

REQUEST FOR COUNCIL ACTION

SUBJECT: Brinkerhoff TSOD removal

SUMMARY: Brinkerhoff TSOD Removal; 7653-7655 South 1300 West; Removal of 10.21 acres from the Transit Station Overlay District; City of West Jordan Planning Department (applicant) [Larry Gardner #ZC20150005]

FISCAL IMPACT: None.

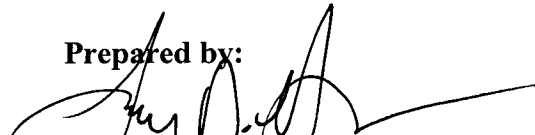
STAFF RECOMMENDATION: Based on the findings set forth in this staff report, staff recommends that the City Council to remove the Transit Station Overlay District (TSOD) from 10.21 acres of property generally located at 7653-7655 South 1300 West.

PLANNING COMMISSION RECOMMENDATION: On July 7, 2015, the Planning Commission in a 7 to 0 vote, recommended that the City Council approve the request to remove the Transit Station Overlay District (TSOD) from 10.21 acres of property generally located at 7653-7655 South 1300 West.


MOTION RECOMMENDED: "Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the City Council remove the Transit Station Overlay District (TSOD) designation from 10.21 acres of property generally located at 7653-7655 South 1300 West.

Roll Call vote required


Prepared by:


Larry Gardner, Senior Planner

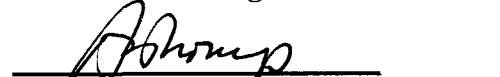
Reviewed by/Concur with:


Dave Oka, Development Director

Recommended by:


Bryce Haderlie, Interim City Manager

Reviewed as to legal form:


Robert Thorup, Deputy City Attorney

II. BACKGROUND:

The Brinkerhoff property located at 7653-7655 South 1300 West is adjacent to (north of) the approved Station at Gardner Mill mixed use development. As part of the neighborhood discussions, as the Station at Gardner Mill application was being processed, a concern was raised that the Brinkerhoff property if left in the Transit Station Overlay District (TSOD) could be developed as a multi-family development which the neighborhood felt would not be desirable. Based on their discussion with neighborhood residents, the City Council on November 19, 2014 directed Staff to prepare an amendment to the future land use map and official zoning map to remove 10.21 acres of the Brinkerhoff property located at 7653-7655 South 1300 West, from the TSOD boundaries.

III. GENERAL INFORMATION & ANALYSIS

The subject property's surrounding zoning and land uses are as follows:

	Future Land Use	Zoning	Existing Land Use
North	Research Park	BR-P	Vacant
South	Transit Oriented Development	P-C	Future Station at Gardner Mill Development
West	Medium-Density Residential	R-1-8	Barton Hollow Subdivision
East	Public Facilities	P-F	South Valley Water Reclamation

The City is requesting to remove the TSOD overlay designation from 10.21 acres of property located at 7653-7655 South 1300 West. TSOD is an overlay of the base zone, RR-.5(now RR-20) in this case, which grants additional uses and imposes additional requirements. The land use map has the Brinkerhoff property designated as Low Density Residential. The Council directive was to amend the Future Land Use Map and amend the Zoning Map removing the TSOD designation. The only amendment that will be required is to amend the boundary of the Gardner Mill Transit Station Overlay by removing the TSOD overlay from the Brinkerhoff property. The Future Land Use Map will not need to be amended because it is already mapped as Low Density Residential.

IV. FINDINGS OF FACT

Section 13-7D-7(A): Amendments to the Zoning Map

Prior to making an amendment to the Zoning Map, the City Council shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: The General Plan discusses Transit Oriented Development within proximity of ¼ to ½ mile from a transit station as an acceptable distance to construct higher density and more compact developments. While the southern portion of the Brinkerhoff property is within the ½ mile distance from the mid-

point and measuring along 1300 West the property is beyond the ½ mile distance. The General Plan also states that land use intensity should be reduced farther away from the station to be compatible with existing neighborhoods. It is reasonable to conclude that because the majority of the development to the West and North of the Brinkerhoff Property is low and medium density and because the Brinkerhoff property is at the maximum distance defined by the General Plan from the transit station that the proposed amendment will not conflict with the General Plan.

