

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Text Amendment –changing the boundaries of the West Side Planning Area (WSPA).

**SUMMARY:** Text Amendment – Amend West Jordan City Code, Section 13-5J-2A, amending the area of the West Side Planning Area (WSPA); Barrett Peterson, Peterson Development (applicant) [Larry Gardner (planner)]

**FISCAL IMPACT:** None.

**STAFF RECOMMENDATION:** Staff recommends that the City Council amend the West Jordan 2009 Code, Section 13-5J-2A, “WSPA Defined”, changing the boundaries of the West Side Planning Area (WSPA).

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission, by a vote of 6-0, recommends that the City Council amend the West Jordan Municipal Code, Section 13-5J-2A, “WSPA Defined”, changing the boundaries of the West Side Planning Area (WSPA).

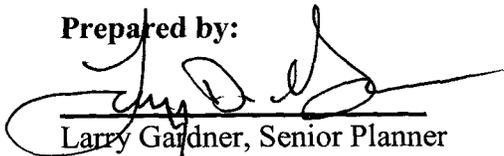
**MOTION RECOMMENDED:**

Text Amendment Motion:

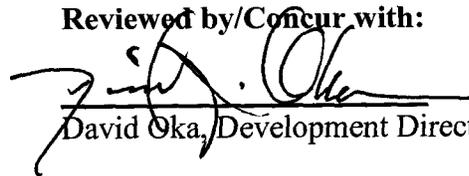
“I move to adopt and instruct the Mayor to sign Ordinance 15-12 amending West Jordan 2009 City Code Section, 13-5J-2A, “WSPA Defined”, changing the boundaries of the West Side Planning Area (WSPA).

*Roll Call vote required*

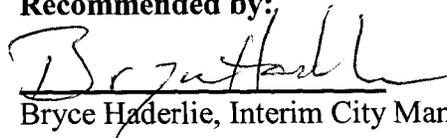
**Prepared by:**

  
Larry Gardner, Senior Planner

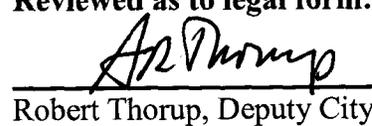
**Reviewed by/Concur with:**

  
David Oka, Development Director

**Recommended by:**

  
Bryce Haderlie, Interim City Manager

**Reviewed as to legal form:**

  
Robert Thorup, Deputy City Attorney

## I. BACKGROUND & ANALYSIS:

The applicant is requesting a text amendment to City Code Section 13-5J-2A amending the area description of the West Side Planning Area (WSPA) from 410 acres to 418 acres. This amendment will include an 8.33 acre parcel between Clay Hollow Wash and the Mountain View Corridor that was left over when the Mountain View Corridor was constructed. The WSPA was a zone covering a much larger land use area at one time. The City Council decided to eliminate the WSPA as a zone, but as a result of a litigation settlement agreement, the WSPA continues to apply to land that is now comprised of just the Highlands Development area. There are still many tracts of land that have WSPA zoning designation which are no longer governed by WSPA zoning. The proposed property is one of those properties. The applicant wants to include an 8.33 acre tract of land adjacent to the Highlands Development Area to be governed by the WSPA. The applicant's intent is to construct multi-family dwellings on the property and desires the benefit of the WSPA zoning. In a separate application this same area will asked to be included into the Highlands Development Area.

## II. TEXT AMENDMENT REQUEST

To expand the boundaries of the land governed by the WSPA, the text of section 13-5J-2A needs to be amended. The text currently reads:

A. WSPA Defined: The WSPA is described as an area approximately four hundred and ten (410) acres in area, located between 5600 West and 6700 West, 7800 South and 8200 South.

Section 13-5J-2A would be amended as follows:

A. WSPA Defined: The WSPA is described as an area approximately four hundred and ~~ten~~ **eighteen (418)** acres in area, located between 5600 West and 6700 West, 7800 South and 8200 South.

The amended text is the first step to include, the additional 8.33 acres into coverage by the West Side Planning Area. An application to amend the Highlands map and development plan has also been submitted. If this land is to be governed by the Highlands Development Agreement, the amendments will need to be approved by the City Council following a recommendation from the Planning Commission. Further a separate application has been submitted to include the 8.33 acres into the Highlands Assessment Area.

