

REQUEST FOR CITY COUNCIL ACTION

SUBJECT: Barber Property General Land Use Plan (GLUP) Amendment and Rezone

SUMMARY: Barber property GLUP Amendment and Rezone; 7401 South 5490 West; Future Land Use Map Amendment for 10.02 acres from Very Low Density Residential to Low Density Residential and Rezone 10.02 acres from "RR-1D" (Rural Residential, 40,000 sq. ft. minimum lot area) to "R-1-12F" (Residential, Single-family, 12,000 sq. ft. minimum lot area) & RE-20 (Residential Estate, Single-family, 20,000 sq. ft. minimum lot area); Ryan Peterson/Peterson Development, LLC (applicant) [Kent Page #18767; parcels 20-25-300-007 and 20-25-300-008]

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff offers a weak positive recommendation to the City Council regarding Ordinance No. _____.

PLANNING COMMISSION RECOMMENDATIONS: The Planning Commission on August 20, 2019 forwarded two negative recommendations (both with a 6 to 0 vote) that the City Council deny the Barber Property's General Land Use Plan (GLUP Amendment based upon Finding A it is not consistent with the general plan, Finding D this will benefit a particular person, and Finding E it will adversely impact the neighborhood and community; and deny Barber Property's Rezone request based on Criteria 1 it is not consistent with the general plan, Criteria 2 it is not consistent with the neighborhood, Criteria 3 it doesn't meet the health, safety, and welfare of the area, and Criteria 4 public services including fire protection is not available.

MOTION RECOMMENDED: "I move that the City Council approve Ordinance No. 19-45."

Prepared and presented by: Kent Page
Kent Page, AICP
Senior Planner

Recommended by: [Signature]
Larry Gardner, AICP
City Planner

Authorized for
Council Consideration: [Signature]
David R. Brickey
City Manager

Approving as to Form: [Signature]
Duncan Murray
Assistant City Attorney

I. BACKGROUND:

The application requests before the City Council, in public hearings October 23, 2019 and December 4, 2019, the following:

- 1) Amend the Future Land Use Map from Very Low Density Residential to Low Density Residential.
- 2) Rezone from RR-1D (Rural Residential 40,000 sq. ft. minimum lot area) to R-1-12F (Single-family residential, 12,000 sq. ft. minimum) and RE-20 (Residential Estates, 20,000 sq. ft. minimum).

The proposed amendment affects 10.02 total acres at approximately 7401 South 5490 West. The southern parcel (20-25-300-008) contains one single-family dwelling; the northern parcel (20-25-300-007) has no existing dwelling; both parcels have been used for agriculture.

If the land use map amendment and rezoning are approved, the applicant is proposing to subdivide the properties into 19 single-family residential lots. (Please see Exhibit D)

Exhibit D is a revised Concept Plan submitted before the City Council. The Concept Plan shows 19 lots over 10.02 acres with R-1-12 and RE-20 zoning. Because the rezone application from Planning Commission to City Council has been revised to have less dense potential density, staff believes it is not necessary for the Planning Commission to give a recommendation based on this revised Concept Plan.

One of the concerns voiced in the August 20, 2019 Planning Commission meeting was the potential conflict between lots zoned Rural Residential (RR) with greater animal rights and lots zoned just "Residential" (R-1-12). Since the August 20, 2019 Planning Commission meeting; the rezone application is revised to show R-1-12 and RE-20. However, unlike Rural Residential zones, Residential Estate zones do not provide additional animals rights over just Residential zones so the potential conflict between animal rights still exists.

II. GENERAL INFORMATION & ANALYSIS

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

	Future Land Use	Zoning	Existing Land Use
North	Very Low Density & Low Density Residential	RR-1D & RR-.5D	Agriculture & Single-family Residential
South	Low Density Residential	R-1-12F	Single-family Residential
East	Medium Density Residential	RR-1E	Single-family Residential
West	Very Low Density & Low Density Residential	A-1 & RR-1D	Agriculture & Single-family Residential

III. FINDINGS OF FACT

Section 13-7C-6: Amendments to the Land Use Map

According to City Code, Section 13-7C-6, any amendments to the general plan, including maps, shall be approved only if the following are met.

Finding A: *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

Discussion: Statements, goals, and policies in the General Plan support and do not support the proposed Land Use Amendment (pp.18-32)

Goal	Conforms
Maintain Stability & Consistency In Land Use Decision-Making	No
Continually & Consistently Update the Future Land Use Map, Zoning Map, and Zoning Ordinance for ease of Reference and Administration	Neutral
Promote Land Use Policies & Standards that are Economically Feasible & Orderly, which also Protect Desirable Existing Land Uses & Minimize Impacts to Existing Neighborhoods	Neutral
Provide a Safe & Healthy Living Environment for All Citizens of the City	Neutral
Establish Community Pride through Creation of Attractive, Well-designed, & Maintained Neighborhoods	Neutral
Manage Growth Occurring Within the City	Neutral
Encourage a Diversity of Dwelling Unit Types & Densities in Residential Areas	Yes

“Land use decisions shall, as much as possible, be guided by the maps, goals, and policies of the General Plan.” (p.18) The General Plan calls for this property to be “Very Low Density Residential.”

The General Plan states that lower density single-family residential uses are most preferred while a range of residential densities and housing types should be provided (p.23).

The General Plan defines “Very Low Density Residential” as up to two dwellings per acre; “Low Density Residential” is defined as 1 to 3.0 dwelling units per acre (p.24).

The Future Land Use Map calls for the two parcels (in this rezone application) to continue to be “Very Low Density Residential”; R-1-12 (the proposed rezone) is considered “Low Density Residential” but not “Very Low Density Residential”.

The General Plan advises to “Update the Future Land Use Map on an as-needed basis after positively finding that the location of the new or changed use is appropriate for the area and that no negative impact will be created to the neighborhood or the city because of the change”. (p.19) The General Plan is dated 2012, and growth around subject properties have since changed acceptable fire response times. Public road 5490 West is master planned as a 60-foot collector street.

The City has changed the land use and zoning on properties to the south to R-1-12.

Finding: The proposed GLUP (General Land Use Plan) map amendment conforms with the City's General Plan.

Finding B: *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment. (See Comprehensive General Plan, pp. 23-32)*

Discussion: The City has relatively few undeveloped acres classified as "Low Density Residential". Most "Low Density Residential" properties are built-out.

