

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 16, 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, Julie Davis, and Robert Thorup

**OTHERS:** Mike Kelly

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The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying questions were answered. Scott Langford briefed the Commission on an upcoming agenda item.

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

**1. Consent Calendar  
Approve Minutes from February 2, 2016**

**MOTION:** Kelvin Green moved to approve the minutes from February 2, 2016. The motion was seconded by Judy Hansen and passed 7-0 in favor.

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**2. Text Amendment – Amend the 2009 City Code, Section 13-2-3 Definitions (removing the definition of “hotel, extended stay”) and Section 13-12-3 Required Number of Parking Spaces (removing “hotel, extended stay” from parking requirements) and Section 13 Chapter 5 (removing “hotel, extended stay” from use tables); City-wide applicability; City of West Jordan (applicant) [#TA20160002]**

Scott Langford said there is active interest in possible hotel sites within the city, and it has come to staff’s attention that our code is a little out-of-date when compared to other municipalities along the Wasatch Front. The proposal is to remove the reference to ‘hotel, extended stay’. A chart showed that most other cities handle hotel and similar uses, with one land use category or definition. In an effort to be more streamlined and consistent with other cities, 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.

Dan Lawes opened the public hearing.

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

Kelvin Green agreed that today’s definitions for hotels are pretty inclusive, and the fewer exceptions in the code the better off we are.

**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 the proposed text amendments to Title 13 as addressed in the report. The motion was seconded by Matt Quinney and passed 7-0 in favor.

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**3. Text Amendment – Amend the 2009 City Code, Section 13-8-23 Annual Cap on Multi-Family Development Applications; City-wide applicability; City of West Jordan (applicant) [#TA20160001]**

Scott Langford gave a brief history on the Annual Cap on Multi-family Development Applications ordinance. The general parameters, purpose, and intent of the ordinance sets a ratio of 77% single-family to 23% multi-family housing city-wide. He presented an update to the city council in January of how the city currently sits regarding those ratios. A summary of the report is available for the public. The ordinance has now been in play for two years and they've had time to see how the development community would react to the requirements. Staff has noticed a trend and possibly some unintended consequences, which this proposed amendment would mitigate. The first amendment is to 13-8-23 in the second paragraph that refers to 'nonowner occupied' multi-family residential. He thought that language should have been deleted the last time this section was amended. When reading through the entire ordinance, the Cap and Grade ordinance is clearly not specific to just nonowner occupied housing. Striking that language will give clarity to staff and to those who are reading the code. He compared our current numbers to cities along the Wasatch Front. A map shows a current residential inventory of all of the single-family, multi-family of all types, vested multi-family projects that were set in motion prior to the Cap and Grade ordinance, and vacant residential land uses.

Mr. Langford said one unintended consequence they've seen is the potential for developments that are not at a high standard and the lack of the city's ability to require upgraded architecture, etc. He compared two alley-loaded projects outside of West Jordan with similar size lots and homes. One development did not have an architectural review process and it is a plain, vanilla stucco box. The other development has higher architectural requirements and standards and is an example of what kind of product you can get that adds to the value and overall feel of the community. The city wants to do their best to incentivize developers to go through a master planned development so the city has the legal leverage to require a higher grade of architecture and development with amenities and open space and things that make it a community instead of just a subdivision. He showed the current exemptions for multi-family housing. In order to incentivize developers to build long-lasting communities staff proposed an addition:

e. Multi-family housing as part of a master planned community that meet the following provisions:

i. Master Plan shall be a minimum of 75 acres and be zoned PC or PRD.

ii. Two-family and multi-family housing not exempt by the provisions listed in parts "a thru d" above, shall comprise no greater than 17% of the total number of dwelling units in the approved master development plan.

iii. Two-family and multi-family housing units not exempt by the provisions listed in parts "a thru d" above, shall be individually owned as either condominiums or townhomes.

Staff acknowledged that once a project is platted and subdivided it would be difficult to enforce owner occupied units, but we can make sure that the open space be maintained in common. The management of the common area is what will determine if it will be a good community. As staff reviews the proposed developments through the design review process they have the opportunity to require high grade architecture, a higher level of amenity packages, which will in turn drive the purchase price up and will hopefully reduce the amount of turnover and create some longevity in the community. The purpose of the amendment is to incentivize the P-C and PRD zones to create interconnected communities rather than fragmented subdivisions.

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.

Kelvin Green referred to the Oquirrh West application and asked if 17% multi-family would be enough incentive to develop it or similar projects as a PRD or P-C instead of traditional zoning.

