

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 5, 2016 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Kelvin Green, Matt Quinney, David Pack, Bill Heiner, Josh Suchoski, and Judy Hansen.

STAFF: Scott Langford, Larry Gardner, Ray McCandless, Nannette Larsen, Nathan Nelson, Robert Thorup, and Julie Davis

OTHERS: Tim Salak, Gardner Crane

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed.

Judy Hansen and Bill Heiner volunteered to fill the two planning commission positions on the Design Review Committee.

Nannette Larsen distributed an updated condition #1 for Maverik Convenience Store. This item was recommended for the Consent Calendar.

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

[The order of the agenda was modified. Items #4 and #5 were placed on the Consent Calendar and the Public Hearing #7 was heard before Business Item #6.]

1. Oath of Office for New and Re-appointed Commissioners

Deputy City Clerk Jamie Vincent administered the Oath of Office for Judy Hansen and David Pack.

2. Election of Chair and Vice Chair for 2016

MOTION: David Pack moved to nominate Dan Lawes as Chair. The motion was seconded by Bill Heiner and passed 7-0 in favor.

MOTION: Dan Lawes nominated David Pack to serve as Vice Chair. The motion was seconded by Josh Suchoski and passed 7-0 in favor.

3. Appointment of Two Commissioners to the Design Review Committee

Judy Hansen and Bill Heiner volunteered and were appointed to be Planning Commission representatives on the Design Review Committee.

4. Approve Minutes from December 15, 2015

5. Maverik Convenience Store; 7800 South Loop Road; Final Site Plan; SC-2 Zone; Maverik, Inc. (applicant) [#SPCO20150003; parcel 20-35-200-048]

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Final Site Plan approval for the Maverik Convenience Store located at 5701 West 7800 South in a SC-2 zoning district, with the conditions of approval as listed below.

1. An agreement with Maverik, Inc., Rocky Mountain Power, and West Jordan City must be made to City Staff's requirements for the deceleration lane accessing from 7800 South.
2. Approval of a Site Plan shall become void if development does not commence within two years of Final approval.
3. The proposed development shall meet all applicable Zoning Ordinance requirements.
4. The final site plan must meet all requirements of the Engineering and Fire Departments.

MOTION: Judy Hansen moved to approve the Consent Calendar Item #4 the minutes from December 15, 2015, and Item #5 Maverik Convenience Store Final Site Plan with the wording change on condition #1 as presented in the pre-meeting. The motion was seconded by David Pack and passed 7-0 in favor.

7. SME Steel Sandblast Building Rezone; 5650 West Old Bingham Highway; Rezone 13 acres from C-M (Heavy Commercial) Zone to M-1 (Light Manufacturing) Zone; SME Steel Contractors, Inc. (applicant) [#ZC20150013; parcel 26-11-401-004]

Tim Salak, representing SME Steel, said their request for rezoning the property from C-M to M-1 is partly to allow them to construct a building that is over the 35-foot height limit in the C-M zone. The building height is 41 feet.

Ray McCandless said the Planning Commission reviewed the conditional use permit for outdoor storage on this property in November. The property is currently adjacent to M-2 zoning and the Mountain View Corridor, and the request is consistent with the General Plan.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council to rezone the property located at approximately 5650 West Old Bingham Highway from a C-M (Heavy Commercial) zone to the M-1 (Light Industrial) zoning district.

Ray McCandless explained the differences between the zonings in the area. M-2 is the most intensive with very heavy industrial uses. M-1 is considered light manufacturing, and the C-M zone starts to get into commercial uses.

Kelvin Green said the nature of the property is industrial and there probably won't be any commercial uses in this area.

Dan Lawes opened the public hearing.

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

MOTION: Josh Suchoski 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 SME Steel Sandblast Building Rezone; 5650 West Old Bingham Highway; SME Steel Contractors, Inc. (applicant) to rezone 13 acres from C-M (Heavy Commercial) zone to M-1 (Light Industrial) zone. The motion was seconded by Matt Quinney and passed 7-0 in favor.

6. The View at 5600; 5600 West 8200 South; Review density buy-ups establishing density; MFR and HFR Zones; The View at 5600, LLC/Uinta Land Company (applicant) [Larry Gardner #DP20140006; parcels 20-35-200-040, 041, 042, 045]

Larry Gardner explained the history of the application. Recently the City Council remanded the development plan density buy-ups to the Planning Commission for further view. The Planning Commission has the authority to approve the subdivision, site plan, and development plan and the City Council action ratifies the density buy-ups already approved by the Planning Commission. The base density in the WSPA for the MFR zone is 4.1 and it is 9 units per acre in the HFR zone going up to 18 units per acre maximum. The range in the ordinance allows additional density in exchange for providing certain amenities that will make the project more desirable. There are required amenities in the WSPA that they will not review tonight, since they have been met and they aren't considered in the density. Tonight they will review the amenities for density buy-up.

