

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Peterson Development has requested that zoning condition number (1) of ordinance 01-28 requiring 10% open space for the Siena Vista development be removed or amended.

**SUMMARY:** Siena Vista Amended Zoning Conditions; 7000 South 5715 West; Amend/Remove Zoning Condition number (1) of ordinance 01-28 pertaining to Open Space Requirement; R-1-6 C&D (ZC) Zone; Peterson Development/Vic Barnes (applicant) [Larry Gardner #ZC20130008; parcel 20-26-200-016]

**FISCAL IMPACT:** None if the applicant's request to remove condition #1 is approved. If condition #1 is amended it could result in ongoing maintenance costs of proposed park/open space, if dedicated to the City.

### STAFF RECOMMENDATION:

Staff recommends that the City Council deny the applicant's request to remove zoning condition number (1) from Ordinance No. 01-28.

### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by a 5-0 vote, recommends that the City Council deny the request by Peterson Development (applicant) to remove zoning condition number (1) of Ordinance #01-28 pertaining to the Siena Vista development Zoning Conditions; 7000 South 5715 West.

### MOTION RECOMMENDED:

#### Ordinance Amendment Motion:

"I move to **deny** the request amending Ordinance #01-28 by removing or amending condition number (1) of that ordinance."

### ALTERNATIVE MOTIONS:

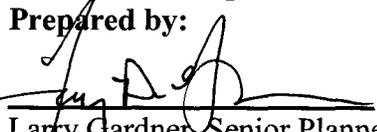
#### Ordinance Amendment Motion:

Option 1: "I move to **approve** the request amending Ordinance #01-28 by removing or amending condition number (1) of that ordinance and direct staff to prepare an ordinance reflecting this motion."

Option 2: "I move to **approve** the request amending Ordinance #01-28 by removing condition #1 and adding the condition \_\_\_\_\_ (*options B through I of the staff report*) and continue this item to the April 23, 2014 City Council meeting and direct staff to prepare an ordinance reflecting this motion and direct staff to prepare a development agreement instituting this amendment."

*Roll Call vote required*

Prepared by:

  
Larry Gardner, Senior Planner

Reviewed by/Concur with:

  
Tom Burdett, Development Director

Recommended by:

  
Richard L. Davis, City Manager

Reviewed as to legal form:

  
Robert Thorup, Deputy City Attorney

## I. BACKGROUND:

The Planning Commission held a public hearing on February 4, 2014 on a request from Peterson Development to remove or amend zoning condition number (1) of ordinance 01-28, approved in 2001, which requires a minimum of 10% open space for the Siena Vista development. The Planning Commission recommends that the City Council deny the request to remove or amend zoning condition number (1) of ordinance 01-28. This item was also discussed at the January 7, 2014 Planning Commission meeting. At that meeting the Planning Commission was presented with several options (contained in this staff report) and came to a consensus that option C is the best course for the Siena Vista Development.

### Summary of applicant's proposals

The applicant is proposing three options for the ordinance amendment:

1. Install a .5 acre park. (Exhibit G)
2. Remove requirement for open area. (Exhibit H)
3. Install a 1.2 acre park.(Exhibit I)

Siena Vista subdivision is located on the south side of 7000 South at approximately 5715 West, and was zoned R-1-6 C&D (ZC) on June 19, 2001 in preparation for a single family residential development. (Exhibit A) In 2002 the Siena Vista development was granted preliminary subdivision approval for approximately 71.14 acres of land. Since preliminary approval, the project has been reduced to the area east of the Rocky Mountain Power Corridor (RMPC) and now consists of 44.68 acres. The 26.46 acres of property on the west side of the RMPC was sold to the Jordan School District in 2007 and is zoned R-1-8 (ZC). The School District has constructed an elementary school on the property and it is assumed will construct a middle school on the remaining property when needed.

Four phases of Siena Vista are located between 5600 West and a Rocky Mountain Power (RMPC) corridor that runs north and south at approximately 5800 West. The rezoning of 71.14 acres to R-1-8 and R-1-6 in 2001 was approved with four zoning conditions:

1. A minimum of 10% public open space is required in the development.
2. A maximum of 50% of the homes in the R-1-6 development will be of "C" home size.
3. At least 50% of the homes in the R-1-6 development will be of the "D" home size.