Finding: The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City’s General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The primary reason for removal of the TSOD from the Brinkerhoff property is to ensure that land uses remain compatible. As stated the majority of the residential uses near the Brinkerhoff property are low to medium density single family residential. Removal of the TSOD will ensure a consistent land use type and density and a further buffering from the more intense Gardner Station Development.

Finding: The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The removal of the TSOD Overlay will also remove any additional uses associated with the TSOD. The Brinkerhoff Property will then be governed by the RR-.5 (now RR-20) zoning ordinance requirements. The RR-.5 (now RR-20) zoning district has specific standards which will need to be met if the property is subdivided and developed. The RR-.5 (now RR-20) zone is compatible with the existing zones and housing densities found in surrounding neighborhoods and will not harm the public health, safety or welfare of the city as a whole.

Finding: The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: Removal of the TSOD overlay will not negatively impact any public services.

Finding: The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: The property will be removed from the TSOD overlay zone.

Finding: This criterion does not apply.

V. SUMMARY OR CONCLUSION:

Staff supports the proposed Zoning Map amendment associated with this request, believing that the removal of the TSOD from the Brinkerhoff property will result in a more compatible situation with adjoining land uses and with near-by neighborhoods.

VIII. ATTACHMENTS:

- Exhibit A –Land Use Map
- Exhibit B – Zoning Map
- Exhibit C - Current TSOD Boundary
- Exhibit D – Proposed TSOD Boundary
- Exhibit E – City Council Minutes
- Exhibit F – Application
- Exhibit G – Planning Commission Minutes
- Exhibit H - Ordinance