It is a General Plan residential goal and policy to provide a safe and healthy, living environment for all citizens of the city and to ensure safety, accessibility, and walkability within and between neighborhoods (p.26). While the official Future Land Use Map should accurately represent the future land use needs and goals of the city (p.19), walkability within and between "Very Low Density" or "Low Density" can be unrealistic.

Finding: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity*

Discussion: The proposed amendment is compatible with adjacent "Low Density Residential" and single-family land use to the south; but it will be less compatible with adjacent "Very Low Density Residential" to the north and to the west. The Future Land Use Map calls for this property to remain "Very Low Density Residential."

"Low Density Residential" is often not compatible with "Very Low Density Residential" because zones considered "Very Low Density Residential" need more acreage to conduct rural residential land uses such as the maintaining and keeping of large animals. However, the adjacent "agricultural" land is minor agricultural – often considered "hobby farming". And, zones classified as "Very Low Density Residential" need more acreage to buffer potential nuisances (insects, odors, noises) between properties that maintain animals and fowl and properties which do not. Only the Rural Residential (RR) zones classified in the "Low Density" designation allows the maintaining and keeping of animal and fowl; most zones in this designation do not allow the maintaining and keeping of animal and fowl.

Finding: The proposed amendment will be compatible with and incompatible with other land uses, existing or planned, in the vicinity.

Finding D: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The application holds the burden of proof that the proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.

The application, before the Planning Commission, addresses whether the amendment is an overall improvement to the adopted general land use map by answering the following questions with the following answers:

1. Public purpose for the amendment in question.

The public purpose for the amendment in question is to change 10.02 acres to a zone and land use that fits well with the adjacent zoning and land uses and will be a good fit for the adjacent existing neighborhoods.

2. Confirmation that the public purpose is best served by the amendment in question.

Low density single family lots are the best fit for these parcels when considering the existing land uses surrounding this site. Due to the shape of the parcels, with the intent of keeping one lot with an existing home as a lot, we will have varying lot sizes. The smallest lot we are seeking would fall within the 12,000 square foot minimum lot size requirement. All others are larger so we are requesting the R-1-12F zone to meet this minimum requirement.

3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.

The proposed amendment is compatible with the general plan policies, goals and objectives. The adjacent zones are RR-1D to the north, RR-1E to the east, R-1-10D(ZC) to the south-east, R-1-12F to the south and A-1 to the west. The surrounding land uses are very low, low and medium density residential. This is a prime location to put low density residential with lots ranging in size to match the adjacent lots and home sizes.

4. Consistency of the proposed amendment with the general plan's timing and sequencing provisions on changes of use.

The proposed amendment is consistent with the general plan's timing and sequencing provisions of changes of use. This property has not been submitted for any changes in zone or land use in the past year.

5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's policies.

The proposed amendment supports the general plan's policies regarding keeping a majority of new development as single-family lots. The proposed amendment also supports the general plan's policies on the location of low-density single-family housing.

6. Adverse impacts on adjacent land owners.

The impacts to adjacent landowners will be minimal. Access to this subdivision will be gained from the existing stub road in the Bella Estates subdivision and from 5490 West. Due to the 4-minute response time for fire/emergency vehicles it is required that we stub onto 5490 West. We are

proposing 17 lots (19 with revised concept) so there will be minimal impact on traffic through the existing neighborhood. It will trigger the development of 5490 W. adjacent to and south of these parcels into a public street so there will be less traffic drawn through the existing neighborhood to the south and will allow a more direct route onto 5490 W. and out onto the arterial street 5600 W. This will allow for more direct vehicular and pedestrian access from the existing neighborhood to the commercial center on 5600 W. and 7800 S.

7. Verification that the correctness in the original zoning or general land use plan map is correct for the area in question.

The original zoning is consistent with the general land use plan map.

8. Impacts on City services such as water, sewer, storm drain, public streets, traffic, fire and police services.

There is water, sewer, and storm drain stubbed in 5400 West. 5490 W. will be constructed on the portion adjacent to this project. There will only be an estimated 17 lots in this project so impact to traffic will be minimal. This project will not have a large impact on fire and police services.

9. Impacts on schools.

This project will have minimal impact on schools due to it only including 16 new lots (19 with revised Concept Plan).

10. Impacts on the local economy and other factors as requested by the planning department.

This project will have minimal impact on the local economy.

Finding: It is unclear whether the proposed amendment constitutes an overall improvement to the adopted general land use map.

Finding E. *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The City's Transportation Master Plan identifies 5490 West street to become a two or three lane collector regardless of this proposed amendment; as a result, 5490 West's right-of-way is in the process of widening.

Finding: As mentioned in Finding A, the proposed amendment will and will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements than would otherwise be needed without the proposed change.

Finding F. *The proposed amendment is consistent with other adopted plans, codes and ordinances.*

Discussion: Staff is not aware of any other adopted plans, codes, and/or ordinances that are consistent with or inconsistent with this request.

Finding: Staff is not aware of any other adopted plans, codes, and/or ordinances that are consistent with or inconsistent with this request.

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

Prior to making a positive recommendation to the City Council for a Zoning Map amendment, the Planning Commission considered 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 rezone application is to change the current RR-1D (Rural Residential, 40,000 sq. ft. minimum lot area) to R-1-12F (Single-family Residential, 12,000 sq. ft. minimum lot area) and RE-20 (Residential Estate, 20,000 sq. ft. minimum lot area).

This question has essentially been answered already under "Finding A": the General Plan says that lower density single-family residential uses are most preferred while a range of residential densities and housing types should be provided (p.23).

The 2012 General Plan defines Very Low Density Residential and Low Density Residential land use designation as follows:

"Very Low Density will include development having up to two dwelling units per acre. Characteristics of land in this category range from extremely large acreages of land still in agricultural production, to fairly large lots (an acre or more) some of which may allow horses and other farm animals to be kept. Very low density residential uses are appropriate as a buffer between higher density single-family development and dedicated open lands or on hillsides where sensitive slopes make higher density development inadvisable." (p.24)

"Low Density Residential will include development providing for low intensity single-family detached residential uses typically found in suburban and traditional neighborhoods." (Page 25)

The current zoning map shows few properties zoned R-1-12, and the Future Land Use Map shows few properties classified as Very Low Density Residential.

