

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Pinnacle Cove Rezone from R-1-10 to PRD

**SUMMARY: Pinnacle Cove Rezone;** 8891 South 1030 West; Rezone of 3.45 acres from an R-1-10E (Single Family Residential 10,000 square foot lot minimum) Zone to PRD (Planned Residential Development) Zone; HCH Development Group, LLC (applicant) [Larry Gardner #ZC20150008]

**FISCAL / AND OR ASSET IMPACT:** None.

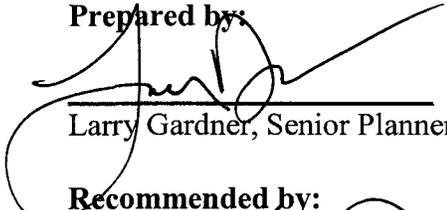
**STAFF RECOMMENDATION:** Based on the findings set forth in the staff report, staff recommends that the City Council approve Ordinance No. 15-35 rezoning the property generally located at 8891 South 1030 West from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to PRD (Planned Residential Development).

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission met on November 3, 2015 and in a 3 to 2 vote forwards a *negative* recommendation to the City Council concerning the rezoning of property located at 8891 South 1030 West from R-1-10 to PRD (Planned Residential Development).

**MOTION RECOMMENDED:** "Based on the findings set forth in the staff report, staff recommends that the City Council approve Ordinance No. 15-35 rezoning the property generally located at 8891 South 1030 West from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to PRD (Planned Residential Development)."

*Roll Call vote required*

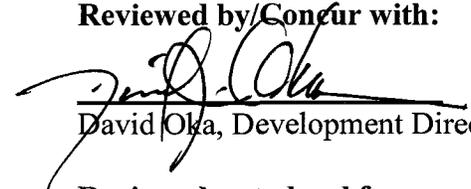
**Prepared by:**

  
Larry Gardner, Senior Planner

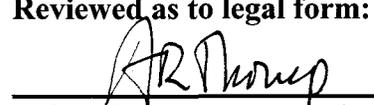
**Recommended by:**

  
Mark Paless, City Manager

**Reviewed by/Concur with:**

  
David Oka, Development Director

**Reviewed as to legal form:**

  
Robert Thorup, Deputy City Attorney

**I. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission felt that the proposed zone change from R-1-10 to PRD did not meet the following criteria of 13-7D-7(A):

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

Criteria 3: The proposed amendment does not further the public health.

Criteria 4: The proposed amendment will unduly impact the adequacy of public services and facilities intended to serve the zoning area.

Based on this the Planning Commission has given a negative recommendation to the City Council regarding the zone change application.

The Minutes from the Planning Commission meeting are attached for review. The applicant has made modifications to their concept plan which reflect some of the concerns expressed at the Planning Commission Meeting. The new concept is attached.

**II. BACKGROUND:**

The subject property was rezoned in 2013 from Agricultural to R-1-10 to facilitate a single family development on the site. It was determine during the subdivision process that due to land slopes of over 30% that nearly half of the property could not be developed using traditional zoning parameters (2009 City Code does not allow development of sites with greater than 30% slope). The applicant is proposing to rezone 3.45 acres of property located at 8891 South 1030 West from R-1-10E (Single Family Residential 10,000 square foot lot minimum, house size E) to PRD (Planned Residential Development). The PRD zone allows for clustering of homes and reduced setbacks maintaining the density established on the Future Land Use Map while preserving and protecting sensitive hillside areas. The site is designated as Medium Density Residential on the Future Land Use Map which supports PRD zoning, so a corresponding change to the land use map will not be needed. The zone change application is in preparation for a subdivision application.

**III. GENERAL INFORMATION & ANALYSIS**

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

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium- Density Residential	R-1-10 and A-5	Single Family Homes
<b>South</b>	Medium-Density Residential	R-1-10	Single home
<b>West</b>	Medium-Density Residential	R-1-8	Church and Single Family Residential
<b>East</b>	Low-Density Residential and Professional Office	R-1-12 and PO	Single Family Homes and Office Complex

The Medium-Density Residential Land Use designation has a net density range of 3.1 to 5.0 units per acre. The concept plan as provided (Exhibit C) illustrates the proposed roadway design and lot configurations. The applicant is proposing 12 homes on 3.45 acres for a gross density of 3.47 single family dwellings per acre which complies with the density range of the Medium Density designation. The actual lot sizes will be determined with the subdivision application.

Prior to approval of a zone change to a PRD designation, the city council, after first receiving a recommendation from the planning commission, shall find that the proposed zone and associated conceptual plan is consistent with the purpose and intent outlined in section 13-5C-1 of this article.

*“13-5C-1: PURPOSE AND INTENT:*

*A. Planned Residential Development Zone: The purpose of the planned residential development (PRD) zone is to encourage imaginative, creative and efficient utilization of land by establishing development standards that provide design flexibility, allow integration of mutually compatible residential uses, and encourage consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than may be possible under the procedures and regulations of conventional zoning classifications. A planned residential development should also incorporate a common architectural design theme throughout the project that provides variety and architectural compatibility, as opposed to a development of individual, unrelated buildings located on separate, unrelated lots.”*

The site the applicant is proposing to construct homes upon is constrained by severe slopes. The PRD zone will allow for clustering of homes that will preserve the sensitive slope area. With the clustering of homes utility infrastructure needs will be reduced and will not encounter difficult terrain issues. The hillside will also be preserved and will be more aesthetically pleasing. The applicant’s intent is to design and build homes that are common in architectural design and that follow a common theme. A few of the homes are illustrated in the concept plan.

*C. Overall Intent: It is the intent of the city that site and building plans for planned developments be prepared by a designer or team of designers having professional competence in urban planning, site planning, and architectural and landscape architectural design. However, it is not the city's intent that design control be so rigidly exercised that individual initiative is stifled or that substantial additional expense is incurred. Rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter. The intent of planned developments (PC or PRD) is to:*

*1. Create more attractive and more desirable environments in the city;*

The PRD zone will allow the applicant to design and build a development that is single family, high quality and preserve sensitive hillsides.

*2. Allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects;*

The applicant intends to construct single family dwellings in a clustered design.

*3. Provide flexibility in the location of buildings on the land;*

The PRD zoning allows the applicant to construct with varying setbacks and yard areas that will result in a clustered design and in preservation of open area.

*4. Facilitate and encourage social and community interaction and activity among those who live within a neighborhood;*

The development will not be gated and will be connected to the existing residential neighborhood to the west.

*5. Encourage the creation of a distinctive visual character and identity for each planned development;*

The applicant builds a unique housing product that will differ from the existing homes.

*6. Produce a balanced and coordinated mixture of uses and related public and private facilities;*

The applicant will be installing a public road and private streets. Because of the small size of the development a mixture of public services, i.e., parks, trails etc. is not practical.

*7. Encourage a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types;*

At this time because of the cap and grade ordinance the applicant can only build single family detached dwellings.

*8. Preserve and take the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimize the amount of grading necessary for construction of a development;*

The primary reason for using the PRD zoning is to preserve the existing hillside.

*9. Encourage and provide for open land for the general benefit of the community and public at large as places for recreation and social activity;*

The applicant will be providing 1.5 acres of open space that will remain in the natural form.

*10. Achieve physical and aesthetic integration of uses and activities within each development;*

The new homes will be unique to the area and will complement the existing homes while maintaining distinguishable identity.

*11. Encourage and provide for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation;*

The development will be connected to the existing development to the west with sidewalks and roadways.

*12. Since many of the purposes for planned development zones can best be realized in large scale developments, development on a large, planned scale is encouraged;*

This development is small in area. The PRD zone is being proposed to preserve a sensitive hillside.

