

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD APRIL 7, 2015 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Matt Quinney, Zach Jacob, Bill Heiner, and Joshua Suchoski. David Pack was excused.

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

OTHERS: Eppie Trujillo, Tim Soffe, Greg Wilding, Curtis Leavitt, Kenneth R. Larsen

The briefing meeting was called to order by Dan Lawes.

Joshua Suchoski volunteered to fill the vacancy on the Design Review Committee. The agenda was reviewed. Item #2 was reviewed and clarifying questions about the application process for land use amendments were answered. Briefing information was provided for the other agenda items.

The regular meeting was called to order at 6:02 p.m.

**1. Consent Calendar
Approve Minutes from March 17, 2015**

MOTION: Zach Jacob moved to approve the Consent Calendar. The motion was seconded by Matt Quinney and passed 5-0 in favor. David Pack was absent.

2. Text Amendment – Amend the West Jordan Municipal Code Section 13-7C-6 “Amendments to the Land Use Map” Finding B in the General Plan Amendment Findings in the Zoning Ordinance; City Wide applicability; City of West Jordan (applicant) [#TA20150001]

Ray McCandless explained that the City Council reviewed this application and the Planning Commission’s recommendation to remove Finding B in March. The City Council referred the issue back to the Planning Commission for further discussion to consider an option to reword the text. The proposed text is to clarify the applicant's role. There has been discussion as to what level we ask the applicant to demonstrate that they have looked at alternate sites.

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 to Section 13-7C-6, Finding B relating to Amendment to the Land Use Map.

Dan Lawes opened the public hearing.

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

Zach Jacob said the applicability of Finding B as currently written will change as the city builds out. Today there are many optional vacant sites, but at the city build-out and when optional sites are

restricted then this may be more pertinent. Finding B can never be met as it is written now, so they should keep in mind that whatever wording they decide on should have applicability now and in the future.

Dan Lawes thought that Finding C can cover that. He is struggling with the term 'other optional sites'. The planning commission doesn't have the ability to offer another site to a developer if a proposed use doesn't fit on a certain property. The developer may not have that ability either.

Bill Heiner said the way it is written is open ended without any teeth, and that may be what the city council wanted them to resolve.

Josh Suchoski didn't know that that could be done as it is written. The only thing they keep coming back to is whether or not it will fit with the city's general plan, but that is in finding A. Finding B is asking the developer to go back out and find an alternate property. But the developer won't typically buy a piece of land without researching the availability, cost, and demographic. He is a huge proponent of the general plan, but that is covered Finding A. He doesn't understand what Finding B is trying to do.

Dan Lawes agreed.

Zach Jacob said Finding A could become the next Finding B because it can't fit the city's general plan if the application is asking that the general plan be altered.

Dan Lawes said it can be consistent with the goals, objectives, and policies.

Josh Suchoski said you can use that verbiage for a denial if a use doesn't fit in with a particular area because it doesn't fit with the adopted goals and policies. According to Finding B a developer just needs to tell them that they have looked elsewhere and can't find what they want, so he thinks it is redundant.

Zach Jacob said they often hear the argument that over several years there have been no offers to develop as the property is planned/zoned so they want to change the use; and the city lets them do it. So we are saying in this situation that today's market is more important than the long term vision so that the grander vision of the future will be sacrificed

Josh Suchoski said if someone were to offer that situation, the city can still use Finding A to say that it doesn't fit with the policies, goals, and objectives of the city's general plan. He felt that Findings A, C, and D accomplish everything that Finding B would be there for. He didn't like the term 'demonstrated' as written in Finding B. There may be a way to quantify it, but if he was charged with trying to find a way to quantify that as a burden of proof to show the applicant has demonstrated awareness, he didn't know of a way to do that where the developer couldn't very easily circumvent.

Zach Jacob thought that the wording is redundant. He felt that the wording could state 'other locations are not reasonably available to the applicant' whether or not they are economically or physically practical; if they aren't available then practicality is shot.

Dan Lawes said he couldn't come up with any other language for the finding and felt that it needs to be eliminated. It doesn't seem that anyone else has proposed language or is strongly in favor of the proposal.

MOTION: Joshua Suchoski moved to forward a recommendation to the City Council to strike Finding B from the proposed amendment. The motion was seconded by Dan Lawes.

Zach Jacob pointed out that the City Council did not take that recommendation the last time. However, he didn't have any other ideas for wording.