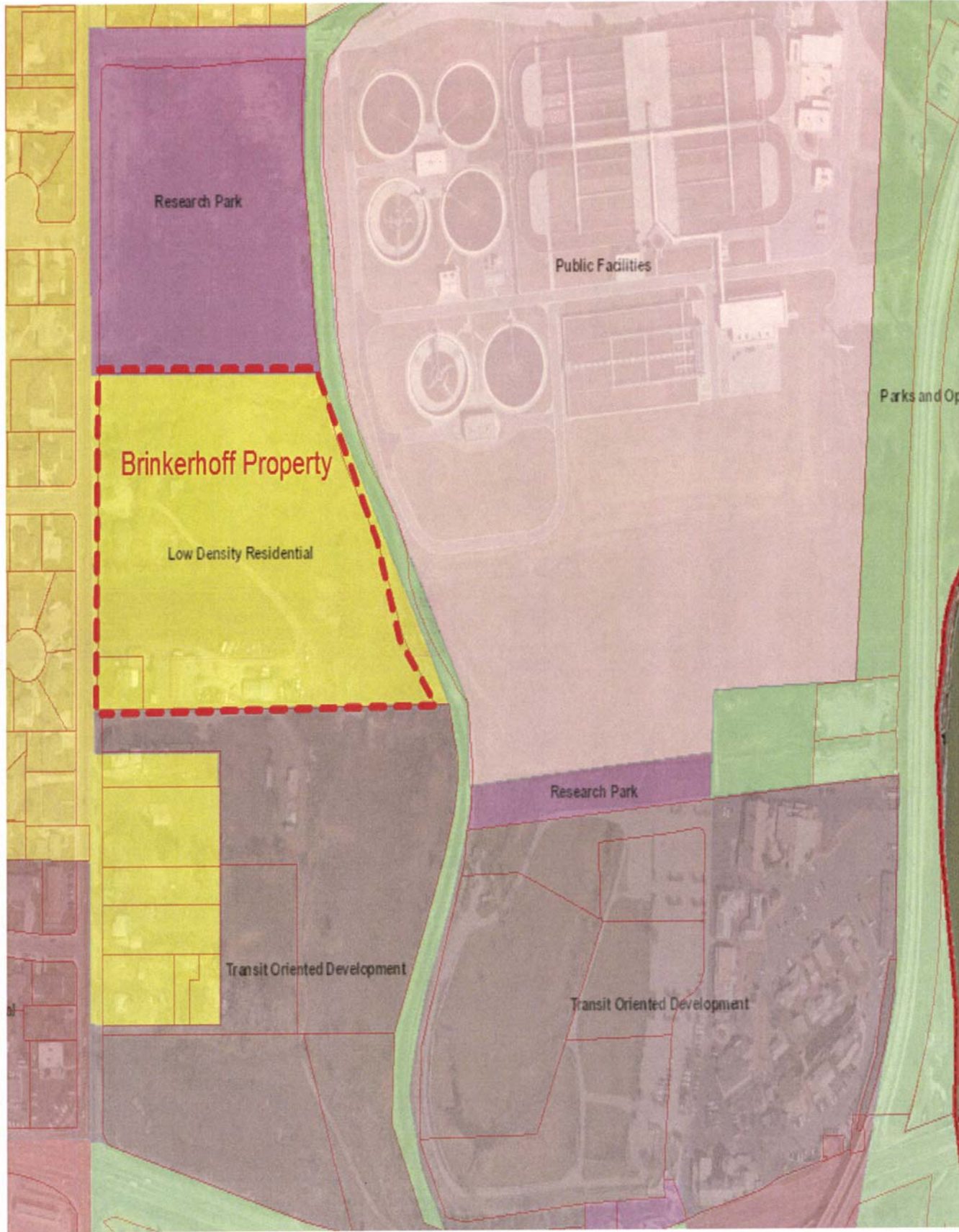


Exhibit A Land Use Map



Exhibit B Zoning Map

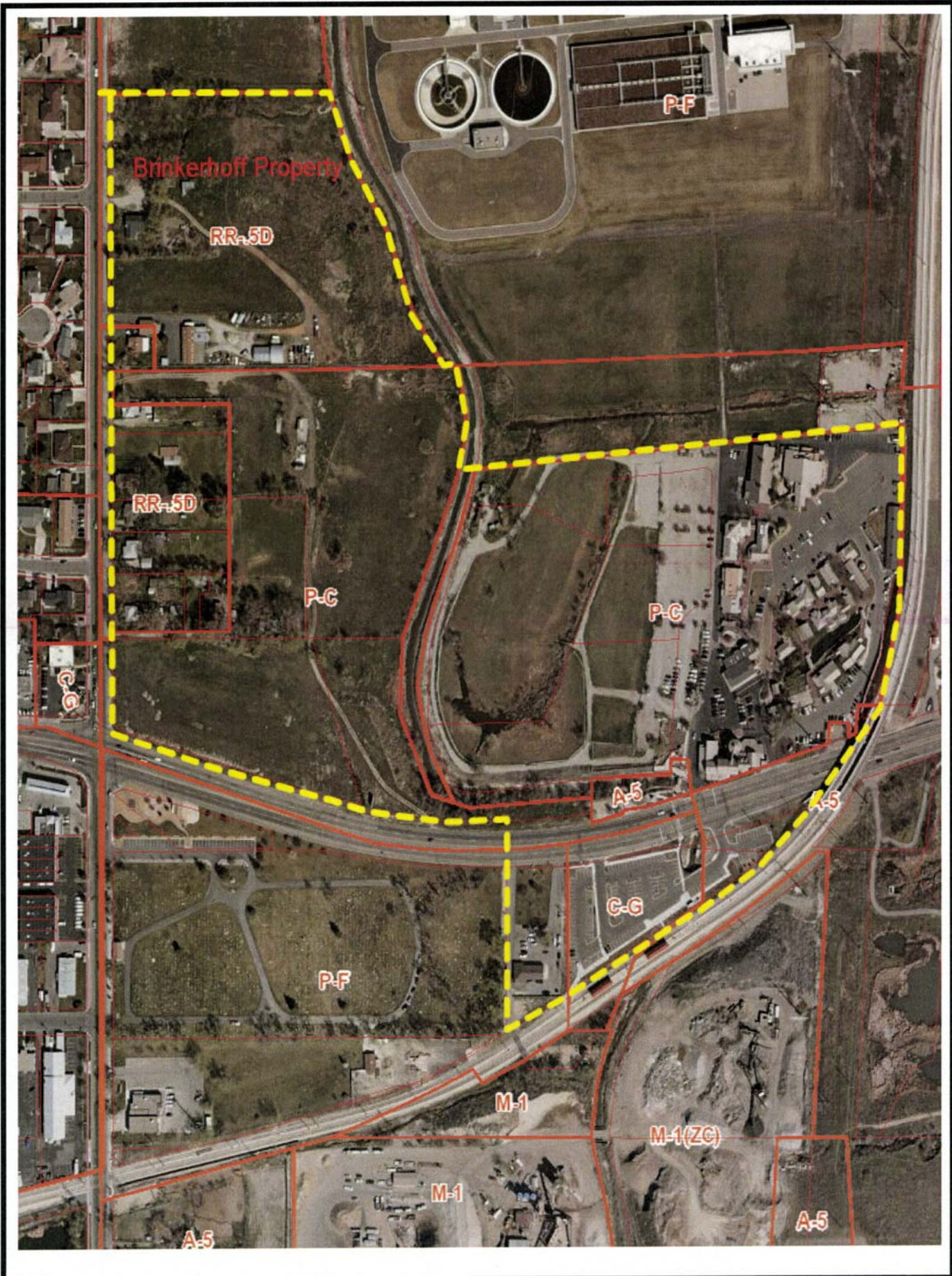


Exhibit C Current TSOD Boundary