*13. Achieve safety, convenience and amenity for the residents of each planned residential development and the residents of neighboring areas;*

The project will be designed in a manner that is safe, accessible and connected to the existing neighborhood. The sloped area will act as a natural open area that will be preserved in perpetuity.

*14. Assure compatibility and coordination of each development with existing and proposed surrounding land uses.*

The development of single family homes on this property will be compatible with the neighboring uses.

#### **IV. FINDINGS OF FACT**

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

Prior to making a positive recommendation to the City Council for an amendment to the Zoning Map, the Planning Commission 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 subject property is located within the Medium-Density Residential land use designation. This designation was created for those residential uses which fall between 3.1 and 5.0 dwelling units per acre. The applicant is proposing to change the zoning designation on 3.45 acres of land currently zoned as R-1-10E to PRD (Planned Residential Development). The submitted concept plan shows a residential density of 3.47 single family units per acre which is consistent with the Medium Density Land Use designation of the General Plan.

Furthermore, Goal 4 Policy 2 states: "Single-family housing should be the primary residential development type in the city." The applicant's intent is to subdivide the property and construct thirteen single family homes. The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in 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 concept plan shown to the Planning Commission showed thirteen single-family lots in a clustered development pattern. The applicant has revised the concept plan to twelve lots and has conceptually shown a widened road, additional off-street parking and a garbage collection area. The Planning Commission and the public at the public hearing were focusing heavily on design

issues of the concept plan. The concept plan is used to show conceptual use, in this case single family, and basic access points and general conceptual layout to determine if the intent of the PRD zone is being met. The application before the City Council is for a zone change. Design issues such as road widths, road types (public or private) drainage, sidewalks, curbing, refuse collection, utilities, fire protection etc. will all be addressed during the subdivision process. Furthermore all design related components will have to meet current City and engineering standards. The clustering of lots on the concept plan is to show preservation of the steep slope as required by City code. The development will be compatible in density at 3.47 units per acre with much of the surrounding housing. The office development and single family housing located to the east will not be connected to this development.

The City Engineering Department has indicated that the City does have the ability to service the concept project. Water and sanitary sewer connections will be made to the existing lines in 8925 South.

**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 PRD zoning district has specific standards which will be met when the property is subdivided and developed. The PRD zone and the applicant's concept plan 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. This project creates additional housing in this area.

**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:** The Engineering Department has determined that the City has the ability to service the development with water, sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat approval. The Fire Department will review the proposed development at the time of subdivision application to ensure full serviceability. The addition of thirteen single family homes will not excessively impact 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 is not located within any 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 intended residential infill for this area will be compatible with adjoining land uses and with the neighborhood.

## VIII. ATTACHMENTS:

- Exhibit A – Zoning and Land Use Map
- Exhibit B – Aerial
- Exhibit C – Concept Plan
- Exhibit D – Application
- Exhibit E – Planning Commission Minutes
- Exhibit F – Ordinance



**City Clerk's Office**

8000 South Redwood Road  
West Jordan, Utah 84088  
(801) 569-5115  
Fax (801) 565-8978

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November 17, 2015

HcH Development Group, LLC  
5005 South 900 East Suite 161  
Salt Lake City, UT 84117

Dear Matt,

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, December 2, 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 considering a rezone of approximately 3.46 acres from R-1-10E (Single-family residential 10,000 square foot minimum lots) Zone to PRD (3.77) (Planned Residential Development with 3.77 units per acre density) Zone for Pinnacle Cove Rezone, located at approximately 8891 South 1030 West; HcH Development Group, LLC, 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.

I have enclosed a copy of the **Notice of Public Hearing** that has been sent to property owners in the 300-foot radius of said property.

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

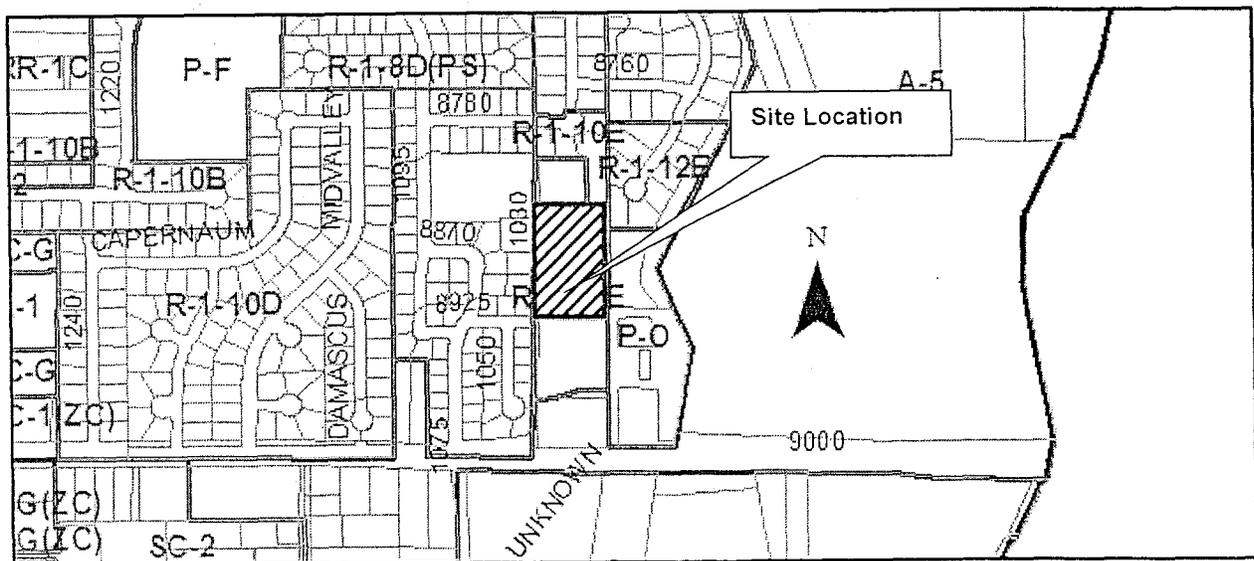


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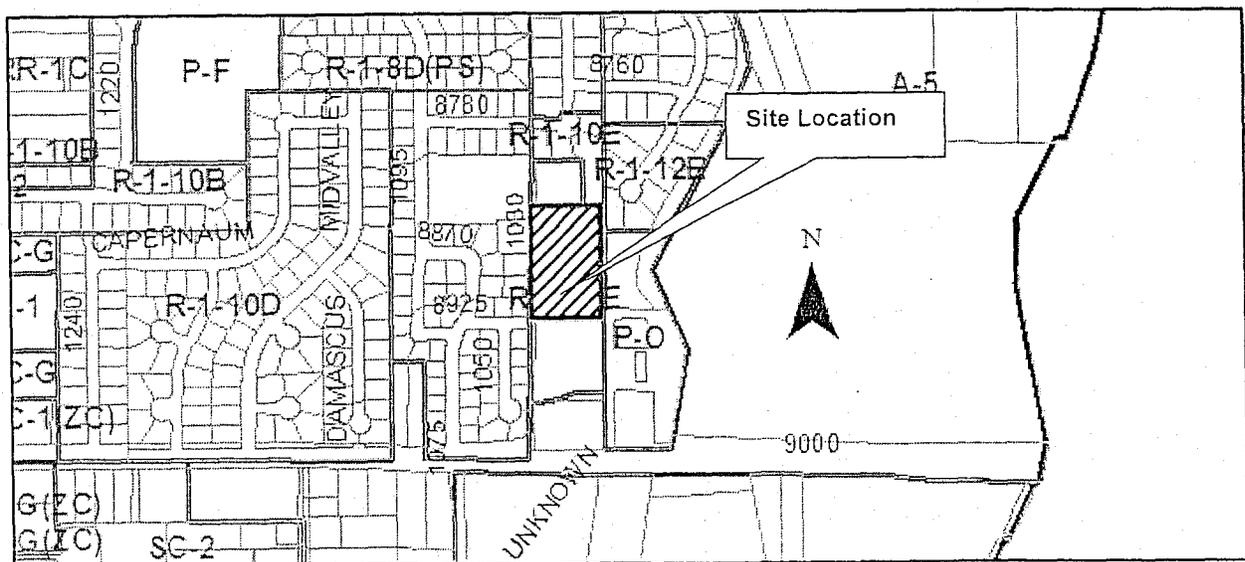
The City of West Jordan, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call the City Recorder at 569-5115, giving at least three working days notice.