4. Homes in the R-1-8 development will meet or exceed the “D” home size.

It was the consensus of the Planning Commission in 2001 that the only way the 44.68 acres (east portion) of property would be rezoned to R-1-6 was with the zoning condition to provide 10% public open space for the entire project. It is assumed that if the 10% open space would not have been required as a condition of approval, the property would have been zoned R-1-8. Phases 1, 2 and 3 have been completed and the only open space is the detention area/open area on the corner of 7000 South and 5600 West. The remaining required open space has not been dedicated to the City nor have any improvements been installed nor has any fee in lieu of installation been collected. There was no discussion in 2001, at the time of rezoning, on who would maintain the open space.

**II. GENERAL INFORMATION & ANALYSIS**

Table A. The subject property’s surrounding zoning and land uses

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	High Density Residential	PC(ZC)	Single-Family Residential
<b>South</b>	Low Density Residential	LSFR	Vacant
<b>East</b>	High Density Residential	R-1-6 C&D (ZC)	Single-Family Residential
<b>West</b>	High Density Residential	R-1-8D(ZC)	Vacant agriculture land

The applicant is preparing to develop Phase 4 of Siena Vista and is requesting that zoning condition number (1) of ordinance No. 01-28 (Exhibit B) requiring 10% public open space be eliminated or amended. The ordinance amendment request is limited to removal of condition requiring the 10% open space only. As stated in the applicant’s letter of intent, (Exhibit C) the main reason for the request is because the City is not willing to accept the dedication of the park due to maintenance costs of mini and neighborhood parks. It should be noted that in 2001 the City was interested in acquiring neighborhood and mini parks in new developments, but has now determined that smaller parks are a maintenance burden upon its increasingly scarce resources.

Table B. Population Characteristics of Siena Vista

<b>Total Homes Built</b>	<b>Total units with Phase 4 with proposed ½ acre park</b>	<b>Total units with Phase 4 without ½ acre park</b>
149	172	174
<b>Population at 3.46 per Hh</b>	<b>Population at 3.46 per Hh</b>	<b>Population at 3.46 per Hh</b>
515	595	602

**A. OPEN AREA CONDITION AND UNIT INCREASE**

The 10% open space condition and how it relates to a density increase are described in Table C below. The information is gross and illustrative and not literal and does not equate to actual units constructed. The actual number of units constructed is influenced by area required for roads, rights of way, utilities, topography, subdivision layout, etc.

Table C.

		Total unit number at R-1-8 zoning	Total unit number at R-1-6 minus 10% of area
Acres	44.1	$44.1 / .18 = 240$	$44.1 - 4.41 / .13 = 288$
10% of area	192,099 sq. ft.		Total number of additional units based on R-1-6 zoning = <b>48</b>
			Unit increase = 20%
			Gross density increase 8000 to 6000 = 25%-10% = 15% increase

The rezoning to R-1-6 instead of R-1-8 resulted in a density increase of 15% and unit increase of 20%. The difference in final unit count would be 48 in favor of the developer.

The original proposed size of the development was 71.14 acres which would have required 7.1 acres of open space area according to the zoning conditions. The project area has been reduced and will have an ultimate build out of 44.68 gross acres. While the zoning condition applies to all the areas rezoned for this development, it seems reasonable that if the development area is reduced that the required open area be reduced also; and the required open area would now be 4.4 gross acres. A combination detention/open area, 1.5 acres in area, has been installed on the corner of 7000 South and 5600 west, which would leave 2.9 acres of required open area to be dedicated to the city.

**B. OPEN SPACE AND PARK NEEDS ACCORDING TO THE GENERAL PLAN**

The installation of 10% open space was a reaction to the dearth of public open space and/or active parkland in the western portions of the City in 2001. This area is still underserved with public parks and public open spaces. The area has a large amount of agricultural open areas, which are private, but the agriculture lands will eventually be gone as the city continues to develop. It is prudent for the City to plan for and develop open space and park areas while undeveloped land is still available. The practice in 2001 was to require each new development to set aside and install open space and parks as conditions of approval. This practice has been challenging for both the developers, residents and the city. Table D is the description of parks as found in the General Plan.