The General Plan classifies the proposed zone of R-1-12 as "Low Density Residential" and this particular property to be "Very Low Density Residential."

The following is the Residential Density table from the General Plan:

Residential Density - Adjusted Net Density

Density Designation	Density Range (Dwelling Units Per Acre)	Zoning Districts
Very Low Density	Up to 2.0	All A, RR, RE Zones, PC, PRD
Low Density	1 to 3.0	RR, RE, R-1-12, R-1-14, PC, PRD
Medium Density	3.1 to 5.0	R-1-8, R-1-9, R-1-10, PC, PRD
High Density	5.1 to 10.0	RM, R-1-5, R-1-6, R-2, R-3-6, R-3-8, R-3-10, PC, PRD
Very High Density	10.1 and up	R-3-12, R-3-16, R-3-20, R-3-22, PC, PRD

The proposed R-1-12F zoning is compatible with the southern adjacent property zoned R-1-12F. However, it is not compatible with the A-1 property to the west, the RR-1D to the north, nor the RR-1E to the east. (This general area will continue to experience pressures for denser zoning due to surrounding areas having denser zoning.)

With sufficient road dedication, the concept plan is compliant with the master transportation plan for 5490 West to become a two or three lane collector road.

The proposed rezone to R-1-12F is not in compliance with the current General Plan's land use designation of "Very Low Density", and the proposed rezone to RE-20 is probably considered "Low Density" while RE-40 is considered "Very Low Density".

Finding: The proposed amendment is consistent with and inconsistent 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: Changing the land use from Rural Residential, one-acre minimum to Residential, 12,000 square foot lots minimum and Residential Estate, 20,000 square foot lots will be positive for the existing R-1-12 adjacent properties, but it will be negative for the remaining Rural Residential adjacent properties. Rezoning (and the subsequent development) will allow the City to acquire additional right-of-way for a master planned two or three lane collector along 5490 West.

Finding: The proposed amendment will result in compatible and incompatible land use relationships and does and does not adversely affect adjacent properties. The current and the proposed land uses are both single-family.

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

Discussion: The rezone application's concept plan shows potential in furthering public health, safety and the general welfare of the citizens of the City with the proposed amendment. Staff has been working with the applicant to improve visualization of how this property, if rezoned, can best be utilized to further the public health, safety and general welfare of the citizens of the City.

As stated earlier, it can be reasonably argued that the proposed amendment furthers the public health, safety and general welfare of the citizens of the City; it can also be reasonably argued that the proposed amendment hinders the public health, safety and general welfare of the citizens of the City.

The proposed rezone's concept plan can establish community pride through the creation of an attractive, well-designed, and maintained neighborhood. (p.27)

Finding: The proposed amendment may further 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 proposed amendment will not unduly impact the adequacy of public services and facilities, but it will stretch fire response times without development of 5490 West. The Fire Department says that the concept plan submitted with this rezone application provides adequate emergency access.

Finding: The proposed amendment should 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: This property is within the Airport Overlay Conical Zone (Ac): "A zone that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000')." The Conical Zone is considered the least impactful area of the Airport Overlay Zone. When this property is platted, the plat should state that this area is within the "Airport Overlay Conical Zone (Ac)".

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

V. SUMMARY OR CONCLUSION

This application's proposed Future Land Use Map amendment from Very Low Density Residential to Low Density Residential, and proposed Rezoning from RR-1D to R-1-12F and R-E-20 is partially supported by the General Plan.

VI. ATTACHMENTS

- Exhibit A – Zoning/Future Land Use Map
- Exhibit B – Aerial Map
- Exhibit C – Concept Plan presented to Planning Commission
- Exhibit D - Revised Zoning Request & Concept Plan to City Council
- Exhibit E - August 20th Planning Commission Minutes
- Exhibit F - August 20th Planning Commission Minutes
- Exhibit G - August 20th Planning Commission Minutes
- Exhibit H - August 20th Planning Commission Minutes
- Exhibit I – Application