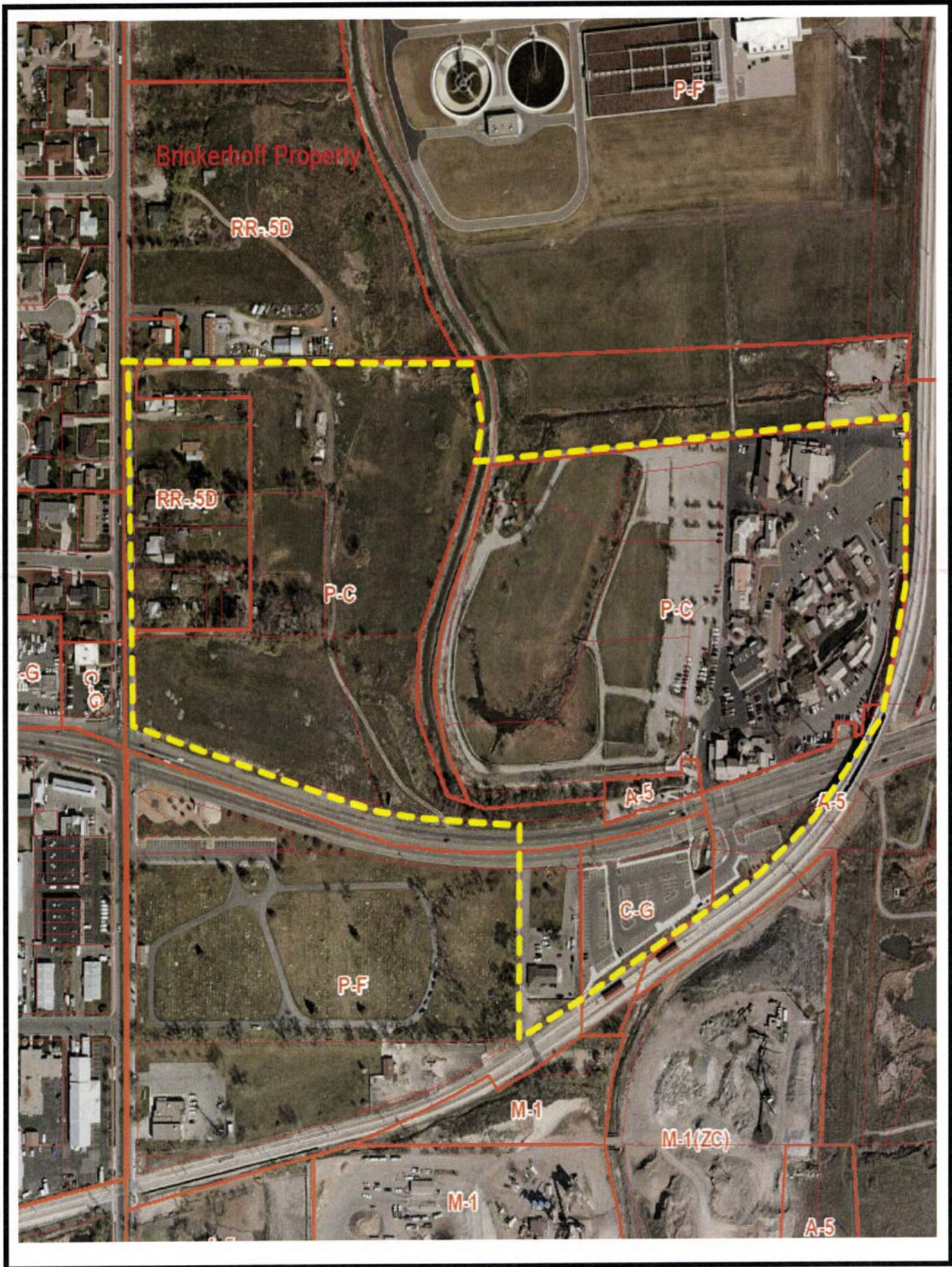


Exhibit D Proposed TSOB Boundary

Please find the City Council Meeting Minutes of November 19, 2014 attached.