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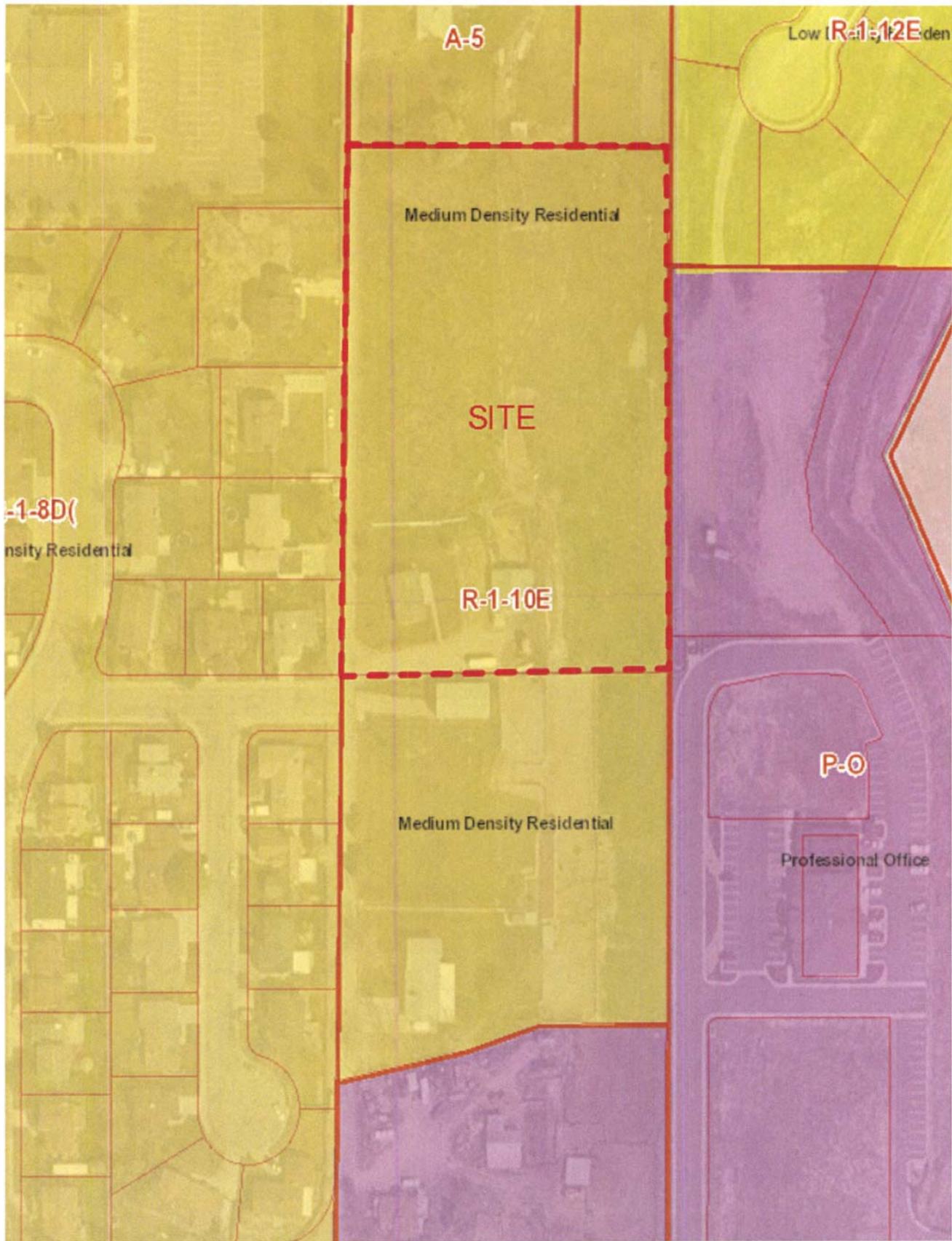
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Posted this 20<sup>th</sup> day of November 2015

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

\_\_\_\_\_  
Carol Herman  
Deputy City Clerk



**Zoning and Land Use Map Map**

**Exhibit A**



**Aerial**

**Exhibit B**

Please find Concept Plan on the following pages.

**Concept Plan**

**Exhibit C**

## Zone Change from R1-10 to PRD (Planned Residential Development)

The reason we are requesting a zone change from R 1-10 to a Planned Residential Development is not to increase the number of units, but to better utilize space per West Jordan's general plan (page 21 Implementing Measures). Under the current zoning, 15 single family lots are allowed. However, part of this property is not ideal for building due to the slopes and grades that exceed 30%. We are asking for a zone change to give us the flexibility to design 13 homes on the buildable part of the land and preserve the rest of the land as open space. The 13 lots we are proposing comes out to a density of 3.75 lots per acre or 11,580 square feet per lot.

We used the general plan to help us determine the best use of this land. The following comments are a guide.

- A. Through enhanced policies and standards, promote and practice sustainable site planning to reduce development impacts to existing and new development sites.
- B. Reduce development impacts through arrangement and design of buildings, roads, parking areas, open spaces, and other site features
- C. Mitigate against urban heat islands in developments that, by their nature, require large surface parking areas
- D. Seek ways to promote energy conservation and smart/sustainable growth through education
- E. Reduce the disturbance of existing natural habitats through sound development practices.
- F. Adopt ordinances to protect environmentally sensitive areas such as steep slopes, flood plains, natural drainages, and aquifer recharge zones
- G. By ordinance, continue the practice of providing open space for preservation in large residential developments.
- H. Where deemed appropriate, permit cluster design scenarios in residential developments that strategically group development in specific locations leaving the remainder as open space.

Approximately 1.5 acres of our property has a greater than 30% slope. We feel it is in everyone's best interest to leave the slope undisturbed. This is consistent with West Jordan's development code. We are proposing a Planned Residential development with 13 single family homes to be clustered on the flat portion of the land. This will make it so we do not need to use a sewer pump station. It also allows us to have open space.

Our layout is much more effective than the current 10,000 square foot lots.

Public Interest is best served with our current layout because it follows West Jordan's goals for cluster design with open space in order to preserve natural habitats and sensitive areas and steep slopes.

Compatibility of the proposed amendments matches all of the above stated goals of West Jordan's plan.

This project will commence within 90 days of city approvals. All of the improvements will be done at one time. We project to build and sell all of the homes in 12 – 16 months after the improvements are completed.

This plan does not hinder or obstruct the city's general plan.