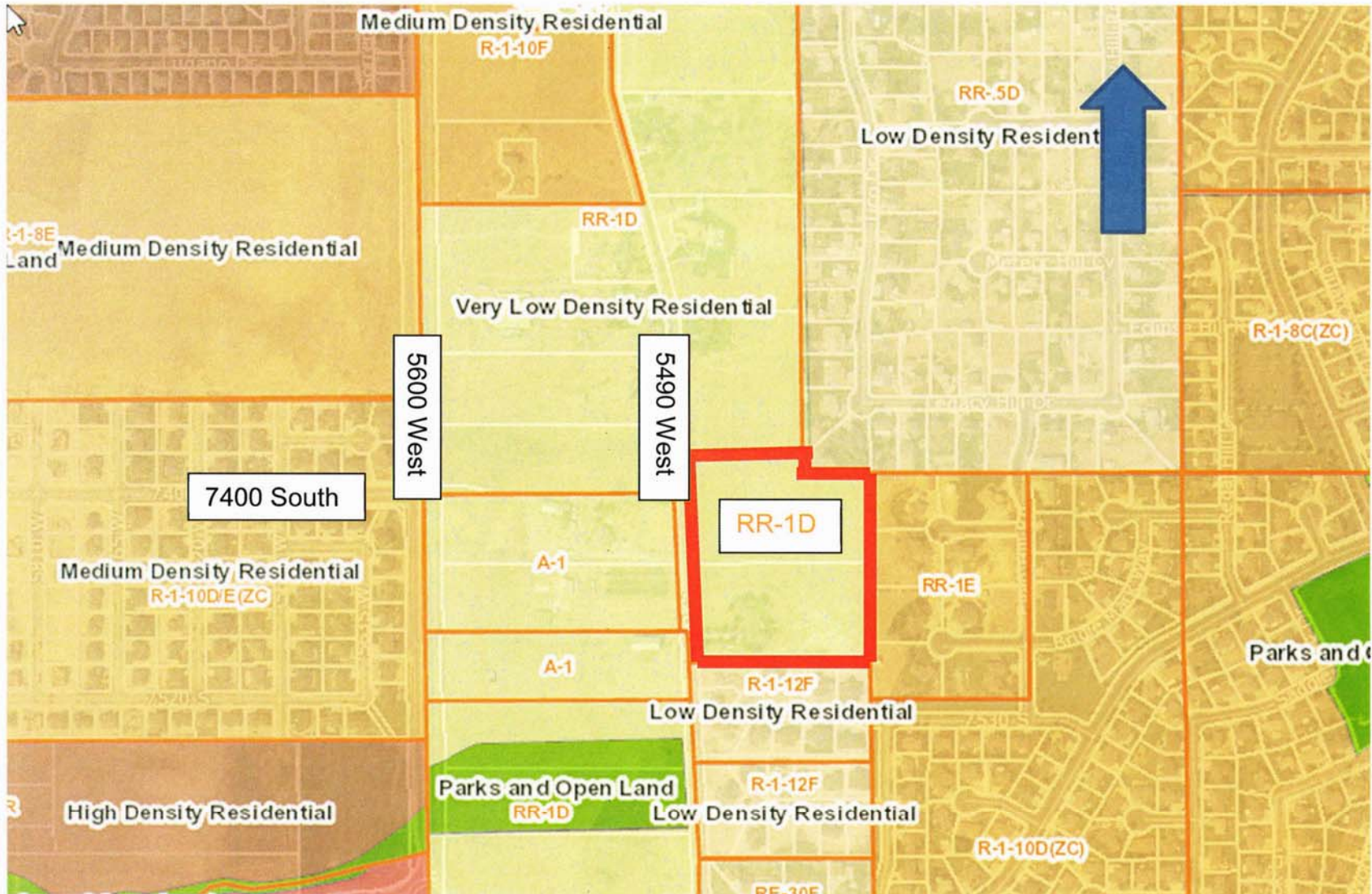


Exhibit A

Zoning/Future Land Use Map

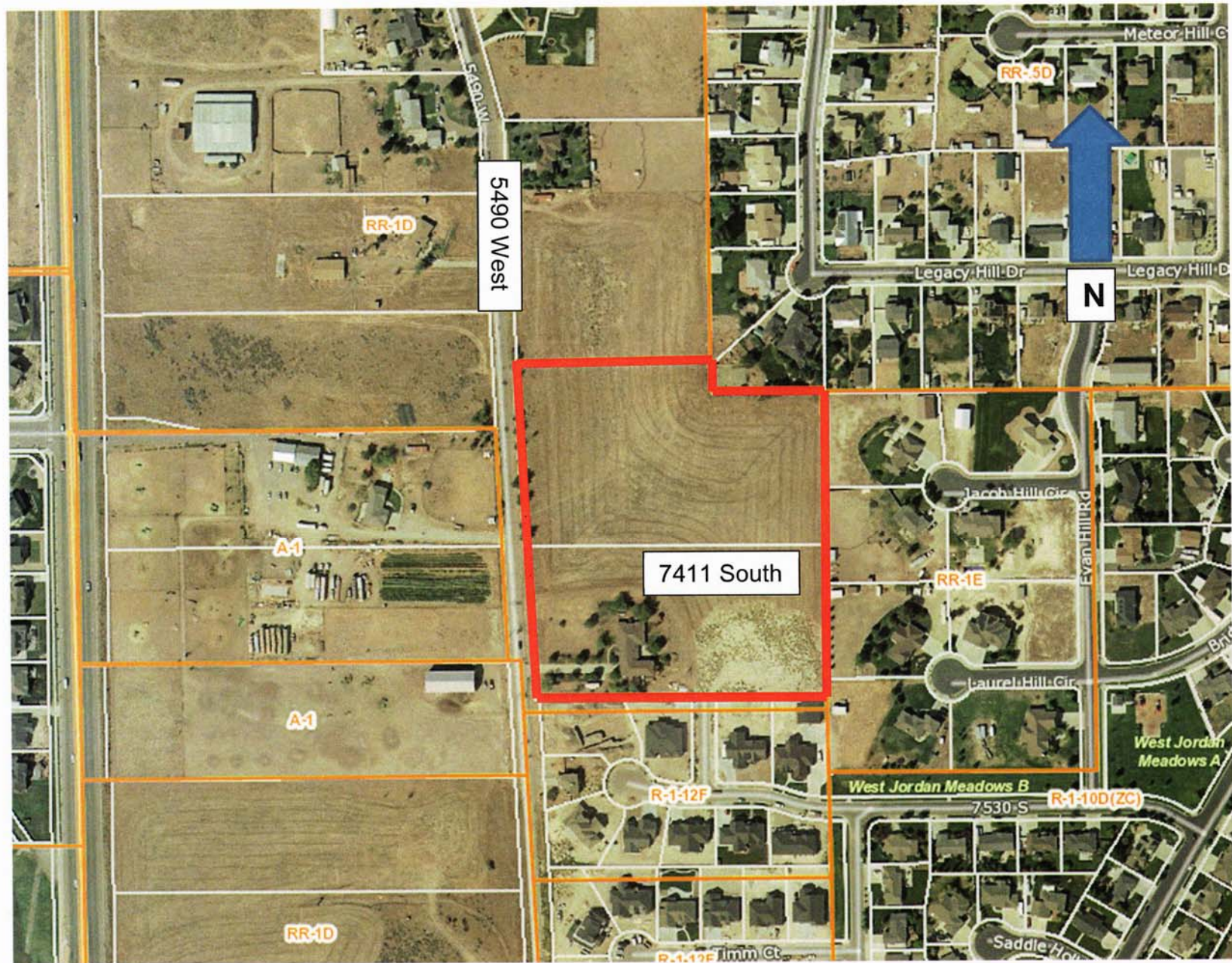


Exhibit B

Aerial Map