Exhibit E City Council Minutes 11/19/2014

MOTION: Councilmember Nichols moved to postpone further discussion on this matter to a date uncertain (possibly in January or February) and to address the verbiage as outlined in the staff report. The motion was seconded by Councilmember Haaga.

Councilmember Stoker indicated his belief that the proposed Ordinance would bring the City into legal compliance and therefore was in support of moving forward on the issue.

Mayor Rolfe was in agreement with Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	No
Mayor Rolfe	No

The motion passed 4-3

VIII. BUSINESS ITEMS

DISCUSSION AND DIRECTION FOR STAFF REGARDING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR THE GENERAL PLAN AND THE OFFICIAL ZONING MAP TO DELETE APPROXIMATELY 10.21 ACRES OF LAND, LOCATED AT 7653 – 7655 SOUTH 1300 WEST FROM THE TSOD DESIGNATION BOUNDARIES [TOM BURDETT]

Tom Burdett explained that as part of the discussions with the neighborhood's concerns with the Gardner Station proposed development, the staff received requests from several City Council members to prepare an amendment to the Future Land Use Map of the General Plan and the official Zoning Map regarding the Transit Station Overlay District (TSOD). The suggestion had been made to delete approximately 10.21 acres of land, located north of the Gardner Village site at 7653-7655 South 1300 West from the TSOD boundary and present said amendments to the Planning Commission for recommendations. This action request was to determine if there was a majority of City Council members who wished to initiate the amendment.

Staff time to process the amendment was estimated at \$3200 based on the current fee schedule.

Staff recommended that the Council direct staff to prepare an amendment to the Future Land Use Map of the General Plan and official Zoning Map to delete approximately 10.21 acres of land, located at 7653-7655 South 1300 West from the TSOD boundary. It was also part of the direction to present said amendments to the Planning Commission for recommendations.

MOTION: Councilmember Southworth moved to direct staff to prepare an amendment to the Future Land Use Map of the General Plan and the official Zoning Map to delete approximately 10.21 acres of land, located north of the Gardner Village site at 7653-7655 South 1300 West from the TSOD boundary and present said amendment to the Planning Commission for recommendations. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-11, RATIFICATION OF THE PRELIMINARY DEVELOPMENT PLAN FOR THE STATION AT GARDNER MILL AND ESTABLISH MULTI-FAMILY RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE; FOR PROPERTY LOCATED AT APPROXIMATELY 7659 SOUTH 1300 WEST; P-C (TSOD) ZONE; COLOSIMO BROTHERS, APPLICANT [TOM BURDETT]

Tom Burdett explained that the applicant for the Gardner Station Preliminary Development Plan had submitted and agreed to an amended Preliminary Development Plan, making significant changes in response to neighborhood concerns. The changes were encompassed in the conditions of approval below.

There was no anticipated fiscal impact.

Staff recommended that the City Council ratify the Planning Commission's approval of the Gardner Station Preliminary Development Plan residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units subject to five conditions of approval.



**CITY OF WEST JORDAN
COMMUNITY DEVELOPMENT APPLICATION**

8000 South Redwood Road
(801) 569-5180

Sidwell # 21-26-351-021, 002 Acreage: 10.21 Lots: _____ Zoning: RR-.5D

Project Location: 7655 South 1300 West

Project Name: Brinkerhoff property remove TSOD designation from zoning and future land use maps

Type of Application: Subdivision Conditional Use Permit
 Site Plan General Land Use Amendment
 Rezone Agreement
 Condominium Other _____

Applicant: Planning Department **Company:** City of West Jordan

Address: 8000 South Redwood Road

City: West Jordan **State:** UT **Zip:** 84088

Telephone: Office: _____ **Cell:** _____

Email: LarryG@wjordan.com

Property Owner: Claude & Linda Brinkerhoff

Address: 7655 S 1300 W

City: West Jordan **State:** UT **Zip:** 84088

Telephone: Office: _____ **Cell:** _____

Email: _____

Engineer: _____ **Company:** _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone: Office: _____ **Cell:** _____

Email: _____

Architect: _____ **Company:** _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone: Office: _____ **Cell:** _____

Email: _____

SIGNATURE: _____ **DATE:** 6-2-15

.....
 Project #: ZC20150005, GPA20150003 Date: 6-2-15
 Received By: ODA _____ PLANNING _____ ENGINEERING _____

Revised 9/1/14

Exhibit F Application

Please find the Planning Commission Minutes of July 7, 2015 on the following pages.