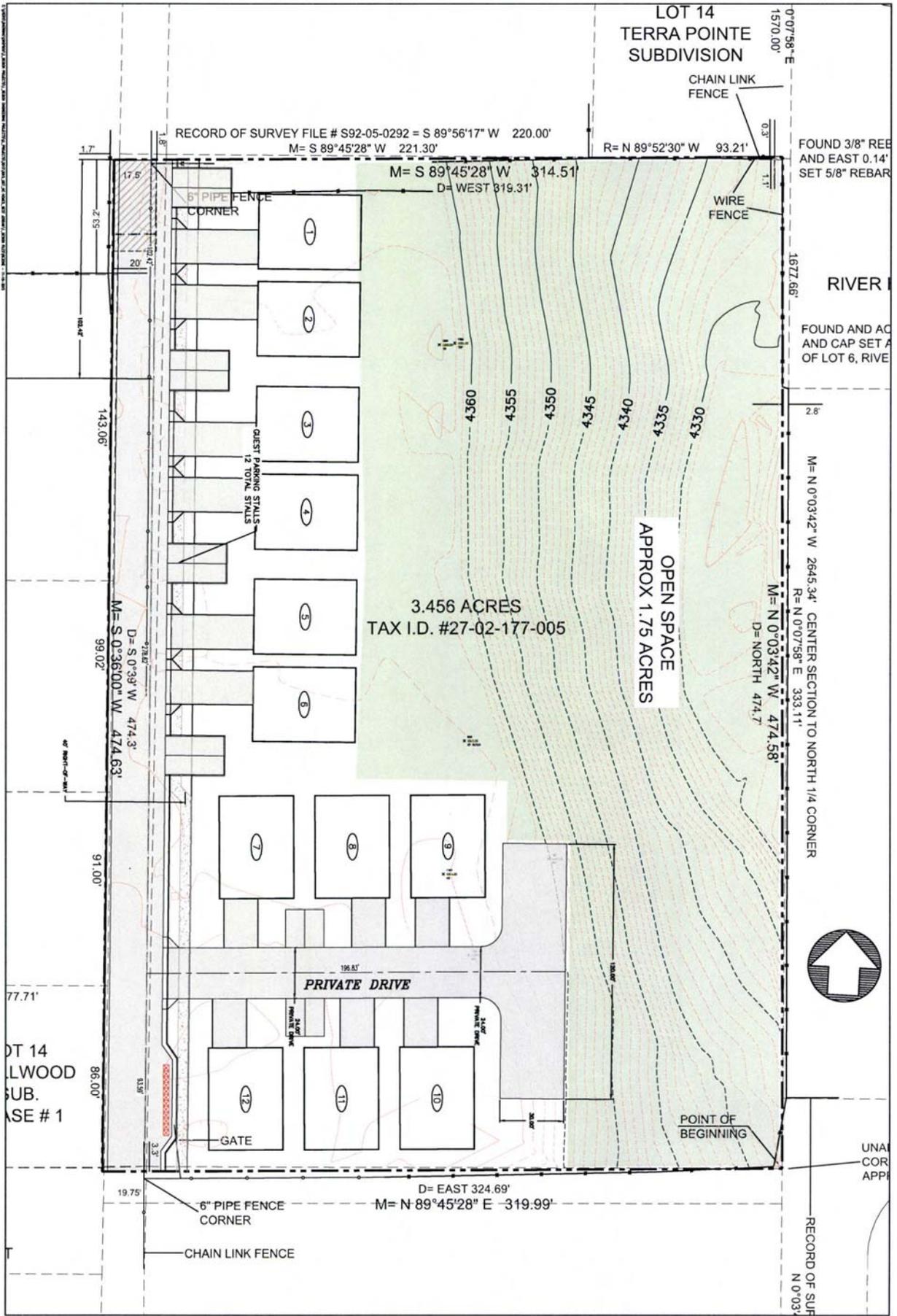
There will always be impacts on City Services. However, 13 lots is negligible to the city services and is less than the current zoning of 15 allowable lots.

13 homes will not impact the school system in a negative way. Traffic will be negligible with 13 homes.

We will be adding 13 families to support local businesses.

#### Conclusion

Handcrafted Homes is a custom home builder known for the quality and care we put into our developments and homes. This PRD will be no different. We feel that our interests and the city's interests are aligned on this project. Tim Aalders, one of the partners of Handcrafted Homes, was born and raised in West Jordan.



DATE: 11/20/15	PROJECT #
REVISIONS:	

**PINNACLE COVE  
RESIDENTIAL SUBDIVISION**

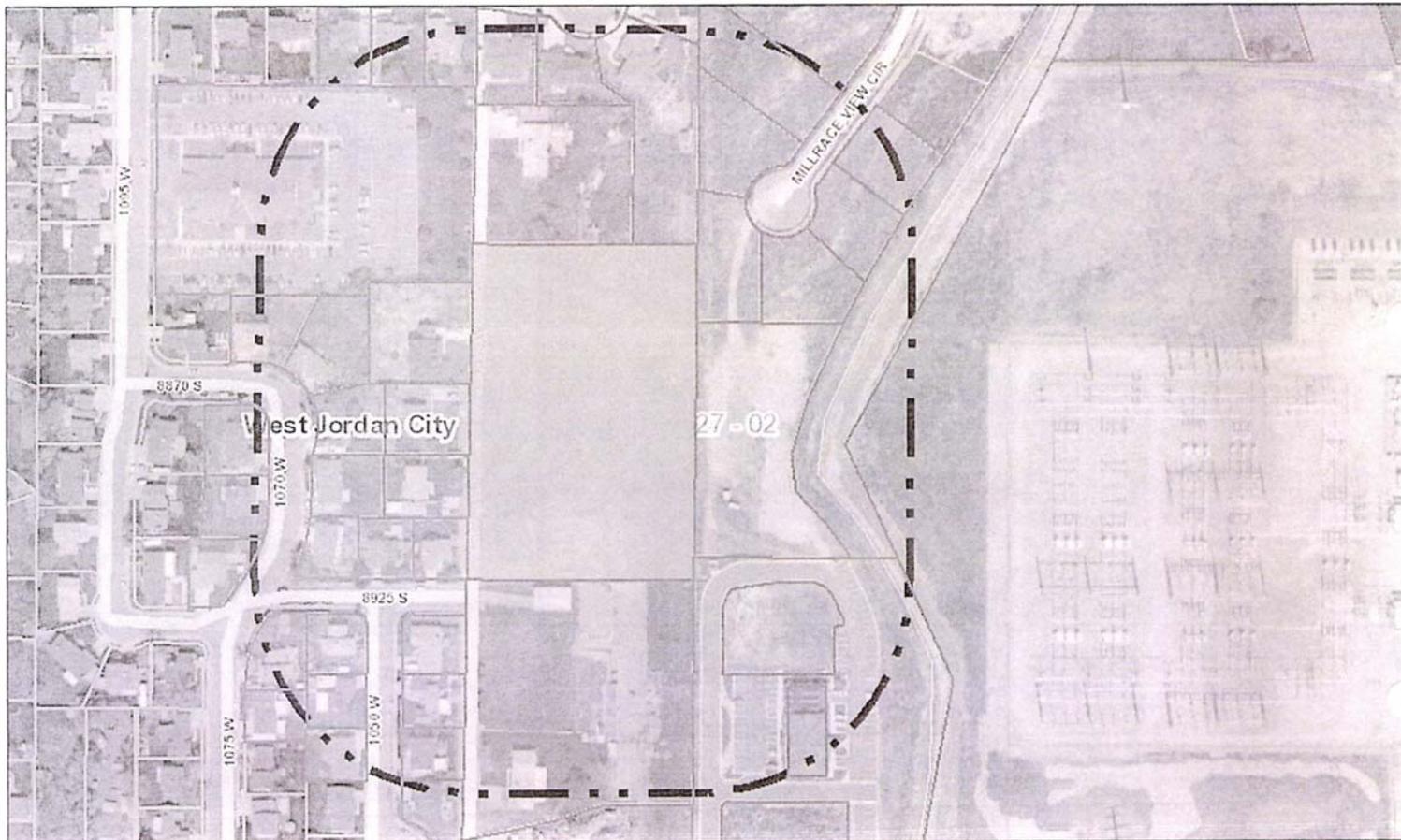
LOCATED IN  
WEST JORDAN, UTAH  
APPROX. 1000 WEST 9000 SOUTH



**region** Engineering & Surveying  
1776 N. State St. #110  
Orem, UT 84057  
P: 801.376.2245  
regiondesign@ic.com

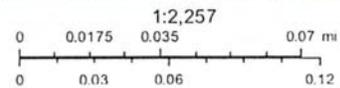


Salt Lake County Recorder's Office



September 18, 2015

- Areas
- Sections Annotation
- Roads Annotation



The information depicted on this map is for general reference only, and is not intended to determine final ownership, jurisdictional boundaries or to replace a survey or any other log in conjunction with the Offices of Salt Lake County Assessor, Salt Lake County Clerk, Salt Lake County Mayor, or Salt Lake County Recorder.