## III. FINDINGS OF FACT:

### Section 13-7D-7(B) Findings for approval: Text Amendments

**Criteria 1:** *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

**Discussion:** The zoning text amendment will make the provisions of the WSPA zone applicable to this property. The amendment will not change the land use or zoning designation of the property. The property is designated as Very High Density Residential on the Future Land Use Map of the City. The entire property is zoned High Density Residential (HFR). The applicant's intent is to develop a

multi-family housing project on the property. The 2012 Comprehensive General Plan states in Residential Land Use section:

*Goal 4; Policy 3 Multiple-family residential development should be provided in appropriate areas in order to maintain diversity in the city's housing stock and to provide land use transitions between dissimilar uses.*

On page 30 of the General Plan an implementation policy states the following:

*Require developers to prepare small area plans showing the relationship of proposed subdivisions to the neighborhood of which they will be a part. These plans should illustrate, among other things: access to the general street system, connections to adjacent neighborhoods and properties, schools, recreation sites, and other facilities and services.*

The inclusion of the 8.33 acre parcel into the coverage of the WSPA will satisfy this policy. Because the parcel is adjacent to the Highlands it will be a seamless transition into the development and will result in similar uses, development patterns, roadway connections, trail improvements and housing types.

**Finding:** The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.*

**Discussion:** The applicant justifies this request by the following points:

- *This property is currently zoned HFR which is only applicable within the WSPA.*
- *The conceptual density of this project is very similar to that of proposed developments to the west and would be consistent with the adjacent land use.*
- *Adding this acreage to the Highlands Master Plan would increase the overall number of people paying into the Highlands SAA and consequently decrease the fee per unit.*
- *The WSPA zoning requires 20% open space that can be used for community parks and trails. The maintenance vehicle is already in place to maintain these amenities.*
- *The WSPA allows flexibility to create a development with a variety of amenities to serve the project.*

The General Plan on Page 22 Goal 3 states:

*“Promote land use policies and standards that are economically feasible and orderly, which also protect desirable existing land uses and minimize impacts to existing neighborhoods.”*

*“1. The type, location, timing, and intensity of growth shall be managed. Premature and scattered development shall be discouraged.  
2. Growth shall be limited to those areas of the city that can provide for adequate levels of service (i.e. water, sewer, fire and police protection, schooling, and transportation).”*

The amendment will result in a development similar in type, density and layout as the proposed adjacent development to the west. The 8 acre property proposed to be included into the WSPA/Highlands is marginal land adjacent to the Mountain View Corridor and is bisected by a very deep Clay Hollow wash. The property in question is designated on the future land use map as Very High Density residential.

**Finding:** The proposed amendments are appropriate given the context of the request and there is sufficient justification for a modification to this title.

**Criteria 3:** *The proposed amendment will not create a conflict with any other Section or part of this title or the general plan.*

**Discussion:** The proposed amendments will not conflict with other sections of the 2009 City Code or the General Plan. The proposed amendment would resolve conflict within the General Plan due to the land currently being zoned HFR and the HFR zone only being fully functional within the WSPA zone.

**Finding:** The proposed amendment will not create a conflict with any other Section or part of this title or the general plan.

**Criteria 4:** *The proposed amendments do not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The text amendment does not relieve the applicant of any “hardships” or excuse them from other ordinance requirements. This text amendment is unique in that it is geographically constrained to the WSPA and this particular 8.33 acre piece of property, and will not apply City wide. The text amendment results in a change more like a zoning map amendment. The applicant will not be able to use this amendment outside of the boundaries of the WSPA created by the text amendment. The proposed amendment will resolve a conflict due to the land currently being zoned HFR and the HFR zone only being fully functional within the WSPA.

**Finding:** The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

#### **IV. CONCLUSION:**

The proposed text amendment amending the boundaries of the West Side Planning Area (WSPA) meets all of the criteria for an ordinance text amendment. The inclusion of the 8.33 acre parcel that is contiguous to the current WSPA will result in similar uses that have been planned for in the Highlands Master Planned Development, which this parcel is intended to be included into. The proposed text amendment will not result in any detrimental impacts to this area of the City.

#### **V. STAFF RECOMMENDATIONS:**

Based on the findings set forth in this staff report, staff recommends that the City Council approve the proposed text amendment amending Section 13-15J-2A of the 2009 City Code as provided in Exhibit D attached to this staff report.