Barber Property

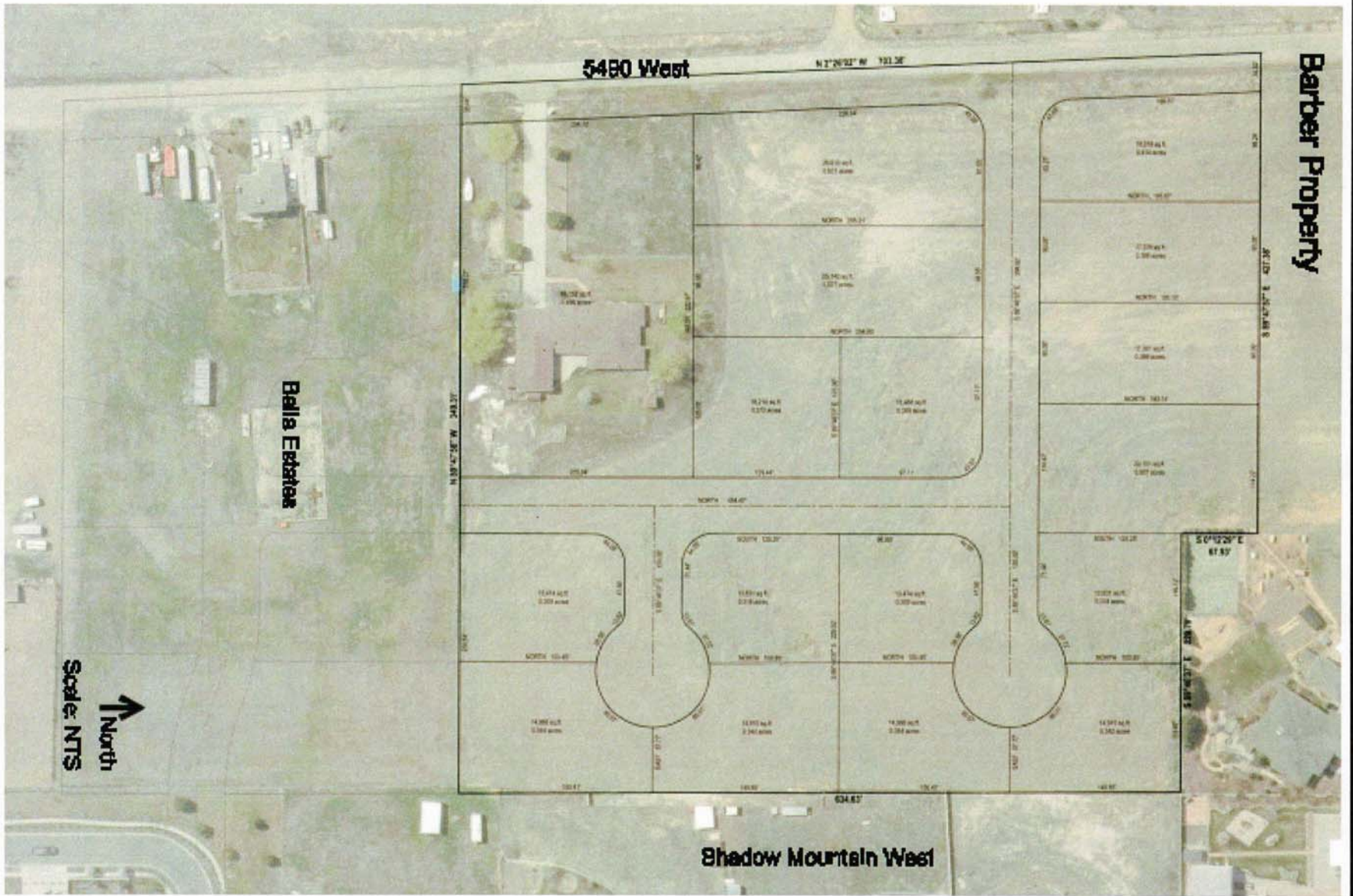
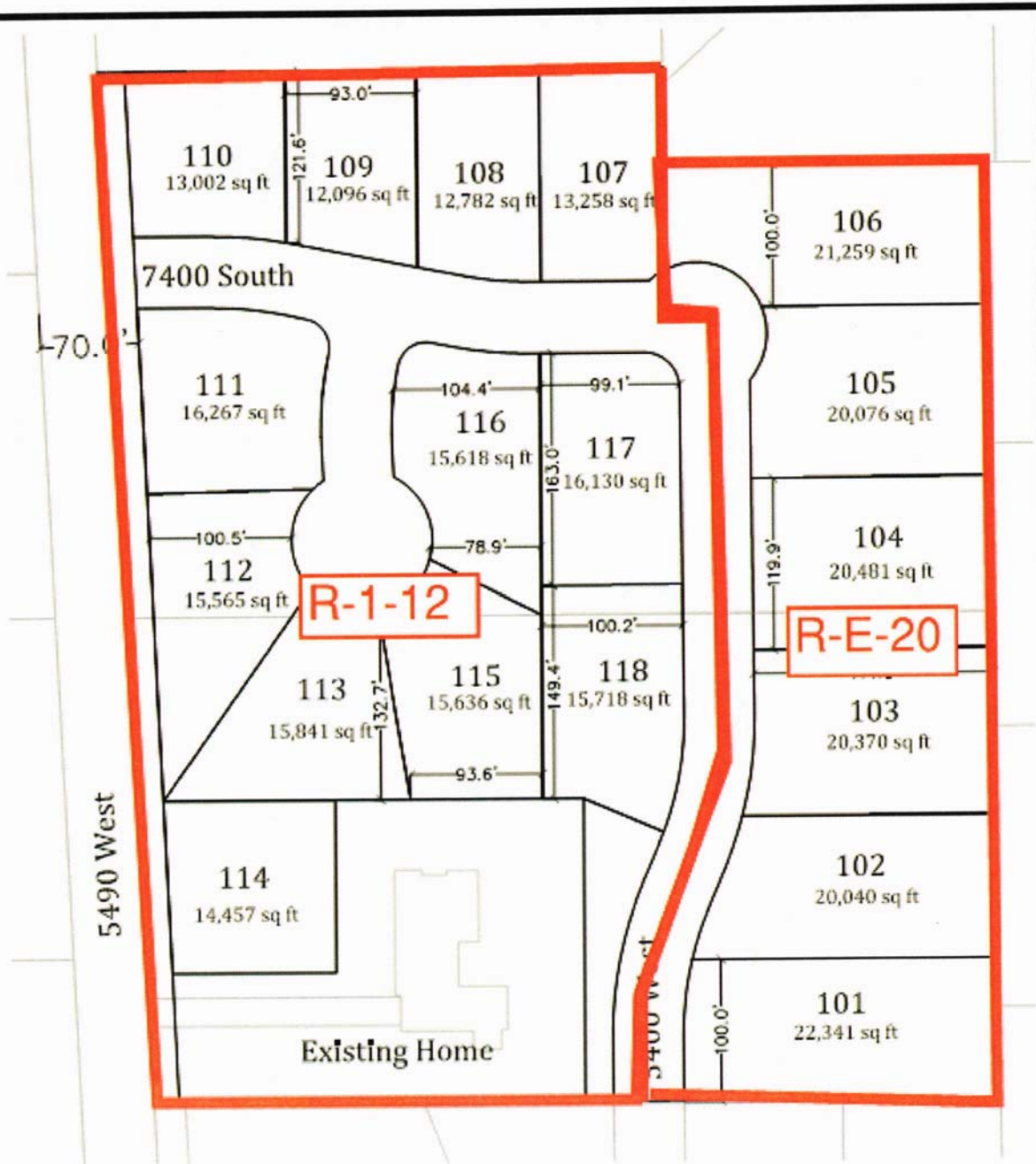


Exhibit C

Concept Plan
presented to P.C.