## SURVEY NARRATIVE

### SURVEY FINDINGS:

The position of the Southeast property corner and Point of Beginning is Measured North  $0^{\circ}03'42''$  West 600.76 feet from the Center of Section 2 along the north-south 1/4 section line, (Deed = North 600.76 feet).

The position of the Northeast property corner is determined to be along the north-south 1/4 section line at the Southeast Corner of Lot 14, Terra Pointe Subdivision (SE Corner Lot 14 Record = South  $0^{\circ}07'29''$  West 1570.00 feet along the north-south 1/4 section line from the North 1/4 Corner); the Northeast property corner is also Measured North  $0^{\circ}03'42''$  West 474.58 feet from Southeast property corner, (Deed = North 474.7 feet).

The position of the Northwest property corner is determined to be on the east boundary line of the Farm Meadows Estates Subdivision No. 1; and is Measured South  $89^{\circ}45'28''$  West 314.51 feet along a line parallel with the east-west 1/4 section line from the Northeast property corner, (Deed = West 319.31 feet).

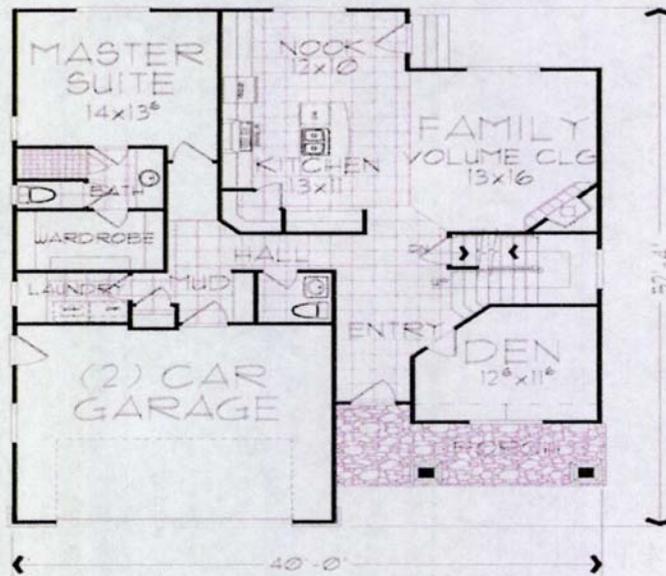
The position of the Southwest property corner is determined to be on the east boundary line of the Knollwood Subdivision, Phase 1; and is Measured South  $0^{\circ}36'00''$  West 474.63 feet from the Northwest property corner; also Measured North  $89^{\circ}45'28''$  East 319.99 feet along a line parallel with the east-west 1/4 section line (Deed = East 324.69 feet) to the point of beginning.

## AS SURVEYED PROPERTY DESCRIPTION

TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. SECTION 2: Beginning at a point on the north-south 1/4 section line and being North  $0^{\circ}03'42''$  West 600.76 feet (Deed = North 600.76 feet); thence continuing North  $0^{\circ}03'42''$  West 474.58 feet (Deed = North 474.7 feet) along said north-south 1/4 section line to the Southeast Corner of Lot 14, Terra Pointe Subdivision; thence South  $89^{\circ}45'28''$  West 314.51 feet (Deed = West 319.31 feet) along a line parallel with the east-west 1/4 section line to a point on the east boundary line of the Farm Meadows Estates Subdivision No. 1; thence South  $0^{\circ}36'00''$  West 474.63 feet (Deed = South  $0^{\circ}39'$  West 474.3 feet) along the east boundary line of said Farm Meadows Estates Subdivision No. 1 and along the east boundary line of the Knollwood Subdivision, Phase 1; thence North  $89^{\circ}45'28''$  East 319.99 feet (Deed = East 324.69 feet) along a line parallel to said east-west 1/4 section line to the point of beginning, containing 3.456 acres.



**GABRIELLA**  
 MAIN FLOOR MASTER  
 1943 SQ.FT. + 240 SQ.FT. BONUS



**MAIN FLOOR**  
 1376 SQ.FT.













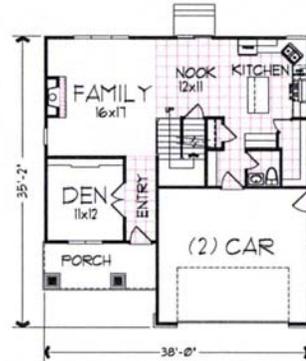


UPPER FLOOR  
934 SQ. FT. + 264 SQ.FT. BONUS

**LANDFORMS**  
DESIGN  
16 East 100 South  
Bountiful, Utah 84010  
801-298-2240  
Landforms.com  
COPYRIGHT 2014 BY LANDFORMS DESIGN



SIENNA PLAN  
2-STORY PLAN  
1901 SQ.FT. + 264 SQ.FT. BONUS



MAIN FLOOR  
967 SQ. FT.



CITY OF WEST JORDAN  
COMMUNITY DEVELOPMENT APPLICATION

8000 South Redwood Road  
(801) 569-5180

Sidwell # 27-02-177-005 Acreage: 3.456 Lots: 13 Zoning: PKD

Project Location: 8891 S 1030 W

Project Name: Pinnacle Cove

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

Applicant: HoH Development Group, LLC Company:

Address: 5005 S 900 E suite 161

City: SLC State: UT Zip: 84117

Telephone: Office: \_\_\_\_\_ Cell: 801-455-1559

Email matt@hchomes.com

Property Owner: Tommy Viohnilli

Address: 8891 S 1030 W

City: West Jordan State: UT Zip: 84084

Telephone: Office: \_\_\_\_\_ Cell: 801-474-5713

Email \_\_\_\_\_

Engineer: Shawn Herrick Company: REGION ENGINEERING

Address: 1776 N State St #110

City: Orrem State: UT Zip: 84057

Telephone: Office: 801-576-2245 Cell: X

Email sherring@regiondesignllc.com

Architect: N/A Company: \_\_\_\_\_

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

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

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

Email \_\_\_\_\_

Application  
Exhibit D

Please find the Planning Commission Minutes of November 3, 2015 on the following pages.

**Exhibit E** Planning Commission Minutes

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 3, 2015 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Dan Lawes, Kelvin Green, Matt Quinney, David Pack, Zach Jacob, Bill Heiner, and Josh Suchoski.

