to obtain all necessary easements, licenses, permits, and approvals to install an offsite private sewer.
7. Jordan Credit Union will be notified that they will be connecting to a private sewer system.

Final Development Plan

Based on the findings and evidence in the staff report, staff recommended that the Planning Commission approve the Jordan Credit Union Final Development Plan located at approximately 4830 West New Bingham Highway subject to the following conditions:

1. Update the Final Development Plan to address all existing and future planning, engineering, fire, Design Review Committee, and all other City redline corrections pertaining to the Jordan Credit Union Development Plan.
2. Incorporate all requirements from the Development Review Committee and Planning Commission into the Final Development Plan.
3. Before the final plat, site plan and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.

It was clarified that banks and financial institutions are permitted in the P-C Zone and fit within both the commercial and professional office category.

Dan Lawes opened the public hearing.

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

Zach Jacob didn't feel that there was a conflict, but wanted to state that he has an account with Jordan Credit Union.

**MOTION:** Bill Heiner moved based on the findings set forth in the staff report and the information received during the meeting to approve the Preliminary Site Plan for Jordan Credit Union; 4830 West New Bingham Highway; TSA Architects (applicant) with the conditions of approval 1 through 7 as given in the staff presentation. The motion was seconded by Sophie Rice and passed 5-0 in favor. Lesa Bridge and David Pack were absent.

**MOTION:** Ellen Smith moved based on the findings set forth in the staff report and the information received during this meeting to approve the Final Development Plan for Jordan Credit Union; 4830 West New Bingham Highway; TSA Architects (applicant) with the conditions as set forth in the planning commission packet. The motion was seconded by Bill Heiner and passed 5-0 in favor. Lesa Bridge and David Pack were absent.

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**3. Text Amendment - Cap and Grade; Amend the West Jordan Municipal Code making miscellaneous amendments and adding language relating to new Cap and Grade requirements for certain types of multi-family residential developments; City-wide applicability; City of West Jordan (applicant) [#TA20140008]**

Tom Burdett provided some background history for this text amendment. The city council was concerned with the ratio of single family residential to multi-family units and the strong market for apartments. The question was whether or not West Jordan should continue with the historic ratio or if it should be higher or lower. While the ratio had been designated in the General Plan at a certain number, the city council directed staff to look at a moratorium for a period of time to either adjust the General Plan and diminish the number of areas in the city that are designated for high density multi-family or to propose a growth management strategy through an amendment to the zoning code. At that time he had recommended to the city manager that the growth management strategy would serve the city in a more definitive way in the zoning code with the force of law behind it rather than to amend the general plan map, which would be fairly extensive for larger amounts of property and may cause some challenges. The city recently made two corrections to the map that city council was concerned with. The moratorium will last until the middle of November.

Ray McCandless read from the General Plan Housing Element Goal 2 Policy 2, Implementation Measure 3 that establishes the 83% single family and 17% multi-family ratio. The city council adopted and reaffirmed this ratio. The question is how we get the level of multi-family housing units back to that ratio. One way is a cap and grade system that puts a hold on most types of multi-family until single family catches up to that level. The way this works is that staff will calculate the number of multi-family dwelling units that are available for construction for that year. If there are none available, then no applications will be accepted. If there are available units they will announce that on

January 15<sup>th</sup> and developers can submit their proposal through a bid process and point system that will evaluate each proposal. Currently the housing mix is roughly 77.5% single family and 22.5% multi-family. The General Plan encourages certain kinds of housing so staff is recommending the following exemptions: Multi-family housing in a Transit Station Overlay; Senior housing for age 55 and older; owner-occupied townhomes with an attached garage; owner-occupied twin homes; multi-family for disabled persons; and, low and moderate income housing owned by a non-profit or local housing authority. The planning commission should consider these exemptions as they make a recommendation.

He showed a graph that illustrated the ups and downs of single family and multi-family housing trends from 2000 through 2014. Staff recognizes as part of the code that economics drive the housing market so there will be different periods for demand.

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 text amendment.

Ray McCandless said it will take years for the single family number to catch up, which is affected by the number of dwelling units that are awaiting approval.

Dan Lawes asked for clarification that even though the moratorium expires in November, no multi-family units will be allowed for the foreseeable future aside from those that are vested.

Robert Thorup said the role of the exemptions will allow for them around transit zones, incentive for developing owner-occupied townhomes with garages, etc. It is a two-way street. They are incentivizing certain types of housing and dis-incentivizing others.

Tom Burdett said for the next few years it will redirect towards TOD's and take away from apartment locations around intersections. Redirect toward senior housing and owner-occupied townhomes and take away from market rate apartments that are spread around the city in a checkerboard pattern.

Zach Jacob proposed that footnotes 1 and 2 relating to definitions be moved to the definition section so they aren't in two different places.

David Pack said with six exemptions to the rule it will make it even more difficult to 'catch up', and he asked if there was a concern about that.

Ray McCandless said the exemptions will affect it, but not significantly.

Bill Heiner asked with the current rate now and those that are vested what will that do to the ratio and how long down the road before they can invite development outside of a TOD. It seemed to him that there comes a point when we are discouraging development.

Ray McCandless said there is no question that those vested units will increase the time it takes to reach the single family goal. The time it takes will depend upon on how many single family units we get each year.