#### **VI. ATTACHMENTS:**

- Exhibit A – Applicant narrative
- Exhibit B – Current WSPA Map
- Exhibit C – Proposed WSPA Map
- Exhibit D – Ordinance
- Exhibit E – Application
- Exhibit F - Minutes



**City of West Jordan**  
8000 South Redwood Road  
West Jordan, Utah 84088  
(801) 569-5100  
Fax (801) 565-8978

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May 15, 2015

Barrett Peterson  
Peterson Development  
225 South 200 East #300  
Salt Lake City, UT 84111

Dear Mr. Peterson,

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, June 10, 2015, at the hour of 6:00 p.m., in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to consideration of amending the 2009 West Jordan Municipal Code Section 13-5J amending the West Side Planning Area Boundary – Gladstone Place; Peterson Development (applicant). You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. The Council reserves the right to consider other zoning classifications based on information presented at the Public Hearing. If you have any questions, please contact the Planning and Zoning Department at 801-569-5060.

Copies of the agenda packet for this meeting will be available on the City's website [www.wjordan.com](http://www.wjordan.com) approximately 4-days prior to the meeting.

If you have any questions, please feel free to call me at 801-569-5116.

Sincerely,

A handwritten signature in cursive script that reads "Carol Herman".

Carol Herman  
Deputy City Clerk

cc: Planning Department



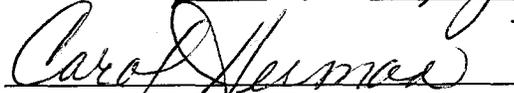
**City Clerk's Office**  
**City of West Jordan**  
8000 South Redwood Road  
West Jordan, Utah 84088  
(801) 569-5115  
Fax (801) 565-8978

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**THE CITY OF WEST JORDAN, UTAH**  
**NOTICE OF PUBLIC HEARING**

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, June 10, 2015, at the hour of 6:00 p.m., in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to consideration of amending the 2009 West Jordan Municipal Code Section 13-5J amending the West Side Planning Area Boundary – Gladstone Place; Peterson Development (applicant). You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. If you desire to speak on an item, the time will be limited to 3 minutes. Items may be moved on the agenda or tabled by the City Council. Copies of the agenda packet for this meeting will be available on the City's website [www.wjordan.com](http://www.wjordan.com) approximately 4-days prior to the meeting.

Posted this 15<sup>th</sup> day of May 2015



Carol Herman  
Deputy City Clerk

4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

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PROOF OF PUBLICATION

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CITY OF WEST JORDAN, MELANIE BRIGGS 8000 S. REDWOOD RD.  WEST JORDAN, UT 84088	9001403739	5/18/2015

CITY OF WEST JORDAN,			
8015695115		0001028400 /	
Start 05/15/2015		End 05/15/2015	
CC PH 6/4			
CITY OF WEST JORDAN PUBLIC HEARING NOTICE A Public Hearing will be held before th			
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**CITY OF WEST JORDAN  
PUBLIC HEARING NOTICE**

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, June 10, 2015, at the hour of 6:00 p.m., in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to consideration of amending the 2009 West Jordan Municipal Code Section 12-51 amending the West Side Planning Area Boundary - Gladstone Place; Peterson Development (applicant). You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. If you have any questions, please contact the Planning and Zoning Department at 801-569-5060.

Published this 15th day of May 2015  
Carol Herman  
Deputy City Clerk  
1028400 UPAXLP

AFFIDAVIT OF PUBLICATION

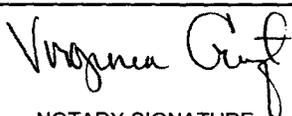
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF CITY OF WEST JORDAN PUBLIC HEARING NOTICE A Public Hearing will be held before the City of West Jordan City Council on Wednesday, June 10, 2015, at the hour o FOR CITY OF WEST JORDAN, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 05/15/2015 End 05/15/2015

SIGNATURE 

DATE 5/18/2015

**VIRGINIA CRAFT**  
NOTARY PUBLIC - STATE OF UTAH  
My Comm. Exp. 01/12/2018  
Commission # 672963

  
NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
PLEASE PAY FROM BILLING STATEMENT

Please find the applicant's narrative on the following page

**Applicant's Narrative**

**Exhibit A**

January 14, 2015

West Jordan City Staff  
8000 South Redwood Road  
West Jordan, Utah 84088

Subject: Zoning Text Amendment of Ordinance 13-5J-2 to include 8.33 Acres in the WSPA/Highlands Master Plan

Dear West Jordan City Council and Staff,

The purpose of this Zoning Text Amendment is to amend the acreage of the WSPA/Highlands Master Plan found in Zoning Ordinance 13-5J-2 to include 8.33 acres located at 5701 West 7800 South, East of Clay Hollow Wash and the Gladstone Place project, and directly West of the Mountain View Corridor right of way. The property in question was rezoned from SC-2 to HFR in September 2014. With this property rezoned to HFR, the intent is to have this property incorporated into the West Side Planning Area (WSPA) and into the adjacent Gladstone Place project, part of the Highlands Master Planned Community, making this 8.33 acre remnant usable as well as mitigating the hazardous Clay Hollow Wash that separated Gladstone and this remnant property. In order to include this parcel within the WSPA and within The Highlands, this text amendment needs to occur. We are simultaneously submitting applications to amend the Highlands Master Plan and the Highlands Special Assessment Area to incorporate this property that was rezoned.