Table D. Park Standards

Classification	Minimum Size	Maximum Size	Minimum Service Area Radii
Mini Parks	0.5 acres	1 acre	0.25 miles
Neighborhood Parks	2.5 acres	Less than or equal to 20 acres	0.5 miles
Community Parks	Greater than 20 acres	Less than 200 acres	1 mile

The General Plan states the following regarding park land:

“There are 575.24 acres of parkland within the city. Parkland can be divided into two types of parks: active and passive. Active parks are characterized by having some sort of designed activity, such as a playground, ball fields, or picnic areas. Passive parkland is characterized by not having developed recreational activities and will generally include open space with trails. West Jordan has 438.11 acres of active parkland and 137.13 acres of passive parkland.”

Table E. National Recreation and Parks Association level of Service for parks

Standards Classification	Guidelines
Mini Parks	0.5 ac/1,000 population
Neighborhood Parks	1-2 ac/1,000 population
Community Parks	5-8 ac/1,000 population

Table F. City of West Jordan Level of Service Comparison

Classification	Existing Parkland	Parkland needed to Meet NRPA Standards
Mini Parks	70.8 ac (including HOA owned amenities)	52.9 ac
Neighborhood Parks	150.3 ac	105.8-211.7 ac
Community Parks	420.0 ac	529.4 - 847.1 ac

Park and open areas within (¼, ½ and 1) mile radius is shown on Exhibit D. There are some parks within a one mile radius but no community parks. It is a matter of debate whether schools satisfy the park and open space needs of the residents and schools are shown on the exhibit. The applicants are of the opinion that the existing Falcon Ridge Elementary school provides adequate open space for the residents of the Siena Vista development.

The General Plan summarizes park needs within West Jordan:

*“The city has an adequate supply of mini parks but is lacking in large community parks particularly on the west side of the city. An open house in April 2011 indicated that residents were desirous to have more community type parks on the west side of the city.”*

This discussion of parks is to give context to the needs of the community. The goal today, as in 2001, is to make certain that there are adequate open space facilities for residents in the City. The information is intended to help determine if needs have changed in the City enough to allow the developer of Siena Vista to amend the zoning condition.

### III. OPTIONS:

The applicant has applied to amend the zoning conditions as approved in 2001. Several options will be proposed and each will be evaluated as to positives and negatives to the city. Other options may exist in addition to what is presented in this staff report. Those options should also be discussed at the meeting.

## OPTION

A. Approve the applicant's request (Alternative Motion Option 1) and remove zoning condition number (1) and do not require 10% common open space to be dedicated to the city.

### Pros

- The City will not need to take on additional open space to maintain.
- The Siena Vista development will be completed upon recordation of the 4<sup>th</sup> phase.

### Cons

- Loss of public trust in the decisions made by government.
- Loss in confidence in City to follow through with conditions of approval.
- Residents will not get the open space as planned.
- Quality of life suffers because of the lack of adjacent open space areas.

B. Require the applicant to build and install a small (.54 acre) park (Exhibit G) that would serve all residents of Siena Vista. Zoning condition (1) would be amended to state that "a small open space is required in the development."

### Pros

- Siena Vista development would be completed with small park area.
- Residents get some park area in the development.
- Access for pedestrians to a potential future trail on power corridor.

### Cons

- Loss of public trust in decisions made by government.
- Loss in confidence in the City to follow through with conditions of approval.
- Residents will not get the open space that was planned.
- Siena Vista residents must pay for maintenance of the park through the establishment of a Home Owners Association by City policy for tot-lots.

C. Do not approve the amendment and leave the approval as it exists and the City accepts open space dedication and assumes maintenance upon dedication.

### Pros

- Trust restored in decisions made by government.
- Residents get a park in their neighborhood improving quality of life.
- Surrounding neighborhoods benefit from public open area.
- Access for pedestrians to a potential future trail on power corridor.

### Cons

- City must perpetually maintain open space which will burden scarce resources.

D. Require no open area but require minimum 8000 square foot lots.

### Pros

- The Siena Vista development will be completed.
- Larger lots will somewhat compensate for more homes.

### Cons

- Loss of public trust in decisions made by government.
- Loss in confidence in the City to follow through with conditions of approval.
- Residents will not get the open space that was planned.
- Quality of life suffers in neighborhood without a nearby park.

