

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 1, 2016 IN THE WEST JORDAN COUNCIL CHAMBERS**

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

**STAFF:** Scott Langford, Nannette Larsen, Julie Davis, Robert Thorup, Nathan Nelson.

**OTHERS:** Arnold R. Ainge, Julie Dole, Craig Neilson, Brent Peterson, Laura Wilson, Ken Wilson, Ty Vranes, Craig Whiting, Dennis Peters

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The briefing meeting was called to order by Dan Lawes. The agenda was reviewed. The applicant for Item #3 asked to be tabled. Clarifying questions were answered.

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

Dan Lawes stated that the applicant on Item #3 Cobbley Subdivision Rezone asked that it be tabled to a date to be determined, which will be included on the Consent Calendar.

**Consent Calendar**

**1A. Approve Minutes from February 16, 2016**

**1B. Legacy Grove Subdivision; 7292 South Redwood Road; Final Subdivision Plat (6 lots on 2.78 acres); IPS/Joshua Peterson (applicant) [Nannette Larsen #SDMI20140004; parcel 21-27-178-014]**

Based on the Planning Commission’s previous interpretation, evidences in this interpretation, and positive findings of fact presented, staff recommended that the Planning Commission approve the Final Subdivision request for the proposed Legacy Grove Subdivision located at 7292 South Redwood Road in an R-1-8A Zoning District, with the conditions of approval as listed below.

1. The legal description on the most recently submitted Final Subdivision plat is corrected. The language that the property line “meanders through an existing fence” shall not be accepted. This correction is required prior to recordation.
  2. A two car garage must be built on Lot 1 of the Subdivision.
  3. The redline corrections shall be addressed by the applicant prior to plat approval signatures and recordation with Salt Lake County. The required corrections are attached as “Exhibit H” and “Exhibit I”.
  4. The proposed development shall meet all applicable Subdivision and Zoning requirements found in Titles 13 and 14 respectively.
  5. The Final Subdivision plat shall meet all requirements of the Engineering and Fire Departments.
  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.
- 3. Cobbley Subdivision Rezone and Land Use Amendment; 1085 West 9000 South; Future Land Use Map Amendment for .88 acres from Professional Office to Low Density Residential and Rezone from A-5 (Agricultural 5-acre lots) to R-1-12 (Single Family**

**Residential 12,000 square foot minimum lots) Zone; River Oaks Estates L.C./Robert Barrus (applicant) [#GPA20150007, ZC20150014; parcel 27-02-326-028]**

Staff recommended based on the request from the applicant that the Cobbley Subdivision Rezone and Land Use Amendment at 1085 West 9000 South be tabled to a date to be determined.

**MOTION: David Pack moved to approve the Consent Calendar as mentioned, Items #1A, 1B, and tabling Item #3. The motion was seconded by Judy Hansen and passed 6-0 in favor. Josh Suchoski was absent.**

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**2. Larsen Meadows Rezone; 7953 South 2700 West; Rezone 4.2 acres from RR-.5C (Rural Residential half-acre lots) and R-1-10C (Single-family residential 10,000 square foot lots 'C' home size) Zone to R-1-10E (Single-family residential 10,000 square foot lots 'E' home size) Zone; VP Homes/Ty Vranes (applicant) [#ZC20160002; parcels 21-33-251-001, 019]**

Ty Vranes, applicant, gave an overview of the 4.32-acre property under contract, which is the eastern half of the combined property. They are requesting an R-1-10E zone, which meets the general plan designation of medium density with 4.3 dwelling units per acre within the medium range of 3.1 to 5.5 dwelling units per acre. The surrounding area is predominantly 10,000 square foot lots. He reviewed the required home size. The lots in their concept plan range from 10,188 to 16,028 square feet, for an average lot size of 12,346 square feet. He showed the concept plan that would connect to Lusterpointe Lane and would include two stub streets for future development as required in the West Jordan Code Section 14-5-5. He said they sent a letter to some of the residents last week to introduce their company and to provide them with contact information in order to answer questions. He reviewed the positive findings for the criteria in the staff report.

Kelvin Green asked who they signed the purchase contract with.

Ty Vranes said it was Phillis Larsen. The property is owned by the Larsen Trust, and she is a 50% participant.

Nannette Larsen reviewed the application. The north portion of the subject property is already zoned R-1-10, but the change would increase the minimum home size from the 'C' to the 'E' subzone. The southern portion is zoned RR-.5C and is also proposed to be R-1-10E.

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 7953 South 2700 West from R-1-10C Zone and RR-.5C Zone to the R-1-10E Zoning district.

Dan Lawes opened the public hearing.

Craig Neilson, West Jordan resident, said he lives next to what is shown as the entrance into the new development. One of his biggest concerns is with safety because of all the heavy construction equipment that would come through the subdivision, especially with the number of children in the subdivision. The development will increase traffic once the homes are built since there isn't a

connection to 2700 West. The neighbors are also worried about the dust, noise, and hours of construction. The applicant told him the area would be watered down, which would need to be done daily, including Sundays. He had some personal issues with the fencing of his property as well.