He referred to Table 2.0 in the staff report and the associated drawings in the applicant's development plan.

There are a maximum of 22 points allowed in the Trails and Open Space category. Mr. Gardner estimated that they had provided 27 percentage points. He felt that an extra 1% was accurate for providing the lazy river since it is not typically found in multi-family developments. He felt that each of the two basketball courts should be given 1% because it creates a much better development to have two courts. In other areas of the WSPA such as in the Loneview area they have given multiple percentage points for additional items. Item #7 in the staff report shows the playground and tot lot locations, which are spread throughout the development and not just clustered in one area. A forecourt with seating is somewhere people can sit and associate with others and watch children play. The parkour course is inside of the active open space area and isn't specifically listed in the WSPA as an amenity, but the code allows for percentage points for a like-amenity at the discretion of the Planning Commission. He pointed out the multiple playing fields, picnic area, common green, and landscape buffer is adjacent to the trailhead that will buffer the buildings from the common green and the active play areas in the wash. The landscaped tree colonnade is a nice area where people can walk through common trees placed in a pleasing pattern.

Preliminary Development Plan

Based on the requirements listed in the Zoning Ordinance, and after reconsidering the density buy-ups for the View at 5600 staff recommends that the Planning Commission approve The View at 5600 Sub-area Preliminary Development Plan located at approximately 5600 West 8200 South in the MFR zone for 51 units on 6.01 acres with a residential density of 8.50 units per acre and in the HFR zone 480

units on 28.79 acres with a residential density of 16.7 units per acre subject to the following conditions:

1. The Final Development Plan shall be updated to reflect the buy up points and densities approved by the Planning Commission and City Council.
2. The Final Development Plan shall be updated to show all other requirements as approved by the Planning Commission.
3. Approval of the Preliminary Subdivision plan and Preliminary Site Plan shall be subject to City Council Approval of the Preliminary Development Plan. The project density shall be approved by the City Council as part of the Preliminary Development Plan approval.
4. 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 View at 5600 Development Plan.
5. 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.

Dan Lawes referred to a concern in the City Council minutes that some of the amenities were being counted as duplicates. But the code says the table will be used to determine the value of each installed amenity within the development.

Larry Gardner said they were working with Greg Mikolash, who was the zoning administrator at that time, and it was his determination that each amenity would get credit.

Josh Suchoski said it made sense to him that each item counts on its own. We don't look at our city as a whole and say we have a park; we have many parks throughout the city that are individual installs. It would be hypocritical to say that two different basketball courts in two different areas is only a basketball court.

Kelvin Green agreed, but he could see the Council's point when there are usually one or two tennis courts put together. If they put 22 basketball courts around the perimeter of the development then they could say they meet the buy-up requirement. He wondered what the difference was between the forecourt with seating and the common green and the playing field, which are both pieces of grass. Let's say we were going to have a 1,000 square foot tot lot but then decide to split it into two 500 square foot pieces. It is the same cost, so should they get credit for it twice.

Bill Heiner said you would get more utility depending on where they are placed.

Judy Hansen said the Council was in disagreement with the tot lots and the lazy river. She agreed that the basketball courts should be treated separately. Another thing that bothered the Council was the buffering along 5600 West, which doesn't exist.

There was a brief discussion regarding the discretionary nature of the ordinance that states 'up to' and how points are determined. Staff felt that if the applicant provides the amenity in a size that is adequate for the development then they should get the points.

Even if the contentious items are removed it still leaves a 23% buy-up. However, you need to ask if you only want one tot lot or do you want more for a development this size? The trails and open space

category was the most contentious with the Council. There had been a comment from someone in the audience at the public hearing that no one should be given extra credit for monuments; but that is an opinion. It is something that is specifically listed in the ordinance and all of the developments in the Highlands have chosen to identify themselves as part of the Highlands. When the WSPA was approved by the Planning Commission and City Council years ago it must have been important to them that each area be identified as part of a master-planned community.

Judy Hansen said the wash was a contentious point at the City Council because we are giving them points for piping it, but it would *have* to be piped in order to use it as open space or it would be too dangerous.