This proposed Zoning Text Amendment would further promote the objectives and purposes of the West Jordan Municipal Code, Section 13-7D-7(B): Amendments to the text of this title shall meet the following criteria:

***Criteria 1: The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;***

In order for the approved rezone of this property to the zoning designation of HFR to be consistent with the adopted goals, objectives and policies of the general plan, this zoning text amendment needs to occur to include this property within the WSPA/The Highlands.

***Criteria 2: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;***

The proposed amendment is appropriate given the 8.33 acres being discussed was rezoned to HFR by City Council, a zone that is only applicable within the WSPA/The Highlands. Amending the zoning text to include this property makes the zoning map consistent with the zoning text in regard to this property.

***Criteria 3: The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and***

The proposed amendment would resolve conflict within the zoning code and the zoning map in that this property was rezoned to HFR which is a zone that is only applicable within the WSPA/The Highlands. Amending the Zoning text to include this property within the WSPA/Highlands Master Plan makes the zoning code and the zoning map consistent.

***Criteria 4: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.***

The proposed amendment does not relieve hardship nor create special privileges for any single property owner or cause. This amendment supports City Council's actions in rezoning this remnant parcel to HFR and will allow this property to meet its highest and best use rather than leaving it as a remnant for the city to address at a future time. This amendment will also allow Peterson Development to move forward in mitigating the hazards associated with Clay Hollow Wash in its current cross section.

We look forward to working with you to make this project a success.

Sincerely,

Barrett Peterson  
Peterson Development

**13-5J-2: ESTABLISHMENT:**

- A. WSPA Defined: The WSPA is described as an area approximately ~~four hundred ten (410)~~ **four hundred eighteen (418)** acres in area, located between 5600 West and 6700 West, 7800 South and 8200 South.
  
- B. Future Land Use Map: The future land use map is to be utilized as a reference for designating specific land use types and residential densities as described in the general plan and map.
  
- C. WSPA Zoning Districts: The standards and other requirements of this article apply only within the WSPA. (2001 Code § 89-3-1102; amd. 2009 Code; Ord. 13-11, 3-27-2013; Ord. 15-02, 01-07-2015)



***Exhibit B***

**Current WSPA Map**



Area to be added to WSPA

# ***Exhibit C***

# **Proposed WSPA Map**

Please find the proposed ordinance on the following pages.

**Exhibit D** Ordinance

**THE CITY OF WEST JORDAN, UTAH**  
A Municipal Corporation

ORDINANCE NO. 15- 12  
[WEST SIDE PLANNING AREA - WSPA]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapter 5 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

**Section 1.** Title 13, Chapter 5, Article J, Section 2 of the 2009 City Code shall hereafter read as follows:

**13-5J-2: ESTABLISHMENT:**

- A. WSPA Defined: The WSPA is described as an area approximately four hundred eighteen (418) acres in area, located between 5600 West and 6700 West, 7800 South and 8200 South.
- B. Future Land Use Map: The future land use map is to be utilized as a reference for designating specific land use types and residential densities as described in the general plan and map.
- C. WSPA Zoning Districts: The standards and other requirements of this article apply only within the WSPA. (2001 Code § 89-3-1102; amd. 2009 Code; Ord. 13-11, 3-27-2013; Ord. 15-02, 1-28-2015; Ord. 15-\_\_\_\_, 06-10-2015)

**Section 2.** Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

**Section 3.** This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 10<sup>th</sup> day of June, 2015.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
KIM V. ROLFE  
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC  
City Clerk

**Voting by the City Council**

	<b>“AYE”</b>	<b>“NAY”</b>
<b>Council Member Jeff Haaga</b>	_____	_____
<b>Council Member Judy Hansen</b>	_____	_____
<b>Council Member Chris McConnehey</b>	_____	_____
<b>Council Member Chad Nichols</b>	_____	_____
<b>Council Member Sophie Rice</b>	_____	_____
<b>Council Member Ben Southworth</b>	_____	_____
<b>Mayor Kim V. Rolfe</b>	_____	_____