Arnold Ainge, West Jordan resident, pointed out the location of an open irrigation ditch and asked if it would be piped like it was for the Angel's Landing subdivision. If it isn't going to be piped then it should have a fence for safety, security, and to maintain the integrity of the ditch.

Dan Lawes clarified that hearing tonight is regarding a rezoning of the property. Although a concept plan is shown, the actual aspects of the development aren't being considered or approved. The subdivision plat process would be a separate phase and notice would again be given.

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

Ty Vranes said from the audience that he would talk to the citizens directly to answer their questions.

Kelvin Green said Mr. Vranes explained that the property is owned by a trust and the trustee is the only person who can sign and contract for the property. Phillis Larsen may have an equitable interest in the property and may be a beneficiary to the trust, but she doesn't have any right to put the property under contract. In order for her to put half of the property under contract either it will have to be subdivided or partitioned. The application was signed by Phillis Larsen as the property owner but has no legal standing to apply for the change at this time. Her brother is listed as the trustee. Commissioner Green didn't want to proceed with the application until they have the true wishes of the true property owner on the record.

Robert Thorup said this is a factual issue.

Dennis Peters, applicant and partner with Ty Vranes, introduced their agent, Craig. Mr. Peters said the property was listed by the Larsen trust and they spent the last seven months addressing the exact question raised by Commissioner Green. As of this morning, Mark Larsen had signed a deed to deed half of the property to his sister Phillis. Mark was supposed to be at the meeting, but had to go out of town. They can produce a warranty deed that Phillis will receive from the trust, which is signed by Mark Larsen.

Kelvin Green said they don't have that document yet, so the application is still not valid on its face.

**MOTION:** Kelvin Green moved to table the Larsen Meadows Rezone until the applicant can provide a true property owner with a copy of the warranty deed.

Dennis Peters said they have met multiple times with Mark, and if he were here tonight he would verify that. Phillis has a beneficial interest in the property and the fact that she doesn't own it doesn't negate that idea. They also have an interest since the property is under contract.

Kelvin Green said Title 15 of the zoning code requires that all property owners on a project have to sign the application and that did not occur in this case. Ms. Larsen had no legal standing to sign as the property owner. He didn't think they could proceed.

The motion failed for lack of second.

Scott Langford asked counsel if there is a distinction or difference between a recommendation and a final action, and if they need that paperwork in order for the commission to forward any type of recommendation to the council.

Robert Thorup said they could take that position, but he agreed with Commissioner Green that there is a problem with the application. Beneficial ownership is not legal ownership.

Kelvin Green felt that the only options they have tonight are to table the item or deny the request and have them start over.

Judy Hansen was in favor of the rezoning, but she agreed that it isn't a complete application due to the fact that only Phillis signed the application. She said if they are all in agreement with the request, then they could table the item until the next meeting and have it on the consent calendar for approval as long as they have all of the required paperwork.

**MOTION:** Judy Hansen moved to table the Larsen Meadows Rezone to the next meeting as a consent item as long as they have all the documentation from the trustee. The motion was seconded by Matt Quinney.

Robert Thorup said as another option they could make a condition of their recommendation that if the requirement to provide the paperwork has not been fulfilled when it is presented to the city council then the recommendation would be void.

Dan Lawes asked Commissioner Hansen if she would like to withdraw her motion.

Judy Hansen said she would be in favor of an alternative motion as long as the planning staff has the documentation before it goes forward to the city council.

Scott Langford said they would make certain the documentation is in the council staff report.

**MOTION:** Dan Lawes moved to forward a positive recommendation to the City Council for the Larsen Meadows Rezone; 7953 South 2700 West; VP Homes/Ty Vranes (applicant) to rezone 4.2 acres from RR-.5C and R-1-10C to R-1-10E as stated in the packet with the condition that the appropriate deeding paperwork be submitted along with the city council packet for consideration. The motion was seconded by Matt Quinney.

Kelvin Green said he would speak against the motion, because it bypasses the process. The commission should be able to see everything because they are the finders of fact and he didn't think they could appropriately and accurately find that fact if they are missing a substantial piece of the application.

**VOTE:** The motion passed 5-1 in favor with Kelvin Green casting the negative vote. Josh Suchoski was absent.

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3. **Cobbly Subdivision Rezone and Land Use Amendment; 1085 West 9000 South; Future Land Use Map Amendment for .88 acres from Professional Office to Low Density Residential and Rezone from A-5 (Agricultural 5-acre lots) to R-1-12 (Single Family Residential 12,000 square foot minimum lots) Zone; River Oaks Estates L.C./Robert Barrus (applicant) [#GPA20150007, ZC20150014; parcel 27-02-326-028]**

**[This item was moved to the Consent Calendar and tabled to a date undetermined.]**

**MOTION: Matt Quinney moved to adjourn.**

The meeting adjourned at 6:26 p.m.

DAN LAWES  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

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