**STAFF:** Scott Langford, Larry Gardner, Julie Davis, Robert Thorup, Nathan Nelson

**OTHERS:** Rick & Karleen Logan, Luella Thompson, Tim Williams, Mary Kusel, Joann Dover, Michael Dover, Randy McDougal, Christian DiFrancesco, Malorie Brask, Joe Long, Chris Terry, Tim Alders, Matt Robinson, Janet Erickson

\*\*\*\*\*

**3. Pinnacle Cove Rezone; 8891 South 1030 West; Rezone 3.46 acres from R-1-10E (Single-family residential 10,000 square foot lots) to PRD (3.77) (Planned Residential Development with 3.77 units per acre density); HcH Development Group, LLC (applicant) [#ZC20150008; parcel 27-02-177-005]**

[The applicant was not present when the Item was called, so it was moved on the agenda to be heard after Item #4.]

Tim Alders and Matt Robinson from Handcrafted Homes were present. Tim Alders said they are custom homebuilders with 22 years of experience. They understand there are constraints to this property, which is why they are asking for a zone change. Their product is in the mid to high \$300,000 range. The design will maximize the use of the space and protect the slope, giving a nice open space area. They plan to have amenities for the property owners.

Matt Robinson said they aren't asking for additional density. The 13 homes they are asking for is actually less than what would be allowed with current zoning. The proposed zoning will give flexibility to design something where they can leave the 50% slope untouched.

Tim Alders explained that 'untouched' meant it won't have a building structure. They are looking for some guidance on what the city wants on the slope. It will be maintained and used by the HOA. They could put grass there for a sledding hill, they could meander a walkway, etc. It comprises 44% of the project but it will be utilized. There are areas for a BBQ pit, gazebo, flowers, etc.

Matt Robinson said some of the open area is flat space as well.

Kelvin Green asked if there were a variety of structures and uses or if it were only single-family homes. He asked if there was a common architectural theme.

Tim Alders said they will be single-family homes, but they are custom homebuilders. There will be a variety of styles and techniques. They use pure masonry and no siding. A lot of people like the mountain rustic and craftsman looks.

Kelvin Green asked how this project has a distinct identity.

Tim Alders said it is a custom identity with custom homes with an HOA. If the planning commission recommends thirteen identical units they will do that. They haven't done that in the past because most people like to be unique in the design for their home and property while staying within the city's guidelines.

Josh Suchoski asked if there is lot ownership or if everything is controlled by the HOA.

Tim Alders said they have their own pad where they can have a flower garden, etc., but everything including the roads would be owned by the HOA.

Matt Robinson said they are open to where the lot lines should be.

Josh Suchoski said it should have a consistent look if it is a planned development.

Tim Alders said he lives in a planned development where it is more of a custom look. The landscaping is designated by the units and everyone has to use the same guidelines. The HOA will have control over making sure the property is maintained.

Josh Suchoski asked if the HOA has specific rules about parking inside the garage and about rental properties.

Tim said they will have parking regulations. They won't have on-street parking other than during the daylight hours. They also try to make the garages usable. He said they don't have rules about renting, because he had never seen where that can stand up in court. Their product is at a price point where rentals aren't feasible unless it is a high end renter. But even in a neighborhood where the homes are in the 500s and 700s there are still some rentals, so that is hard to mandate. Even if it were rented at a future date, the guidelines are still maintained and the owner is responsible.

Matt Robinson said they are trying to hit the mid 300 price point, which isn't usually priced for rentals.

There was a brief discussion regarding the rear yard setback, which will have to meet city code. The concept plan can be changed.

Larry Gardner gave an overview of the project. Main access is from 8925 South. He doesn't want to get too far into the design, because the concept plan is to show how the land will be developed as a single-family product. This site was rezoned two years ago from agriculture to R-1-10. The developer at that time started working through different subdivision design layouts and ignored the 30% slope limit in the city ordinance, so he abandoned the development. This applicant wants to develop the site, but the 30% slope is undevelopable according to the city's ordinances. The PRD zone allows for a clustering of units, in this case, to preserve an area of steep slope. It is important to remember that it is within the medium density land use designation. Gross density with this concept plan is 3.76 units per acre and a traditional R-1-10 zoning would be about 3.5 units per acre. These won't have large yards, but from what the concept plan shows and what the testimony has been from the developer it might be a product that is attractive to a group of people who are looking to get away from a large yard to a single-family home with a great view. He felt that the proposal meets all of the criteria. He noted that the subdivision approval would come back to the planning commission.

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 rezone the property located at 8891 South 1030 West from R-1-10E (Single-family residential, 10,000 square foot minimum lots) to PRD (Planned Residential Development).

Dan Lawes asked about mitigation steps to prevent erosion on the 30% grade.

Larry Gardner said there will be a full geotech study to make sure it won't slide down. Irrigation is a big concern as they saw in Riverton last summer where it was over-irrigated. The one advantage of this site is that the other sites had been mined, but this property is natural so there will be more stability. The HOA restrictions will help to preserve the hillside.

Kelvin Green asked if the street to the north meets the code for fire department turnaround. He said that the ordinance states that the concept plan gets approved concurrently with the rezoning. So if the concept plan isn't good then it is a concern.

Larry Gardner said it doesn't require a hammerhead if the street is less than 150'.

Robert Thorup didn't think it was the purpose of the code regarding the concept plan.

Larry Gardner explained that when it gets to the preliminary approval it will have to meet all of the city standards and fire codes regardless of what was submitted conceptually. They see concept plans all the time that show 'general' placement of roads and buildings. In his mind, this concept plan is more to establish the proposed use.

Dan Lawes opened the public hearing.

Karleen Logan, West Jordan resident, said her main concern was the private lane that is only 14 feet wide. She has seen over and over again people who park in the lane and block her property. This plan will expand the road only three feet and three inches and there won't be enough parking for guests, so they will drive down her lane and park in her driveway. They could easily expand the road a little more by removing house #3 and relocating some others so there is more guest parking.

Tim Williams, West Jordan resident also speaking for Mary Kusel, gave a history of the codes he had to meet when he built his home in 2003, including setback requirements. He didn't think these homes would meet the same setbacks he was subjected to. The proposed homes would be taller than the existing homes and would be on less than 2 acres with only approximately 6500 square feet per lot. He was opposed to that size of lot. The HOA doesn't address existing concerns of the current residents such as garbage pickup and fire. They currently have to wheel their cans down the street to 8925 South, and no garbage or fire truck can fit down 1030 West, which is a private dead-end street. The homes will only have six feet between them, which doesn't meet minimum spacing for buildings this tall. West Jordan won't approve townhomes, so why would they approve 'townhomes' separated by 6 feet. That area will just become an area for trash collection. This proposal is inconsistent with the existing subdivisions and their property values will plummet. Two additional large pieces of property should be considered as part of the plan. The utilities are from the 1940's and haven't been addressed. The existing property owners will have to deal with the HOA, but they will be excluded from it.

Joann Dover, West Jordan resident, said on garbage day she has at least 10 cans lined up on her north property. The garbage truck comes at 7 a.m. and can't make the curve on 1030 West because it is a private lane. If they add a potential 26 cars that have to leave for work in the morning they can't get past the cans and the truck. She was also concerned with the safety of 1075 West and 9000 South and has lobbied with the state in the past to get a traffic signal. Adding 26 cars will increase the problem.

Commissioners Jacob and Quinney were excused at 6:45 p.m.

Michael Dover, West Jordan resident, said the last time they talked about rezoning the property they discussed 8925 South, which isn't a standard width street so the garbage collection is a serious problem. They may meet the letter of the law with fire and ambulance service, but 13 homes is a significant number. He was also concerned with the intersection at 9000 South and has repeatedly asked for the traffic signal and thought that there was going to be an audit. He pointed out the only other two access points to the area. He was concerned with the slope and hopes it has been addressed adequately. The University of Utah has remodeled some of their lines for impact from earthquake and that should be considered, because the line runs at the top of that ridge.