Scott Langford thought that would depend on variables such as asking price for the property, acreage, etc. This is a starting point and if it doesn't work they can revisit the number, but if that should happen he would recommend that the city council also change the numbers in the general plan so they are respectful of one another. He pointed out that even the exemptions in the ordinance count in the overall percentage of the City. Based on where the city is now and the end goal listed in the Cap and Grade they are looking at about 50 years before things are balanced out. If they were to approve this amendment it may add a couple more years before someone could development multi-family outside of the exemptions. He also clarified that a development using this exemption for 17% multi-family could also provide senior housing or another exempted project, which could drive the overall amount of multi-family in the development higher than 17%.

Dan Lawes opened the public hearing.

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

David Pack thanked staff for their work and research and that the amendment honors the work of the General Plan Committee. He would rather defer to the numbers from the General Plan Committee, because the exemptions are always going to be the exception to the rule.

Judy Hansen asked if the current exemptions a. through d. are required by law.

Scott Langford said that Transit Oriented Developments are not, but the others are protected classes.

Robert Thorup said all are either covered by State law as a protected class or very strongly encouraged by the general plan.

Judy Hansen said as a former member of the city council that developers do not like this ordinance, but she felt that they are also answerable to their constituents, who are very much against high density. So she is more answerable to the constituents over developers.

Kelvin Green said he would like to take out the PRD and only leave P-C. The PRD ordinance requires one architectural theme, which might be boring throughout 75 acres. The P-C allows for a good mix of

uses and is more appropriate for this kind of development. Next, if they proceed with the amendment they should either strike 13-5C-1c7 'encourage a broad range of housing types including owner and renter occupied units' since that is a direct conflict or strike e3 to make it consistent so the commission isn't at odds with the two ordinances when considering findings of fact. They need to determine city priorities as to which they want to see in a P-C or PRD; is it a mix of housing types or only single-family homes across the board.

Josh Suchoski felt that there is a fear or prejudice that multi-family is bad and brings in transitory people who aren't going to stay and make the area beautiful, but there is a lot of single-family construction that falls into that same motif. The general plan has areas that are designed and zoned for this specific use. He likes that the P-C and PRD zones give them more hands-on control of what actually develops. We can't control rental companies from buying units either in single-family or multi-family developments, so we should use what we can to have more control. The reality is that they will still have multi-family homes, because there are high density zoned areas. We can't say we are going to do single-family across the board. We do have a responsibility to our constituency and some of those people do want a nice multi-family home in a nice area that is affordable. The most important thing they as a Commission and as a City can do is to have as much control as to what it looks like and how it will be utilized in the future by controlling the architecture, and he felt that this covers those things.

Kelvin Green said people tie high density to multi-family, which aren't necessarily the same. He didn't know if it is as much about multi-family to single-family but a perception of high density. We still have to deal with an appropriate density. The PRD zone has multiple densities and even if they put multi-family units on the property it doesn't change the density.

Scott Langford clarified that PRD has varying levels of density where P-C defers to the underlying future land use map for the densities.

Kelvin Green felt this was a decent ordinance to adopt. If they get a development that has a ratio of 83%-17% they aren't changing the overall master plan that much. They might be a little behind in some areas, but instead of 'urban sprawl' they need to have developments and projects where people will want to live and make West Jordan a destination.

David Pack thought they can keep paragraph c7 with better specificity. He isn't against rentals, but he was more of the opinion to concur with Commissioner Hansen that probably one in four people would want multi-family. Providing incentives for projects that go through a design review process is the way to go.

Bill Heiner said there is concern about first time homebuyers who buy in West Jordan and move somewhere else. But if we do this right, if it is a nice enough community then those same people who start in a rental will want to move into a starter home within the mixed-use community and then to a bigger home within blocks of that home, and that will keep them in West Jordan. This ordinance will give them some teeth to do that.

Scott Langford said in regards to the P-C and PRD zones, they need to be updated with some areas having greater specificity and some needing more flexibility, but he didn't think that by adopting this code as written it would be a problem with reference to the purpose and intent section. He felt that the

code would hold more gravity if it were challenged. He hoped to update those zoning districts this year.

Kelvin Green agreed, but when they have to look at the staff report regarding criteria, sometimes the report stretches the criteria to meet the intent. If they go forward with this ordinance he felt they need to update the P-C and PRD, but it may be easier to determine if a project meets the overall intent of the P-C and PRD zone and not to worry about the specifics by pigeonholing things into little subsections.

Scott Langford said that made sense, especially in regard to situations where there is a lot of opportunity for interpretation.

**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 the proposed text amendment to the 2009 City Code, Section 13-8-23 Annual Cap on Multi-Family Development Applications; City-wide applicability; City of West Jordan (applicant) as addressed in the report. The motion was seconded by Judy Hansen and passed 7-0 in favor.**

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Kelvin Green said Councilman McConnehey suggested that the survey on ‘wall art’ be posted on the Friends of West Jordan Facebook page.

There were no objections.

**MOTION: Josh Suchoski moved to adjourn.**

The meeting adjourned at 6:48 p.m.

DAN LAWES  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016