Bill Heiner said it is all market driven. If the residential market is low and not affordable, then there will be more people who need to rent. He asked what will we do when we reach that critical mass and there is a bottleneck. They will be sending tax dollars to another city.

Tom Burdett said staff feels strongly that the exemptions are the relief valve for those concerns. At the last joint workshop the city council was undecided about townhomes, but there is enough interest in them that they will continue to be developed. The synergy effect of bringing additional employment into the city and needs for apartment dwellings is important, but there are approximately 16 subdivisions that are being constructed now, so single family growth should pick up and the single family absorption rate will probably go up. Staff could present an annual report that tracks the housing in all categories in order to address the market concern.

Bill Heiner said this amendment will put the 83/17 into law, and he asked if they will reach a point that they will need to change it again.

Tom Burdett said that ratio was established with the last General Plan. The ratio is lower than what they currently have. A number of long-range planning institutions would suggest that because of the geographical nature of the valley that higher density will increase, but the ratio is a policy decision that the city council will make. That ratio can be changed in the future if that is the direction they want to take.

Bill Heiner said the population is projected to double by 2030-40, so are we just creating a bigger stoppage as the population increases. He thought that the number would have to increase as well.

Robert Thorup said Ray was correct to say that any kind of projection is based on so many assumptions that they can't worry about it. But even the most conservative estimate they've done shows that at just about the time Commissioner Heiner is talking about, the number of units available will start to increase under this program.

Bill Heiner said that is as long as single family residences stay affordable. They went through the same thing in the 1980s.

Dan Lawes opened the public hearing.

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

Zach Jacob started a discussion on how the point totals are weighted in regards to location, particularly that location next to developments on three sides receives 20 points.

Ray McCandless said the commission can adjust the numbers if they like. The purpose for favoring development on three sides is that it avoids leapfrog developments that can affect utilities.

Zach Jacob said they should ask themselves what they consider the most important factor whether it be not leapfrog development or being close to schools or parks.

David Pack asked if any of the point calculations were taken from other established codes.

Ray McCandless said most of the numbers rank from 0-5 points, so it could make some sense to reduce it to some degree. He said they did look at other cities' codes and it was taken from one that has been in existence for a long time and works.

Dan Lawes asked for the rationale for weighting the location of the project so heavily.

Greg Mikolash said it is to deter leapfrogging.

Zach Jacob asked if they should consider points for those who ask for a lower density than what the zoning allows. Bill Heiner thought that was a good suggestion.

Ellen Smith said that could go under site design.

Greg Mikolash clarified that they shouldn't be weighting the criteria against itself; they are weighting the competitors to see who is coming in with the best product. However, the commission is free to recommend changing the point allocations.

With the current figures, location represents 20% of the points. There was general discussion on point allowances for proximity to different types of parks. The conclusion for Section 8 was: A maximum of 5 points. a) 5 points if they are within ½ mile of a regional park b) 3 points within ¾ mile of a regional park c) 3 points for being located within ½ mile of a community park d) 1 point within ¾ mile community park. It was also determined that the formula needs to be added back into the code.

There was a discussion on whether or not to keep the word 'timely', delete it, or change it to 'diligently' or to a hard number of 12 months. Robert Thorup said the issue is when there is a development that is moving along very diligently and through no fault of their own doesn't get to the 12 months, so we allow it to keep going. The consensus was to keep the wording as it stands.

Ellen Smith felt that the ordinance was long overdue and liked it.

Bill Heiner said he liked it too, but he was still uneasy with the 17/83 ratio.

Ellen Smith explained that the General Plan Committee discussed it for a long time and this figure was actually more generous than what a lot of people wanted.

**MOTION:** Zach Jacob moved based on the findings set forth in the staff report and the discussion this evening to forward a positive recommendation to the City Council for the proposed text amendments to Title 13 as addressed in the staff report with the following addenda:  
**Under Section 13-8-23C: insert the mathematical calculation of A minus B equals the Cap where A equals (as stated) and B equals (as stated);**  
**They change the point allotment under Section F1 for Location of project to have a maximum of 10 points: 5 pts to criteria a; 3 pts to criteria b; 2 pts to criteria c;**  
**Modify paragraph F8: Parks to have a maximum of 5 pts: modify criteria a) project located within ½ mile of a developed regional public park for 5 pts; b) project located within ¾ mile of a developed regional public park for 3 pts; c)**

**project located within 1/2 mile of community public park for 3 pts; and d) project located within 3/4 mile of community public park for 1 pt;  
Non-city maintained open space should be labeled as paragraph 12;  
Create a separate section for the definitions that are currently listed as footnotes;  
Change paragraph F7 that Schools have a maximum of 9 points.  
The motion was seconded by Ellen Smith.**

**AMENDED**

**MOTION: David Pack moved for clarification that they toggle all of the numbers down in Section F because there are two items listed as number 3. The amendment was accepted by Zach Jacob and Ellen Smith.**

**VOTE: The amended motion passed 6-0 in favor. Lesa Bridge was absent.**

David Pack asked to be excused and left the meeting at 7:05 p.m.

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Tom Burdett thanked the commissioners for attending the tour and proposed that they do in the future to visit urban areas and TODs.

**MOTION: Ellen Smith moved to adjourn.**

The meeting adjourned at 7:17 p.m.

DAN LAWES  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014