E. Require the developer to install an open space in the development as agreed and turn it over to the home owners in the Siesta View development for maintenance.

Pros

- Trust restored in decisions made by government.
- Residents get a park in their neighborhood.

Cons

- Siena View residents must pay for maintenance of open space through some mechanism.
- May not be able to force existing residents to share in cost of new open space construction and maintenance.

F. Require dedication of open area and establish a community garden.

Pros

- Satisfies a goal in the general plan
- Creates an open area.

Cons

- May not be what residents envisioned.
- On-going maintenance issues problematic.
- Another small open area would be dedicated to the City unless a home owners association can be established.

G. Use area to satisfy Neighborhood Park and open area for the surrounding neighborhoods as shown on general plan map.

Pros

- Trust restored in decisions made by government.
- Residents have park in their neighborhood.
- Surrounding neighborhoods benefit from public open area.
- Goal of the general plan satisfied.

Cons

- City must perpetually maintain a small park thus taxing scarce resources.
- May not be what residents envisioned.

H. Devise a fee in lieu of installing the open space and enter into an agreement with the developer to pay a fee and use the money to help pay for a community park located on the west side of the City; and then allow the applicant to develop the entire parcel.

Pros

- Will help satisfy a larger community issue.
- Surrounding neighborhoods benefit from public open area.

Cons

- Legal issues.
- Loss of public trust in decisions made by government.
- Loss in confidence in city to follow through with conditions of approval.
- Residents will not get the open space that was planned in their neighborhood.

- I. Require the applicant to build and install a (1.2 acre) park as submitted by applicant (Exhibit I) that would serve all residents of Siena Vista. Zoning condition (1) would be amended to state that “a 1.2 acre park is required in the development.”

Pros

- Siena Vista development would be completed.
- Residents get a park area in the development.

Cons

- Loss in confidence in the City to follow through with conditions of approval.
- Residents will not get the open space as planned.
- Siena View residents must pay for maintenance of the park through the establishment of a Home Owners Association.

#### IV. ATTACHMENTS:

Exhibit A – Aerial Map

Exhibit B – Ordinance No. 01-28

Exhibit C – Letter of Intent

Exhibit D – ¼ and ½ mile and 1 mile park locations

Exhibit E – Zoning Map

Exhibit F – Future Land Use Map

Exhibit G – Concept development Plan 1

Exhibit H – Concept development Plan 2

Exhibit I – Concept development Plan 3

Exhibit J – Application

Exhibit K – Memorandum 1

Exhibit L – Memorandum 2

Exhibit M – Original Phasing Map

Exhibit N – Memorandum 3

Exhibit O – 2008 Peterson Development Letter

Exhibit P – Memorandum 4

Exhibit Q – 2001 PC Staff Report

Exhibit R – May 16, 2001 PC Minutes

Exhibit S – June 19, 2001 CC Minutes

Exhibit T – April 3, 2002 Planning Commission Minutes

Exhibit U – February 4, 2014 Planning Commission Minutes

4770 S. 5600 W.  
 P.O. BOX 704005  
 WEST VALLEY CITY, UTAH 84170  
 FED.TAX I.D.# 87-0217663  
 801-204-6910

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CITY OF WEST JORDAN, MELANIE BRIGGS 8000 S REDWOOD RD  WEST JORDAN, UT 84088	9001403739	3/3/2014

CITY OF WEST JORDAN,	
TELEPHONE	FAX
8015695115	0000941863 /
Start 03/02/2014	End 03/02/2014
JUSTICE NO.	
City Council PH 3/26	
CITY OF WEST JORDAN PUBLIC HEARING NOTICE A Public Hearing will be held before the	
39	Lines 1.00 COLUMN
2	
MISC CHARGES	
	53.75

**CITY OF WEST JORDAN  
PUBLIC HEARING NOTICE**

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, March 26, 2014, 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 Amend/Remove Zoning Condition #1 pertaining to the Open Space Requirement for Siena Vista Subdivision located at approximately 7000 South 5715 West; Peterson Development/Vic Barnes, 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.