Exhibit G Planning Commission Minutes

4. Brinkerhoff Property Removal of TSOD Designation; 7655 South 1300 West; Amend the West Jordan Future Land Use Map and Zoning Map to remove the TSOD designation from 10.21 acres of property; RR-.5D Zone; City of West Jordan (applicant) [#ZC20150005, GPA20150003; parcels 21-26-351-021, 002]

Larry Gardner gave an overview of the item and surrounding properties. In the course of review of the Station at Gardner Mill development, the City Council determined that they want to shrink the size of the TSOD boundary by 10.21 acres, which encompasses the entire Brinkerhoff property listed. The TSOD is only an overlay and the underlying zoning on the property is Rural Residential with half-acre lots, which will not change. Removal of the TSOD boundary would also remove any design guidelines and additional uses that the TSOD boundary brings. The primary reason the City Council wanted to reduce the boundary was that higher density development is more appropriate in this area along the corner of the arterial street and not so much back along 1300 West where it is largely surrounded by single family residential.

Zach Jacob asked if the other rural residential parcels will remain in the boundary.

Larry Gardner said it was only for the specific 10.21 acres and the others would remain within the TSOD. He explained that one of the agreements Colosimo made was that the corner of 1300 West and 7800 South will be reserved as a commercial piece.

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 remove the Transit Station Overlay District (TSOD) from 10.21 acres of property generally located at 7653-7655 South 1300 West.

Dan Lawes opened the public hearing.

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

Kelvin Green wanted everyone to know that the request came from the City Council who listened to the neighbors as part of restructuring in the area to remove some of the high density to help make the area flow better. He felt that it would be a good buffer and an appropriate reduction to the TSOD.

Bill Heiner asked if the property owner was involved in those discussions.

Kelvin Green didn't know if they were involved in the discussion. What he had heard is that the Brinkerhoff's have said they will never sell the property.

MOTION: Zach Jacob moved forward a positive recommendation to the City Council to remove the TSOD designation from 10.21 acres of property generally located at 7633-7655 South 1300 West; City of West Jordan (applicant). The motion was seconded by Josh Suchoski and passed 7-0 in favor.

Please find the ordinance amending the zoning map on the following pages.

Exhibit H **Ordinance**

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 15-24

AN ORDINANCE AMENDING ZONING MAP BY REMOVING THE TRANSIT STATION OVERLAY DISTRICT (TSOD) DESIGNATION FROM TWO PARCELS OF PROPERTY TOTALING 10.21 ACRES LOCATED AT 7653-7655 SOUTH 1300 WEST.

WHEREAS, the City Council approved Ordinance 07-27, July 10, 2007, regarding the General Plan Land Use TSOD Boundaries, and adding the Transit Station Overlay Zoning District to the underlying Zoning; and

WHEREAS, the City Council desires to amend section 1(1) of Ordinance 07-27, and the Zoning Map by removing the Transit Station Overlay District (TSOD) designation from two parcels of property totaling 10.21 acres located at 7653-7655 South 1300 West; and

WHEREAS, on July 7, 2015, the request was considered by the Planning Commission, which has made a positive recommendation to the City Council to remove the Transit Station Overlay District (TSOD) designation from two parcels of property totaling 10.21 acres located at 7653-7655 south 1300 West; and

WHEREAS, a public hearing, pursuant to public notice, was held before the City Council on August 25, 2015; and,

WHEREAS, the City Council of the City of West Jordan finds, subject to the specified conditions, that:

1. the proposed amendments to the zoning map are consistent with the purposes, goals, objectives, and policies of the City's General Plan; and,
2. the proposed amendments to the zoning map are harmonious with the overall character of existing development in the immediate vicinity of the subject property; and,
3. the proposed amendments to the zoning map will not adversely affect adjacent properties; and,
4. the proposed amendments to the zoning map are consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and,
5. public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection, are now, or will be made by the Developer, adequate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. The Zoning Map of the City of West Jordan, Utah, is hereby amended by removing the Transit Station Overlay District (TSOD) designation from two parcels of property totaling 10.21 acres located at 7653-7655 South 1300 West, more appropriately described below:

BEG S 1199.44 FT FR W 1/4 COR OF SEC 26, T 2S, R 1W, SLM; E 584 FT; S 10^52'16" E 28.36 FT; S 18^54'15" E 111.51 FT; S 23^59'31" E 61.76 FT; S 30^27'56" E 155.74 FT; S 19^44'52" E 190.94 FT; S 32^43'45" E 134.78 FT; S 88^50' W 338 FT; W 379 FT; N 100 FT; W 150 FT; N 523.99 FT TO BEG. 9.87 AC. 5252-0849 7037-1347 7062-0373; and, COM 818 FT N FR SW COR SEC 26 T 2S R 1W SL MER N 100 FT E 150 FT S 100 FT W 150 FT TO BEG 0.34 AC 6458-2002

The described property shall hereafter be subjected to the RR-.5D land-use restrictions and limitations as are stipulated for this zone.

Section 3. This Ordinance shall become effective upon publication or upon the expiration of twenty days following passage, whichever is earlier.

Passed by the City Council of West Jordan, Utah, this 25th day of August 2015.

CITY OF WEST JORDAN

By: _____
 Kim V. Rolfe
 Mayor

ATTEST: _____

MELANIE S. BRIGGS, MMC
 City Clerk

Voting by the City Council	"AYE"	"NAY"
Council Member Jeff Haaga	_____	_____
Council Member Judy Hansen	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Council Member Ben Southworth	_____	_____
Mayor Kim V. Rolfe	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

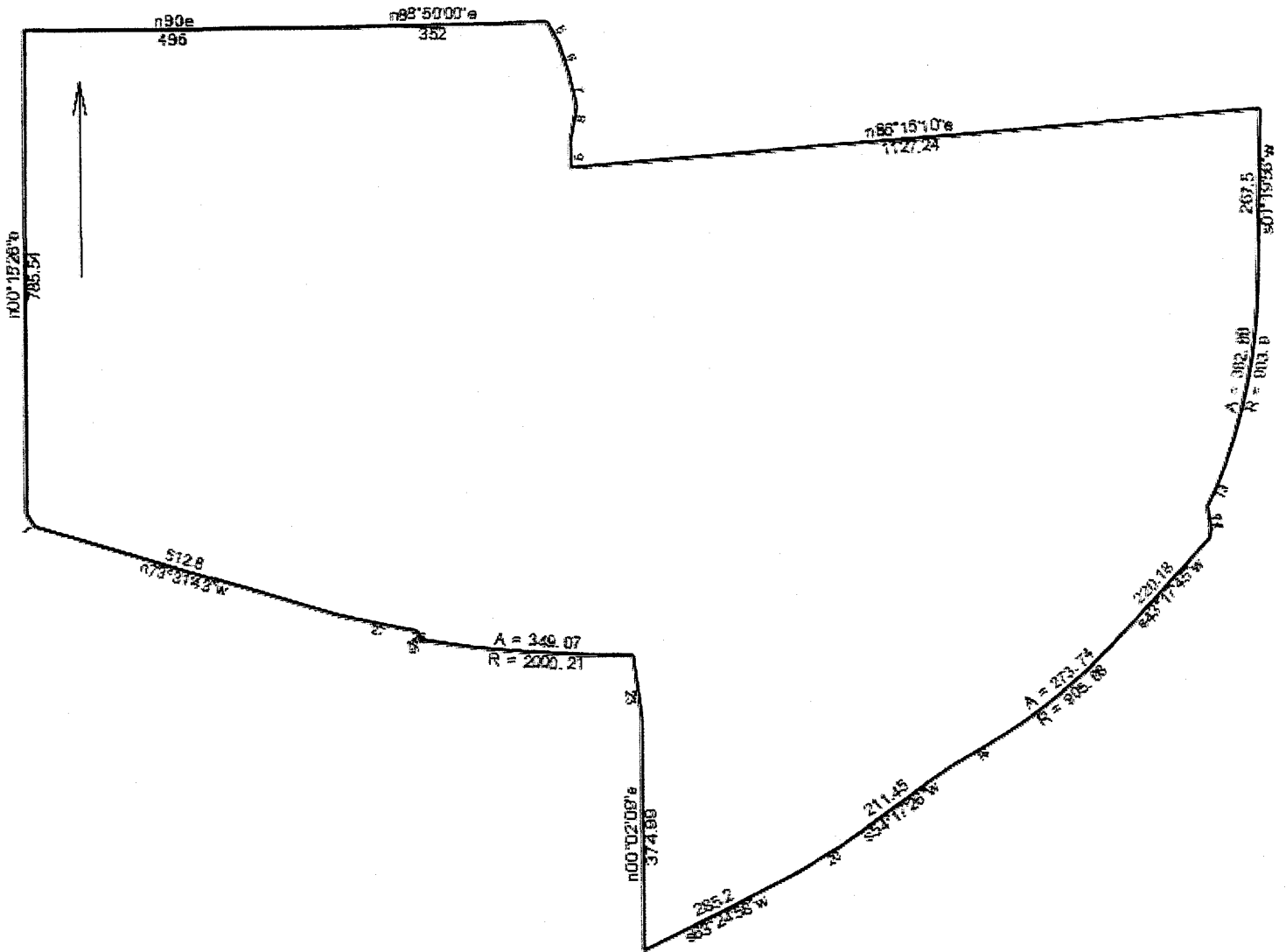
I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2015, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
 City Clerk/Recorder