**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]

# Legislative

## 13-5J-2: ESTABLISHMENT:

- A. WSPA Defined: The WSPA is described as an area approximately four hundred ~~ten (410)~~ eighteen (418) acres in area, located between 5600 West and 6700 West, 7800 South and 8200 South.
- B. Future Land Use Map: The future land use map is to be utilized as a reference for designating specific land use types and residential densities as described in the general plan and map.
- C. WSPA Zoning Districts: The standards and other requirements of this article apply only within the WSPA. (2001 Code § 89-3-1102; amd. 2009 Code; Ord. 13-11, 3-27-2013; Ord. 15-02, 1-28-2015; Ord. 15-\_\_\_\_, 06-10-2015)



**CITY OF WEST JORDAN  
COMMUNITY DEVELOPMENT APPLICATION**  
8000 South Redwood Road  
(801) 569-5180

Sidwell # 2035100017, 2035200023 Acreage 8.33 Lots: \_\_\_\_\_ Zoning: HFR

Project Location: 5701 West 7800 South

Project Name: Gladstone Place

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

Applicant: Barrett Peterson                      Company: Peterson Development

Address: 225 South 200 East Suite 200

City: Salt Lake City                                      State: Utah                                      Zip: 84111

Telephone: Office: 801-532-2233                      Cell: \_\_\_\_\_

Email: Barrett@choosepeterson.com

Property Owner: Peterson Development + UDOT

Address: 225 South 200 East Suite 200

City: Salt Lake City                                      State: Utah                                      Zip: 84111

Telephone: Office: 801-532-2233                      Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Engineer: \_\_\_\_\_                                      Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_                                      State: \_\_\_\_\_                                      Zip: \_\_\_\_\_

Telephone: Office: \_\_\_\_\_                      Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Architect: \_\_\_\_\_                                      Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_                                      State: \_\_\_\_\_                                      Zip: \_\_\_\_\_

Telephone: Office: \_\_\_\_\_                      Cell: \_\_\_\_\_

Email: \_\_\_\_\_

SIGNATURE: *Barrett Peterson*                                      DATE: 2/19/

Project #: ZC 20150001                      Date: 2/23/15  
 Received By: ODA *lg*                      PLANNING *lg*                      ENGINEERING —

Revised 06/1/14

**Application**  
**Exhibit E**

Please find the Planning Commission Minutes of May 15, 2015 on the following pages.

# Planning Commission Minutes

**3. Text Amendment – Amend the West Jordan Municipal Code Section 13-5J amending the West Side Planning Area Boundary – Gladstone Place; Peterson Development/Barrett Peterson (applicant) [#ZC20150001]**

Barrett Peterson, Peterson Development, 225 South 200 East, pointed out the 8.3-acre subject property that they are acquiring from UDOT. The City Council decided via a development agreement to allow them to put the property within the Highlands Master Plan so it can be one contiguous development with the abutting high density property. The Mountain View Corridor trail will go between some of the townhomes that they will be developing with Garbett Homes.

Kelvin Green asked if they are the current property owner.

Barrett Peterson said they are under contract with UDOT and it is contingent with some of the zoning issues. They hope to close on it this summer. They own the contiguous property to the west.

Dan Lawes asked if there are any other properties they anticipate adding to the WSPA.

Barrett Peterson said Orchard Heights and the subject property are within the natural geographic boundaries. There is one other five-acre piece that could possibly be within the boundary, but it could be developed on its own. It wouldn't make sense to add property from any other location. He said it will also be convenient to keep the area with the special assessment area that will maintain the open space.

Larry Gardner said the intent of the application had been addressed. He reminded the commission that it is a text amendment to the zoning ordinance that amends the WSPA text changing the acreage from 410 acres to 418 acres.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed text amendment amending Section 13-15J-2A of the 2009 City Code as provided in Exhibit D attached to this staff report.

Dan Lawes opened the public hearing.

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

**MOTION:** Kelvin Green moved based on the findings in the staff report and the discussions received in this hearing to forward a positive recommendation to the City Council for the proposed text amendment to Section 13-5J-2A, WSPA Defined within the 2009 City Code as addressed in the staff report with the condition that the true property owner be attached to the application prior to consideration by the City Council. The motion was seconded by Joshua Suchoski.

Kelvin Green felt that for the records of the city that the correct property owner should be listed.

**VOTE:** The motion passed 6-0 in favor. Zach Jacob was absent.