Janet Erickson, West Jordan resident, thought it looked like a bad idea on such a narrow road with too many houses in such a little place.

Randy McDougal, West Jordan resident, supported development of the land, but it needs to be done wisely and not at this intensity. The private lane is very narrow and has a thin road base that sits on top of a ditch with just concrete tiles that hold the road up. The developer was unaware that garbage trucks couldn't go in there. Even if the road is widened it wouldn't support the weight of the garbage truck. He didn't think that the land could handle the intensity of the proposal even if it were widened a couple of feet. People will park on the road and fire trucks can't get in and out even with a turnaround. The common area in the project will be a steep slope and isn't accessible even with a sidewalk. With only six feet between homes the kids will be playing in the middle of the private lane.

Luella Thompson, West Jordan resident, said it is a private lane, which is why she and her brother don't allow the garbage trucks on it, but they are physically able to fit on it and turn around to the south. The slope is only really the steepest on the north side. She said she lived there her whole life and her family farmed the property. Cows and horses have used it and it has been irrigated, and the property is solid. It levels out to the south where it meets up with her property. She isn't against this development, because there are skunks, rats, thistles, and goat heads on the property and it has been an eyesore for years. It has a beautiful view and she would like to see something nice on the property. She thought that the development could go further down on the slope on the south side, because it is so solid.

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

Kelvin Green felt they are trying to put a square peg in a round hole. He read from Section 13-5C-1 regarding a common architectural design theme that provides variety and architectural compatibility rather than individual, unrelated buildings on separate unrelated lots. This proposal is for 13 houses on separate unrelated lots. There are 14 criteria that the code looks at to see if it meets the intent of a PRD, and he said that it fails eight of them. A PRD on 3.46 acres doesn't fit.

Josh Suchoski agreed that it doesn't fit the area. One of their responsibilities is to represent the public who have spoken tonight. He had large concerns about the private lane and the number of garbage cans that will be added to it. There won't be enough room and it would impose a safety and health hazard.

Kelvin Green said specifically Criteria #2 says it will result in compatible land use relationships and won't adversely affect the adjacent properties, which he disagreed with. Most of the properties along the private lane are 1/2 to 1/4 acre lots except three homes leading to the lane that are .15 acres. The developer's plan was disingenuous when it said that there would be "11,080 square feet per lot". The lots will be 6500 square feet, which doesn't fit the character of the neighborhood. It will be 3.77 du/ac, but there will be 13 houses stacked on top of each other with the open space in the back that the public can't access. Also, since there are specific design requirements for garages in PRDs, most of the designs shown in the package will exceed 50% of the garage front and won't work. They might build a great product, but given the context of the PRD and compatible land uses it fails Criteria #2 and #3. Criteria #4 fails with the garbage issue.

Bill Heiner said since this will have an HOA the garbage is collected on-site, which would alleviate that concern.

Josh Suchoski said even if it is picked up, Criteria #3 says the development furthers the public health, safety, and general welfare of the citizens of the city. It fails in health where there are that many people packed in on that kind of a slope. They talked about the fact that it could be mitigated, but we are probably just meeting minimum standards to build on the property.

Larry Gardner said there would be a geotech study to make sure it isn't moving and there isn't any water moving underneath, etc. He had worked in communities that had a lot of these slopes, and what really degrades them is when you cut the toe of them. This property hasn't had a lot of cutting at the toe, so it can hold a lot of weight. The development would have to meet the design criteria of the geotech study.

Josh Suchoski said even if a fire truck could get down the lane, there will probably be cars blocking the road.

Larry Gardner said there had been a lot of focus on the narrow lane. The last two applicants have been told that the street will have to be widened to a minimum of 29 feet and could be up to a 50-foot public road. That design will come as the subdivision is developed. As far as going to 8925 South, they will have to work with the south property owner to make sure the turn meets city standards. The city won't just allow someone to build as the road exists, but it will have to be completely reconstructed to meet city standards, which the applicant knows. The only private roads would probably be the ones that serve as driveways for the homes. That may or may not alleviate the garbage issue, and they still may require privately contracted service. There is no intent to force a taking on the properties to the west, but it will all have to come from the east.

Dan Lawes asked if there is anything that can't be mitigated or addressed through the remaining processes.

Larry Gardner thought they could be addressed, however, he didn't know if it will flush out at 13 units and it probably wouldn't go higher than that. Setbacks in a PRD are up to the approval of the planning

commission at the time of the subdivision, but they would want it to be consistent with the neighborhood.

David Pack said they are looking at a zoning amendment today, but a lot of the concerns could be addressed at a future date as the application goes further down the line. He agreed with what Commission Green and the citizens were saying, but as it goes forward step by step it would have to meet the criteria.

Larry Gardner said the development failed previously because the developer wasn't willing to meet the city standards.

Josh Suchoski asked what restrictions on height and number of units would be placed on the property if the zoning were approved.

Larry Gardner said the height restriction and unit count would be up to the planning commission at the time of the subdivision approval. Right now they are just establishing the area for a PRD. The planning commission has more control at the subdivision level with a PRD than with a standard subdivision. A PRD is also more flexible for a very difficult site.

Kelvin Green said the last time they did a PRD it was a PRC and they ended up with a major lawsuit with Gardner Village with some of the same issues, so he wanted to try to avoid those. The code says they concurrently approve the concept plan and based on 15-5C-2C this concept plan does not meet the requirements of the code. Specifically there are no locations of parks, common open spaces, public or private recreation facilities and improvements proposed and there is no preliminary development schedule. He will vote against this proposal.

Bill Heiner said there had been public testimony that they would like to see the property develop in a way that will be acceptable to the applicant and the neighbors. They seem to go back and forth with references to Gardner Village and with the input from staff, the developer, and neighbors they came to an acceptable end product and they were able to move forward. He felt they could do the same thing here.

David Pack appreciated all of the comments on both ends. It is a quasi-judicial decision and there are findings that don't fit. But he could also see how the square shape could get rounded off as it keeps hitting against everything that needs to be done with the other processes. He tends to lean toward Commissioner Heiner that they can come to an amicable solution. If they do move forward it doesn't mean that things need to be as they currently are.

Dan Lawes agreed with both, but was hung up on the code and the concept plan.

Josh Suchoski said both parties have heard a lot tonight and he wondered if they should readdress it with another concept plan rather than voting on it tonight. Because of the problems with the code and quasi-judicial decision perhaps both parties could get together and bring back a better concept plan.

Kelvin Green agreed somewhat. In his experience with Gardner Village, the developer later told him that he got too focused on his project and he wished the neighbors would have been involved a lot

sooner. Some of the neighbors are not adverse to development, so maybe they could come back with a better plan that the neighbors could agree with.

Dan Lawes asked if staff was opposed to a continuation.

Larry Gardner said staff isn't opposed but it is the developer's application and they may just want a vote.

Tim Alders respected the neighbors and they did reach out in the first place. Unfortunately developers are normally looked at as the bad guy. They are trying to make a profit, but they are trying to protect the landowner and property values, etc. They have to go back through the process and make sure the road is safe, they have to do geotech studies and they have to invest a lot of money to even make sure it is safe, and if it is not safe then they have to walk away. They know they have to make the road better. They know the HOA does the garbage pickup and they have to address the process. However, if they run the numbers with the property value, three or four lots isn't profitable for a developer. They want to have a nice quality project that will turn a profit. They still have a process to follow with the size and shape of the homes. They usually like to give people flexibility, but if the city wants them all to match then they will. If they have to walk away from the project it will not only hurt the property owner, but it will hurt his sister as well. They believe it can be a feasible product even though they might lose a unit. They will widen the road. They try to keep the long driveways in the conceptual so people will park down the driveway and not on the private lane. The people complaining about parking on the private lane *are* parking on the private lane. They can set codes for the HOA that they can't go on the lane, but he can't guarantee it will go perfectly. It will be another \$50-75K to test the property and if it doesn't work they will have to walk away. It is always nice to get the public involved but it isn't the public's money at risk. They are not huge developers, so they look for properties where they can add value to the neighborhood. Having homes that sell for more than the existing homes won't deter the existing properties. They know they have to mitigate certain things through the process, but if they don't get some kind of a green light then the money have to invest every month to hold on to the property isn't worth it. Then it will be a field for another 2-5 years until the city will allow a nice development to come in. They are willing to take the advice of the commission and work with them, but they would like a vote tonight.