Revised Zoning Request
& Concept Plan to C.C.

Exhibit D

4. **Barber Property; Continued from July 16, 2019; 7401 South 5490 West; General Plan Land Use Map Amendment for 10.02 acres from Very Low Density Residential to Low Density Residential and Rezone from RR-1D (Rural Residential 1-acre minimum lots) Zone to R-1-12F (Single-family Residential 12,000 square foot minimum lots) Zone; Peterson Development LLC/Ryan Peterson (applicant) [#18767; parcel 20-25-300-007, 008]**

Kaylen Nichols, representing Peterson Development, explained the proposal for 10 acres to be changed to R-1-12F, which is the same as Winner's Circle and Bella Estates subdivisions to the south. This is a good transitional zone from the existing neighborhoods on the east to the medium density to the west. The concept plan shows 17 lots from 13,474 square feet to 65,000 for an existing house. The subdivision will connect with the stub road in Bella Estates, and due to the fire department requirement for response time, they have been asked to access 5490 West. That has triggered discussions with city staff regarding how that property will be acquired. That road is on the transportation master plan as a 2-3 lane collector street, so the city is pushing for that to happen and looking into the correct avenues to obtain the right-of-way.

Kelvin Green hadn't seen anything in the presentation that shows very low density is incorrect for this area. He asked why there is a need to change the general plan from very low density.

Kaylen Nichols said the property owner is selling the land for his retirement. They chose to ask for low density instead of medium to replace very low density.

Ryan Peterson said the property owner is selling for his retirement, and there isn't as much demand for lots in the very low density residential category. They are proposing sizes in the range of 14,000 to 18,000 square foot lots. The interest in a large 1-acre lot has become less over time and more for the smaller more manageable lots.

Kelvin Green said if this is approved it will continue to change to the north, and he is concerned that it won't stop.

Ryan Peterson said there are still larger lots available throughout the city and come up for sale from time to time. Regarding the properties to the west and north in this area, if there is sufficient demand for larger lots in the very low density range then those people will make their interests known and developers will pursue the larger size.

Kent Page said page 19 of the General Plan advises the city "to update the future land use map on an as-needed basis after positively finding that the location of the new or changed use is appropriate for the area and that no negative impact will be created to the neighborhood or the city because of the change". The City has changed the land use and zoning on properties to the south identical to this request, so it could be backed up by the General Plan that this request is reasonable in the balance, that there are adequate services, and that 5490 West is master planned as a collector road and would alleviate some of the pressure on 5600 West.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend the General Plan Future Land Use Map for 10.02 acres from Very Low Density Residential to Low Density Residential and to rezone 10.02 acres from RR-1D to R-1-12F for property located at 7401 South 5490 West.

The Commission read through the emails sent to them from Bret Burgon, Adrian & Bryce Hummel, and David Smith, who mainly had concerns regarding animal rights, preferred lot size of ½ acre, and retention of the private lane.

Matt Quinney opened the public hearing.

Milton Schow, West Jordan resident directly east, said based on the concept plan it is making a big transition from his 1-acre lot to 1/3 acre lots. He wouldn't support anything less than ½ acre to keep it consistent with the neighborhood.

Spencer Burt, West Jordan resident, said the proposal is for the same zoning as to the south, but they are 1-acre lots to the east, so it needs a better transition. He chose his new location because he wanted to stay in the area and there is a great demand for ½-acre lots. There are plenty of quarter-acre lots in West Jordan. He said we shouldn't even be considering a rezoning until there is a second access point.

Melissa Wood, West Jordan resident, said this property backs her property. She lives on a half-acre and the people east of that live on 1-acre and to the west they are on five and ten acres. She would like these lots to be half-acre minimum in order to be consistent with her property with animal rights. She doesn't want the influx of people to complain about their animals. If there is a through road to 5490 West, it will cause more traffic to come in front of her house. She pointed out some language in the staff report that said the request does not comply with the general land plan, so she would like further discussion. She thought it would be a long time before 5490 West will be made public.

Tiffany Ostrander, West Jordan resident, is on an acre property that backs this property. The concept plan shows the smallest lots next to their 1-acre lot and the larger lots are toward the front. She has horses, and neighbors who do not have agricultural lots typically don't like to live next to them. The report says that the adjacent subdivision to the south is compatible, but those lots don't back any agricultural lots. The report also recognizes that the property isn't compatible with the property to the east, because of lot size and animal issues. She recommended that the property be developed as 1-acre horse property lots.

Steve Schiele, West Jordan resident, said people appreciate larger lots. He built in this area because he wanted to live on an acre. To put 12,000 square foot lots next to them doesn't do well to those people who have animal rights. Because of the flies and odors that comes with animals it never plays well for those who own them. If they continue with this change, he recommended that they move the 1-acre properties next to the 1-acre lots and to include a buffer if they aren't going to have animal rights. It is a selling factor to his property to have animal rights and that is why they live out there.

Shane Bowler, West Jordan resident, lives on the A-1 property to the west. His concern is that the concept plan shows his private land being dedicated to the city and there hadn't been a discussion with Peterson Development yet. If 5490 West does go public, he wondered what that would look like for the remaining private lane. There should be more due diligence before a decision is made.

JR Moore, West Jordan resident, felt they are getting the cart before the horse for a development that requires two access points before the second access is established. He recently moved to the new area to the south and if there had been a half-acre lot, he would have bought it. The home costs to the south are very expensive, which is evidence that this part of West Jordan is ready for a higher end development and it is up to the city to continue that trend.