[SEAL]

New Legal TSOD

Beginning at a point S89°36'26"E 46.03 feet and N00°23'34"E .049 feet from the Southwest corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence N33°18'01" W 24.65 feet; thence N00°15'26"E 785.54 feet; thence East 496.00 feet; thence N88°50'00E 352.00 feet to the west right of way line of the North Jordan Canal following (5) courses; (1) S29°26'13"E 37.91 feet; (2) thence S18°17'58"E 53.99 feet; (3) S12°53'10"E 55.35 feet; (4) thence S10°36'59"W 59.83 feet; (5) S01°05'24"E 41.19 feet; thence N85°15'10"E 1127.24 feet; thence S01°19'56"W 267.50 feet; thence 362.88 feet along an arc of 903.90 radius curve to the right (length chord S11°36'08"W 360.45 feet); thence S27°36'48"W 27.48 feet; thence S07°06'54"E 34.53 feet; thence S04°45'30"W 16.93 feet; thence S43°17'45"W 220.18 feet; thence 273.74 feet along an arc of 905.68 radius curve to the right (length chord S50°54'58"W 272.70 feet); thence S59°26'22"W 75.16 feet; thence S54°17'26"W 211.45 feet; thence S59°32'23"W 83.49 feet; thence S63°24'58"W 285.20 feet; thence N0°02'09"E 374.99 feet; thence N07°56'22"W 104.67 feet; thence 349.07 feet along an arc of 2000.21 feet radius curve to the right (length chord N85°34'06"W 348.62 feet); thence N19°09'48"W 15.45 feet; thence N79°41'41"W 23.97 feet; thence N78°05'42"W 104.33 feet; thence N73°31'43"W 512.80 feet to the point of beginning



8/19/2015

Scale: 1 inch = 265 feet

File: New TOSD.ndp

Tract 1: 43.8151 Acres. Closure: s25.2046w 0.01 ft. (1/694580). Perimeter=6378 ft.

01 n33.1801w 24.65	18 s59.2622w 75.16
02 n00.1526e 785.54	19 s54.1726w 211.45
03 n90e 496	20 s59.3223w 83.49
04 n88.5000e 352	21 s63.2458w 285.2
05 s29.2613e 37.91	22 n00.0209e 374.99
06 s18.1758e 53.99	23 n07.5622w 104.67
07 s12.5310e 55.35	24 Rt, r=2000.21, arc=349.07, chord=n85.3406w 349.63
08 s10.3659w 58.83	25 n19.0948w 15.45
09 s01.0524e 41.19	26 n79.4141w 23.97
10 n85.1510e 1127.24	27 n78.0542w 104.33
11 s01.1958w 267.5	28 n73.3143w 512.8
12 Rt, r=903.90, arc=362.88, chord=s11.3608w 360.45	
13 s27.3648w 27.48	
14 s07.0654e 34.53	
15 s04.4530w 16.93	
16 s43.1745w 220.18	
17 Rt, r=905.68, arc=273.74, chord=s50.5456w 272.70	