Larry Gardner said they don't have to pipe the wash, but they are choosing to do it. Staff and the applicant worked for six months doing engineering analyses in order to agree to the piping. It isn't a safety issue for The View to pipe it, but they just think it makes a much nicer development with a landscaped area rather than having the traditional wash with natural vegetation for only 50 feet on each side of the wash. The View wants to use this as an active open area. It will still meet the requirement of the flood plain and is designed in a way that if for some reason the City's retention area were compromised the water could still flow through without harm to life and limb and property. He also pointed out that the developer will maintain all of the open space. Regarding the landscape buffer along 5600 West, the required building setback for this zone is only 20 feet. The applicant is installing a buffer with a three- to four-foot berm and landscaped with trees and grasses.

Kelvin Green referred to Items #13 and #14 which appear to be the identical piece of property getting counted twice.

Larry Gardner explained that by ordinance they would only be required to put in 100 feet in the wash. They have expanded that with a varying width, but at an average they are dedicating 160 feet and they are also choosing to landscape it.

Kelvin Green asked if they are getting double points for installing playing fields that are just an extension of the trail.

Larry Gardner said a playing field is more level and a usable open space. Otherwise it can be left rough and hilly. This area is in conjunction with the improved trail corridor, which is public, and the developer is even allowing the entire area to have public access.

Kelvin Green asked what makes the parkour course different from any other trail with exercise stations along the way.

Larry Gardner said that is a good point, but the applicant did show that the features in the parkour course are larger blocks that people jump between. He thought that there would also be the traditional exercise stations along the trail as well. The parkour won't be for everyone.

Josh Suchoski has seen parkour videos where they are usually taking place at kids' playgrounds, so he liked that they are building an area that accommodates this new sport without endangering children at the playground.

Bill Heiner felt that these amenities such as the lazy river and parkour course are something new and with a project this size they are going to need to keep things top shelf and done right in order to get the people they are marketing to. They have gone the extra mile with some of the buy-ups, and the developer will probably do them whether or not we give the buy-ups in order to make the project a success.

Chairman Lawes directed the Commission through the buy-ups for the Trails and Open Space.

Pool and Lazy River

Josh Suchoski said a swimming pool will be given credit. Some municipal facilities have a lazy river attached to a pool and it has water flowing through it, but from a builder's perspective that is an add-on. There is a lot of value for that added second unit and a lot of different equipment that goes into it with a separate system. He felt that it is a separate entity from the swimming pool.

David Pack agreed in the sense there needs to be some value attached to going the extra mile, and they would be doing a disservice by not honoring the commitment to making this a first-class project. It is attached to the swimming pool and not in a separate location, but he thought there should be some consideration made.

Kelvin Green agreed with the comments. The ordinance says for each amenity even though they are attached. He wouldn't give credit for a hot tub next to a swimming pool, but given the land a lazy river takes he would call it an extra amenity but not an extra swimming pool. He felt the lazy river could be given 1%.

Commissioner Hansen was opposed to giving 2% to the pool and 1% for the lazy river.

Majority agreed to 2% for the pool and 1% for the lazy river.

Basketball courts

Kelvin Green felt that maybe only 1% for two basketball courts should be given because they are just a piece of concrete and a couple of standards and he didn't know if that was enough area to justify more points.

Josh Suchoski said if he were building two courts side-by-side he would have all of his equipment in one space and put forms around the whole area for one court with two standards on each end. However, they have two sites with separate land prep for both sites, they need to move equipment back and forth, and each site has to be formed and poured. There is more expense to put it in two places and he agreed with 2%.

Judy Hansen disagreed with 2%.

Majority agreed to 2% for the basketball courts.

Fitness center

All agreed to 2% for the Fitness Center.

Playgrounds

All agreed to 2% for three playgrounds.

Tot lots

Gardner Crane, Uinta Land Company, said these won't be as big as the \$60,000 systems in large parks, but they will be about one-half to one-third of that size costing about \$20,000 to \$25,000 each. He indicated that just one would fit wall-to-wall in the council room and would have typical modern equipment with slides, monkey bars, etc. They hadn't yet identified the exact kit pending these discussions.

Judy Hansen and Kelvin Green felt that it deserved 1%

The majority agreed to 2% for three tot lots.

Forecourts

All agreed to 2% for the forecourts.

Parkour course

All agreed to 2% for the parkour course.