Josh Suchoski understood the perspective that there is money involved, but since the code is tied to the requirement, without the additional drawings he will have to vote no. Speaking of value, it doesn't always mean money. There is value in someone's right to enjoy where they live. He understood that sometimes people don't want to see change. There could be some room to compromise in this instance, but it seemed that the developer wasn't willing to give them another drawing to show that intent.

Scott Langford appreciated the discussion and attention to detail and to the code. Referring to the code, this is a PRD and unlike a standard R-1-10 Zone the commission does have the ability and authority to recommend specific conditions of approval to the city council to mitigate certain aspects for development. As they consider their motion tonight they can go through their concerns and request council to consider certain conditions of approval, including cap on density, etc.

David Pack said the developer wants a vote tonight no matter what. The citizens want it developed and they will have to compromise. It would be in the best interest of everyone and the time invested so far to see something different that is more amenable to all parties.

MOTION: Josh Suchoski moved to table the item and give the developer and homeowners time to discuss and compromise and bring back a plan that doesn't have to be drawn and drafted but something that shows intent on the part of the developer and compromise on the part of the citizens before they make a decision on this item. The motion was seconded by David Pack.

There was additional discussion regarding what specifically they want the developer to show on the plan. A drawing to show intent and compromise between the citizenry and the developer. A general concept with basic dimensions, widths of driveways, roadways, design of open areas. Questions should be answered regarding use of the street, parking, traffic flow, garbage collection, public and private recreation facilities and improvements, and how the public will access the open space.. The submittal needs to meet what is required by the code.

Larry Gardner asked if he understood the commission with action that if the applicant is willing to bring something back then the commission will be leaning toward the positive direction. He didn't want to make the developer go to this work if they are just going to deny it anyway stating that the PRD doesn't fit in the area. He said that the intent is that the facilities would be private; they don't have to be public.

Kelvin Green said Criteria 9 speaks about open lands for the general benefit of the community and the public at large...". They are supposed to encourage and provide open land. If they can't meet some of the basic intent of the development then it can't fit.

Larry Gardner said the code also states that the control exercise be a minimum necessary to achieve the purpose of the chapter and doesn't necessarily have to meet all 14 criteria. They weren't ever intending to open up three acres of property to the public; maybe if it were 100 acres.

Kelvin Green said 100 acres would meet the definition of PRD.

Josh Suchoski said the developer just needs to give them information on the concept plan on how he plans to finish the open space.

VOTE: The motion failed 2-3 with Dan Lawes, Kelvin Green, and Bill Heiner casting the negative votes. Matt Quinney and Zach Jacob were absent.

**MOTION: Kelvin Green moved based on the findings in the staff report and upon the evidence and explanations received today to forward a negative recommendation to the City Council for Pinnacle Cove; 8891 South 1030 West; HcH Development Group, LLC (applicant) to rezone 3.46 acres from R-1-10E (Single-family residential 10,000 square foot lots minimum) to PRD (Planned Residential Development) Zone specifically he disagreed with the staff and finds that the following criteria for the zoning map amendment have not been made:**  
**Criteria 2: The proposed amendment will not result in a compatible land use relationship and does adversely affect the adjacent properties.**  
**Criteria 3: The proposed amendment does not further the public health.**

**Criteria 4: The proposed amendment will unduly impact the adequacy of public services and facilities intended to serve the zoning area. The motion was seconded by Josh Suchoski and passed 3-2 in favor of a negative recommendation with Dan Lawes and Bill Heiner casting the negative votes. Matt Quinney and Zach Jacob were absent.**

Dan Lawes reminded the Commissioners that the next meeting will be held on Wednesday, November 18th.

**MOTION: Kelvin Green moved to adjourn.**

The meeting adjourned at 7:40 p.m.

DAN LAWES  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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

**Exhibit F**      **Ordinance**

**THE CITY OF WEST JORDAN, UTAH**

**A Municipal Corporation**

**ORDINANCE NO. 15-35**

**AN ORDINANCE AMENDING THE ZONING MAP FROM R-1-10E (SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOT MINIMUM “E” SIZE HOMES) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT) ZONE FOR 3.45 ACRES OF PROPERTY LOCATED AT 8891 SOUTH 1030 WEST.**

WHEREAS, an application was made by HCH Development Group, LLC to amend the Zoning Map from R-1-10E (Single Family Residential 10,000 Square Foot Lot Minimum “E” Size Homes) to PRD (Planned Residential Development) Zone for 3.45 acres of property located at 8891 South 1030 West.

WHEREAS, on November 3, 2015 the rezone request was considered by the Planning Commission, which has made a negative recommendation to the City Council concerning the rezone request to PRD (Planned Residential Development) from R-1-10E (Single Family Residential 10,000 Square Foot Lot Minimum “E” Size Homes) Zone for 3.45 acres of property located at 8891 South 1030 West; and,

WHEREAS, a public hearing, pursuant to public notice, was held before the City Council on December 2, 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 changing the zoning from R-1-10E (Single Family Residential 10,000 Square Foot Lot Minimum “E” Size Homes) to PRD (Planned Residential Development) Zone located approximately at 8891 South 1030 West, Parcel ID: 27-02-177-005; more appropriately described below:

TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. SECTION 2: Beginning at a point on the north-south 1/4 section line and being North 0°03’42” West 600.76 feet (Deed = North 600.76 feet); thence continuing North 0°03’42” West 474.58 feet (Deed = North 474.7 feet) along said north-south 1/4 section line to the Southeast Corner of Lot 14, Terra Pointe Subdivision; thence South 89°45’28” West 314.51

feet (Deed = West 319.31 feet) along a line parallel with the east-west 1/4 section line to a point on the east boundary line of the Farm Meadows Estates Subdivision No. 1; thence South 0°36'00" West 474.63 feet (Deed = South 0°39' West 474.3 feet) along the east boundary line of said Farm Meadows Estates Subdivision No. 1 and along the east boundary line of the Knollwood Subdivision, Phase 1; thence North 89°45'28" East 319.99 feet (Deed = East 324.69 feet) along a line parallel to said east-west 1/4 section line to the point of beginning, containing 3.456 acres.

The described property shall hereafter be subjected to the PRD (Planned Residential Development) 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 2nd day of December 2015.

**CITY OF WEST JORDAN**

By: \_\_\_\_\_  
 Kim V. Rolfe  
 Mayor

ATTEST: \_\_\_\_\_

MELANIE S. BRIGGS, MMC  
 City Clerk

<b>Voting by the City Council</b>	<b>"AYE"</b>	<b>"NAY"</b>
<b>Councilmember Haaga</b>	_____	_____
<b>Councilmember Rice</b>	_____	_____
<b>Councilmember Nichols</b>	_____	_____
<b>Councilmember Hansen</b>	_____	_____
<b>Councilmember Southworth</b>	_____	_____
<b>Councilmember McConnehey</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]

\_\_\_\_\_