Bill Heiner said they could strike the words 'economically and physically impractical'. Availability is the trump card anyway.

Joshua Suchoski said even if they mix up the verbiage, the important points are covered in Findings A, C, and D. They have just as much right to reject something that doesn't fall in line with the general plan based on Finding A alone.

VOTE: The motion passed 3-2 in favor of striking Finding B with negative votes by Zach Jacob and Bill Heiner. David Pack was absent.

3. Trujillo Rezone; 7359 South 1300 West; Rezone 0.92 acres from R-1-10E to R-1-8D; Freiss Development Group (applicant) [#ZC20140005; parcels 21-26-152-021, 007]

Greg Wilding, Wilding Engineering, representing the applicant stated this is a straightforward request to rezone the property in order to get subdivision approval for Trujillo Cove. This is a remainder piece of property, and in working with city staff they felt it is the most prudent way to develop the property in an existing neighborhood. The rezone is needed in order to meet the required lot width. The finished lots are the same size or larger than those in the surrounding neighborhood.

Larry Gardner explained that the property is zoned R-1-10, the same as the property to the south. The properties to the north are zoned R-1-8. Mr. Trujillo desires to create a flag lot. The R-1-10 zone would require 85 feet of frontage and an additional 20 feet for the stem portion of the lot. However, the property is four feet shy of meeting that requirement. The proposed R-1-8 zone is consistent with the lots to the north and would reduce the lot width to 75 feet for a total of 95 feet needed. The subject property is 101 feet wide. The subdivision application is for two lots that are much larger than 8,000 square feet and would add one new home to the area. He pointed out that the minor subdivision plat would be approved administratively.

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 rezone the property from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to R-1-8D (Single-family Residential, 8,000 square foot minimum lots) for the property generally located at 7359 South 1300 West.

Dan Lawes opened the public hearing.

Kenneth R. Larsen, West Jordan resident, stated that he lives to the south of the property and is in favor of the request. The subject property is large and a lot for one person to take care of. Mr. Trujillo maintains the property very well. He said if there is anything bad to say about the area it is the home a block to the north that has been boarded up for the last five years and nothing is done about it.

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

MOTION: Zach Jacob moved based on the findings in the staff report and the explanations this evening to forward a positive recommendation to the City Council for the Trujillo Rezone; 7359 South 1300 West; Freiss Development Group (applicant) to rezone 0.92 acres from R-1-10E zone to R-1-8D zone. The motion was seconded by Joshua Suchoski and passed 5-0 in favor. David Pack was absent.

4. Oquirrh West; Northwest Corner 7800 South U-111; Discussion of Building Heights for Congregate Living Facilities

Tom Burdett said there is an application to amend 120 acres. Since there is now a moratorium on multi-family development and with the new Growth Management section of the code the applicants are rethinking some of the uses. They asked to have an informal discussion on an alternative for a congregate living facility.

Tim Soffe, Think Architecture, representing Holmes Homes and Miller Development, gave a presentation of congregate living developments. They felt that especially with the topography and development in the area the owners are considering this use. Congregate living bridges the gap between assisted living and a care facility and is for active senior living. The units are individual suites, share common amenities, include transportation to area destinations, and offer a la carte services on an as-needed basis if more care is needed. It isn't a rest home or assisted living. They have built similar facilities in Sandy and Draper. They would propose five levels with connected interior corridors and different amenity venues on each level. The site is 8-9 acres and approximately 298 suites. Their parking ratio is 1.2 stalls per suite and they still have vacant spots. In lieu of a pool and clubhouse they offer formal courtyard activities. There aren't impacts on parks, traffic, etc. like other residential developments. Length of stay is usually until they pass away. He described the architecture and building materials. He offered to take them on a field trip to the Draper facility. In this case the five-story height wouldn't be felt as much as it would on the property across the street.

There was a brief discussion regarding ownership of the units, total height of the building, and the height of multi-family buildings in the area, zoning/overlays for the property, possible text amendments for height and definitions.

Dan Lawes recommended Commissioner Suchoski to fill the vacant Design Review Committee position. He acknowledged Tom Burdett's retirement from West Jordan and stated that Tom has been very valuable to him in learning the ropes and with his assistance to the Planning Commission.

Tom Burdett said it has been an honor to serve and to work with all of the commissions throughout his time at West Jordan.

MOTION: Bill Heiner moved to adjourn.

The meeting adjourned at 6:54 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2015