Playing fields

There was a discussion regarding the size and location of the playing fields. Points brought out included that they would be maintained by the developer and will include sod and irrigation. However, they are all in proximity of one another and separated by almost no space at all and could be considered the same field.

All agreed to 0.5% for each field for a total of 3% for the six playing fields.

Judy Hansen explained that each of the councilmembers visited separately with the developer in the beginning and there were no talks of buy-ups, so it was a shock when they saw the project with the density and buy-ups because it wasn't what they were expecting. She said those meetings were not public hearings.

Larry Gardner said they need to keep this in context with what was presented in the public meeting.

Picnic area

All agreed to 2% for the picnic area.

Common green and Courtyard

There was a long discussion regarding the difference between a common green and some of the other open areas in the project such as a playing field. It was suggested that this area is just dead space between the buildings that will need to be developed in some manner anyway. The forecourt on each side of the common green is already being counted, which this could be a continuation. However, the code allows for a common green and the applicant supplied one. The playing fields will be active spaces with soccer, etc., but this area is set apart for something calmer for seniors, or people with younger children and for strolling. The intension is to walk out of your unit and have a place to be whereas the playing field is a destination. This is really the only area set apart in the whole development for this type of use.

It was pointed out that the Courtyard encompasses the forecourt, the common green, and the putting green, so they shouldn't give credit for both the Courtyard and the Common Green. They reviewed the diagram and how it is laid out.

It was agreed that they will give 1% for the Common Green and nothing for the Courtyard.

Landscape buffer along the wash

This will be a different type of landscaping that is intended to buffer the buildings from the wash area. There will be public access along the trail system, which could make it a busy area for those residents. It needs to have the proper type of buffer landscaping as shown in the landscape plan and not just grass.

All agreed with 2% for the landscape buffer.

Landscaped tree colonnade

Larry Gardner said the applicant wants this area to be a focal point along Window Ranch Lane.

All agreed with 2% for the tree colonnade.

Summary

The playing fields were reduced to 3% and they eliminated the courtyard for 1% giving a total score as determined by majority opinion of the Planning Commission of 25%.

There was a brief explanation of the fencing adjacent to the substation and commercial property, which will have to be installed. The code requires a substantial barrier next to commercial uses and it may require RhinoRock or pre-cast concrete type.

Kelvin Green said 5% was given for active open space when they already gave credit for playing fields and landscape buffer. He was also concerned with the applicant's calculation of 4% buy-up for installation of fencing along all trails and walkways when there won't be fencing along every trail.

Larry Gardner said there will be a 3-rail fence along the walkways. He also explained that while a playing field is set up for people to do things on level manicured ground without getting injured, it is still active area. In the Highlands there are a lot of trails along the washes that are in a more natural environment, which remains as weeds for some time until the natural grasses and vegetation are

established. However, the applicant is choosing to landscape and irrigate the entire area, so he felt that it is a very acceptable trade.

Josh Suchoski referred to Item #11 with the multiple playing fields and said if they block out that square footage and then they add up the additional square footage of the other open space it adds up to probably half again what they are considering playing fields. The management of that open space is about the same as maintaining the fields.

Kelvin Green was concerned that it was a double count. He asked what percentage staff determined the buy-ups to be.

Larry Gardner said the applicant showed 112% and his determination was 98%.

Kelvin Green said overall even if they take off that 5% they are still over 100%. Although there may be some points of contention they are still looking at 97-98% on the buy-ups. It would allow for 17.84 units per acre, so even at 97% it still meets their requested density of 16.7 units per acre.

Judy Hansen stated that the City is now installing LED lights in the new subdivisions and she wanted to be sure that the applicant is aware of that.

Larry Gardner said they are aware of the requirement for street lighting, and he was aware of some of the new subdivisions who have installed them.

MOTION: Kelvin Green moved based on the findings set forth in the staff report, the designs shown in The View at 5600 sub-area Preliminary Development Plan, and after reconsidering the density buy-up contained in the WSPA as shown in the development plan, upon the evidence, explanations, and discussions today, to approve The View at 5600 sub-area Preliminary Development Plan; approximately 5600 West 8200 South in the MFR Zone for 51 units based on 6.01 acres with a residential density of 8.50 units per acre and in the HFR Zone 480 units on 28.79 acres with a residential density of 16.7 units per acre subject to the conditions 1 through 5 as listed in the staff report. The motion was seconded by Josh Suchoski and passed 7-0 in favor.

MOTION: Josh Suchoski 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 _____, 2016