Randy Bowler, West Jordan resident, said he had done a lot of development in the city. In addition to the A-1 property that Shane Bowler spoke of, they also own acreage north on the private road. The action on this proposal will impact those parcels. It would be inappropriate to make any decision until there is a proper resolution to the questions, especially the access issue and how the dedication of 5490 West would affect the private road to the north. Property ownership goes to the center of the road on 5490 West, so property owners on that stretch of road will have to agree to any dedication.

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

The applicant had nothing to add.

Kelvin Green was fundamentally opposed to the project. The only compatible use in the area would be directly to the south. He didn't see a reason to change it from very low density. There has to be a time when we draw the line and stop encroaching on the A-1 and RR-1 properties. Regarding Finding A, he didn't think it is consistent with the general plan because it will have a negative effect on the City. He won't usually argue against R-1-12 zoning, but in this situation it isn't consistent. In Finding E it significantly alters the acceptable land use plans and patterns in the neighborhood. He said people are buying acre lots in Draper. There are a lot of people who want to maintain a small town feel in West Jordan, and the only way to do that is to keep some of the agricultural and rural residential properties.

Jay Thomas echoed the same thing as to the impact to the adjoining properties to the west. The city wants to preserve some of the rural and agricultural areas, and he was against the request.

Trish Hatch asked for clarification on the access point and the private road.

Larry Gardner said 5490 West has been on the transportation master plan for years. It was originally platted in the county as a way to develop the 5-acre lot subdivision. It is a private lane with an access easement. Bella Estates and Winner's Circle subdivisions were right at the 4-minute response time and that is why they didn't need an access on 5490 West. The property owner was told that 5490 West would have to be constructed as a public street for access purposes. They are now in preliminary discussions and for this project to go forward 5490 West would have to become a public street. He referred to the map in the staff report and said there is a water line project that will be constructed and dedicated as a public street certain portions shown in blue. The yellow portions on the map is deferred, designed, and dedicated to the city property when Randy Bowler developed Bella Estates and Winner's Circle. The red area is along private property, and the city or the developer would have to acquire the entire frontage of Barber and the other side of the road. About a year ago, the City Council tasked city staff to make 5490 West a public street, and there has been work done on that. He said that no more development will occur on 5490 West without it becoming a public street, because that would be in violation of safety rules.

Trish Hatch asked if that discussion should happen prior to deciding what size of lots should be in this area.

Larry Gardner said the Planning Commission can recommend to the City Council one way or the other without holding up the application at this level. The only way a subdivision will be approved is with a second access and it is a City Council decision of when to pull the trigger to make it a public street. Regarding the question of if there are adequate public services in the area, there is adequate water, sewer, storm drain, and they are working on the street issue. This road is on the master plan and they have discussed this over and over with those property owners.

Scott Langford said the Council has already indirectly weighed in on this issue by adopting certain ordinances for response times. This subdivision, no matter what the lot size, would have to go through the approval process, and it would violate the ordinance to approve it without the other access.

Kelvin Green agreed they need to build the road, but they are putting the cart before the horse by deciding the size of the lot before the road is built. Once a property is rezoned it rarely reverts. Most of the neighbors have said that R-1-12 doesn't fit and that is enough substantial evidence to say they should be at least half-acre lots.

Larry Gardner said the Planning Commission should make their decision based on the criteria and not what the public wants. Only the City Council can make their decision based on clamor. He said that people with animal rights also have the responsibility to care for them and to control flies and odors, which can be difficult. He wanted to be clear that the City will not take away animal rights from those lots that currently have them.

Kelvin Green said the public hearing is held to gather evidence and the evidence he heard tonight has a consistent theme that R-1-12 zoning and land use would be incompatible with current land uses. It is not because the neighbors don't like it, it is that they have provided evidence enough to say there is a finding of fact that this proposal will significantly alter the land use patterns, it affects the land, and it makes a negative effect on West Jordan City.

Matt Quinney said although he is a little more pro-development, he agreed with most of what was said. He thought Finding D makes this challenging because this property is being sold for retirement and benefiting one entity. Instead of holding off on any action he felt that they should make a negative recommendation.

MOTION: Corbin England moved, based on the information and findings set forth in the staff report and upon evidence and explanations received today, to forward a negative recommendation to the City Council for the Barber Property; 7401 South 5490 West; Peterson Development LLC/Ryan Peterson (applicant) to amend the General Plan Land Use Map for 10.02 acres from Very Low Density Residential to Low Density Residential based upon Finding A it is not consistent with the general plan, Finding D this will benefit a particular person, and Finding E it will adversely impact the neighborhood and community. The motion was seconded by Trish Hatch and passed 6-0 in favor. Bob Bedont was absent.

MOTION: Kelvin Green moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a negative recommendation to the City Council for Barber Property; 7401 South 5490 West; Peterson Development LLC/Ryan Peterson (applicant) to Rezone 10.02 acres from RR-1D Zone to R-1-12F Zone based on Criteria 1 it is not consistent with the general plan, Criteria 2 it is not consistent with the neighborhood, Criteria 3 it doesn't meet the health, safety, and welfare of the area, and Criteria 4 public services including fire protection is not available. The motion was seconded by Trish Hatch and passed 6-0 in favor. Bob Bedont was absent.



CITY OF WEST JORDAN
COMMUNITY DEVELOPMENT APPLICATION

8000 South Redwood Road
(801) 569-5180

Sidwell # 2025300008, 2025300007 Acreage 10.02 Lots: _____ Zoning RR-1D

Project Location: 7401 S 5490 W

Project Name: Barber property

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

Applicant: Ryan Peterson Company: Peterson Development LLC

Address: 225 South 200 East Suite 200

City: Salt Lake City State: Utah Zip: 84111

Telephone: Office: 801-532-2233 Cell: _____

Email: ryan@choosetopeterson.com

Property Owner: David and Lora Barber

Address: 7401 S 5490 W

City: West Jordan State: Utah Zip: 84081

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: _____

Project #	<u>18767</u>	Date	<u>6-11-2019</u>
Received By:	<u>ODA Kristi</u>	<u>PLANNING Kent</u>	<u>ENGINEERING Nato</u>

Application

Exhibit I



Tangee Sloan
Deputy City Clerk
8000 South Redwood Road
West Jordan, Utah 84088
801-569-5116
Fax 801-563-4716

THE CITY OF WEST JORDAN NOTICE OF PUBLIC HEARING

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, December 4, 2019, at the hour of 5:30 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 **General Plan Land Use Map Amendment for 10.02 acres of property from Very Low Density Residential to Low Density Residential and Rezone from RR-1D (Rural Residential 1-acre minimum lots) Zone to R-1-12F (Single-Family Residential 12,000 square foot minimum lots) Zone and RE-20F (Residential Estate 20,000 square foot Minimum lots) Zone; Peterson Development LLC/Ryan Peterson (applicant) Property located at 7401 South 5490 West.**

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.westjordan.utah.gov approximately 4-days prior to the meeting

Posted this 22nd day of November 2019.

Tangee Sloan
Deputy City Clerk



City Clerk's Office

8000 South Redwood Road
West Jordan, Utah 84088
(801) 569-5116
Fax (801) 565-8978

November 22, 2019

Ryan Peterson
Peterson Development LLC.
225 South 200 East, Suite 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, December 4, 2019, at the hour of 5:30 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 **General Plan Land Use Map Amendment for 10.02 acres** from Very Low Density Residential to Low Density Residential and Rezone from RR-1D (Rural Residential 1-acre minimum lots) Zone to R-1-12F (Single-family Residential 12,000 square foot minimum lots) Zone and RE-20F (Residential Estate 20,000 square foot minimum lots) Zone; Peterson Development LLC/Ryan (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. Copies of the agenda packet for this meeting will be available on the City's website www.westjordan.utah.gov approximately 4-days prior to the meeting.

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,

Tangee Sloan
Deputy City Clerk

cc: Planning Department

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 19-45

AN ORDINANCE AMENDING THE GENERAL PLAN FUTURE LAND USE MAP FROM VERY LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL AND REZONE FROM RR-1D (SINGLE-FAMILY RURAL RESIDENTIAL 40,000 SQUARE FOOT MINIMUM LOT SIZE) ZONE TO R-1-12F (SINGLE-FAMILY RESIDENTIAL 12,000 SQUARE FOOT MINIMUM LOT SIZE, HOME SIZE “F”) ZONE AND RE-20 (SINGLE-FAMILY RESIDENTIAL ESTATE 20,000) ZONE FOR 10.02 ACRES OF PROPERTY LOCATED AT 7401 SOUTH 5490 WEST.

WHEREAS, an application was made by Peterson development, LLC/Ryan Peterson to amend the General Plan Future Land Use Map from Very Low Density Residential to Low Density Residential Land Use and Rezone from RR-1D (Single-family Rural Residential 40,000 square foot minimum lot size) to R-1-12F (Single-family residential 12,000 square foot minimum lot size, home size “F”) Zone for 10.02 acres of property located at 7401 South 5490 West.

WHEREAS, on August 20, 2019 the Future Land Use Map amendment and Rezone request was considered by the Planning Commission, which has made a negative recommendation (6 to 0) to the City Council concerning the General Plan Future Land Use Map from Very Low Density Residential to Low Density Residential and Rezone from RR-1D (Single-family Rural Residential 40,000 square foot minimum lot size) to R-1-12F (Single-family 12,000 square foot minimum lot size, home size “F”) Zone for 10.02 acres of property located at 7401 South 5490 West; and,

WHEREAS, after the August 20, 2019 Planning Commission meeting, the application was revised to Rezone from RR-1D (Single-family Rural Residential 40,000 square foot minimum lot size to R-1-12F Zone and RE-20 (Single-family Residential Estate 20,000 square foot minimum lot size) for 10.02 acres of property located at 7401 South 5490 West.

WHEREAS, public hearings, pursuant to public notice, were held before the City Council on October 23, 2019, and, on December 4, 2019; 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 Future Land Use Map of the City of West Jordan, Utah, is hereby amended by changing the future land use designation from Very Low Density Residential to Low Density Residential located approximately at 7401 South 5490 West, more appropriately described below:

Parcel 20253000080000 Legal description

BEG N 2023.17 FT & E 890.51 FT FR SW COR SEC 25, T 2S, R 2W,S L M; N 2°38'39" W 343.36 FT; E 643.24 FT; S 0°24'32" E 343FT; W 629.85 FT TO BEG. 5.01 AC M OR L. 4769-587 4806-0344 5557-0317 6496-0062 9407-8750

And

Parcel 20253000070000 Legal description

BEG N 2366.16 FT & E 874.67 FT FR SW COR SEC 25, T 2S, R 2W,S L M; N 2°38'39" W 360.02 FT; E 427.38 FT; S 0°24'32" E 67.93 FT; S 89°58'40" E 229.79 FT; S 0°24'32" E 291.63 FT; W643.24 FT TO BEG. 5.01 AC M OR L. 5024-104 5046-0784 5694-2012 5786-2578 5842-1185 7452-2737 9407-8750

Section 2. The Zoning Map of The City of West Jordan, Utah, is hereby amended by changing the zoning from RR-1D (Single-family Rural Residential 40,000 square foot minimum lot size) to R-1-12F (Single-family Residential 12,000 square foot minimum lot size, home size "F") Zone and RE-20 (Single-family Residential Estate 20,000 square foot minimum lot size located at approximately at 7401 South 5490 West, more appropriately described below:

Parcel 20253000080000 Legal description

BEG N 2023.17 FT & E 890.51 FT FR SW COR SEC 25, T 2S, R 2W, S L M; N 2°38'39" W 343.36 FT; E 643.24 FT; S 0°24'32" E 343 FT; W 629.85 FT TO BEG. 5.01 AC M OR L. 4769-587 4806-0344 5557-0317 6496-0062 9407-8750

And

Parcel 20253000070000 Legal description

BEG N 2366.16 FT & E 874.67 FT FR SW COR SEC 25, T 2S, R 2W, S L M; N 2°38'39" W 360.02 FT; E 427.38 FT; S 0°24'32" E 67.93 FT; S 89°58'40" E 229.79 FT; S 0°24'32" E 291.63 FT; W 643.24 FT TO BEG. 5.01 AC M OR L. 5024-104 5046-0784 5694-2012 5786-2578 5842-1185 7452-2737 9407-8750

The described property shall hereafter be subjected to the R-1-12F and RE-20 land-use

restrictions and limitations as are stipulated for these zones as depicted below:



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