Published this 2nd day of March 2014  
 Carol Herman  
 Deputy City Clerk  
 941863 UPAXLP

AFFIDAVIT OF PUBLICATION

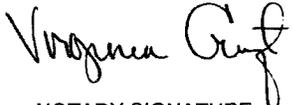
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **CITY OF WEST JORDAN PUBLIC HEARING NOTICE A Public Hearing will be held before the City of West Jordan City Council on Wednesday, March 26, 2014, at the hour** FOR **CITY OF WEST JORDAN**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 03/02/2014 End 03/02/2014

SIGNATURE 

DATE 3/3/2014

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

  
 NOTARY SIGNATURE

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



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

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February 24, 2014

Peterson Development  
Attn: Vic Barnes  
225 South 200 East  
Salt Lake City, UT 84111

Dear Mr. Barnes:

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, March 26, 2014, 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 Amend/Remove Zoning Condition #1 pertaining to the Open Space Requirement for Siena Vista Subdivision located at approximately 7000 South 5715 West; Peterson Development/Vic Barnes, 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,

Carol Herman  
Deputy City Clerk

cc: Planning Department



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

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**THE CITY OF WEST JORDAN, UTAH  
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Posted this 24<sup>th</sup> day of February 2014

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

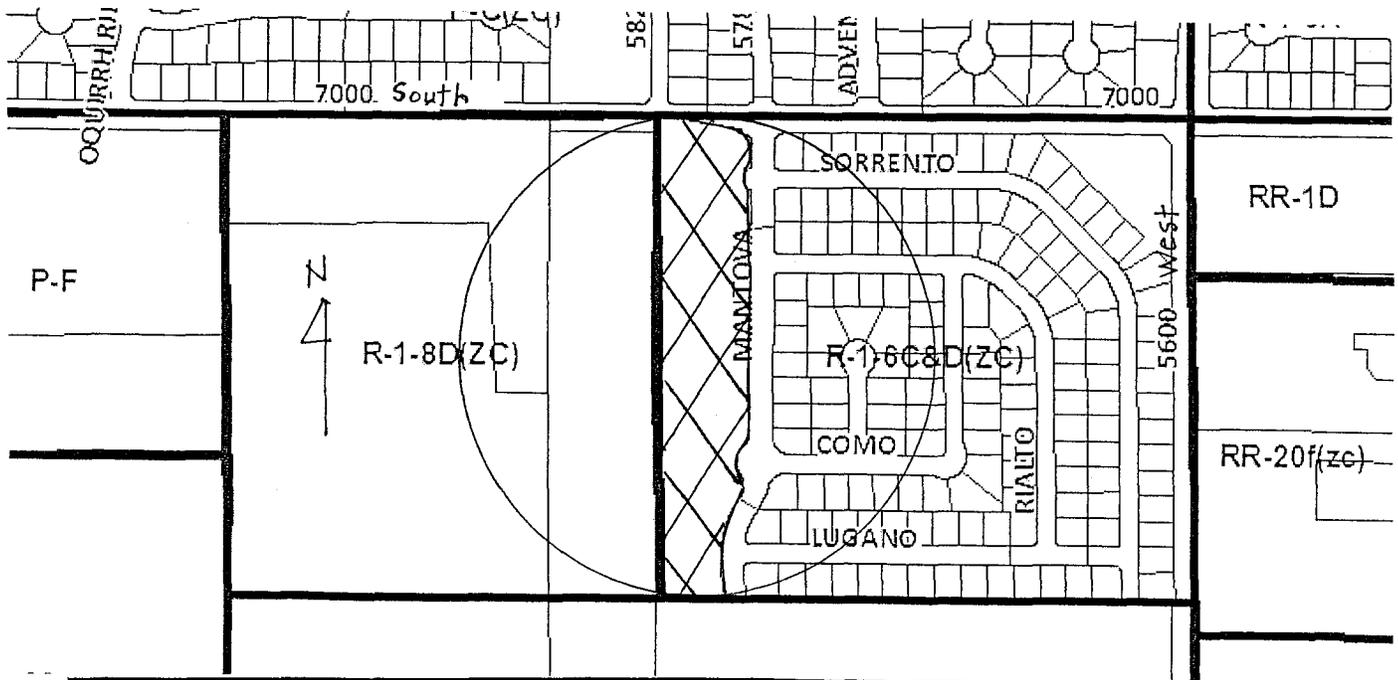


*300' mailing*

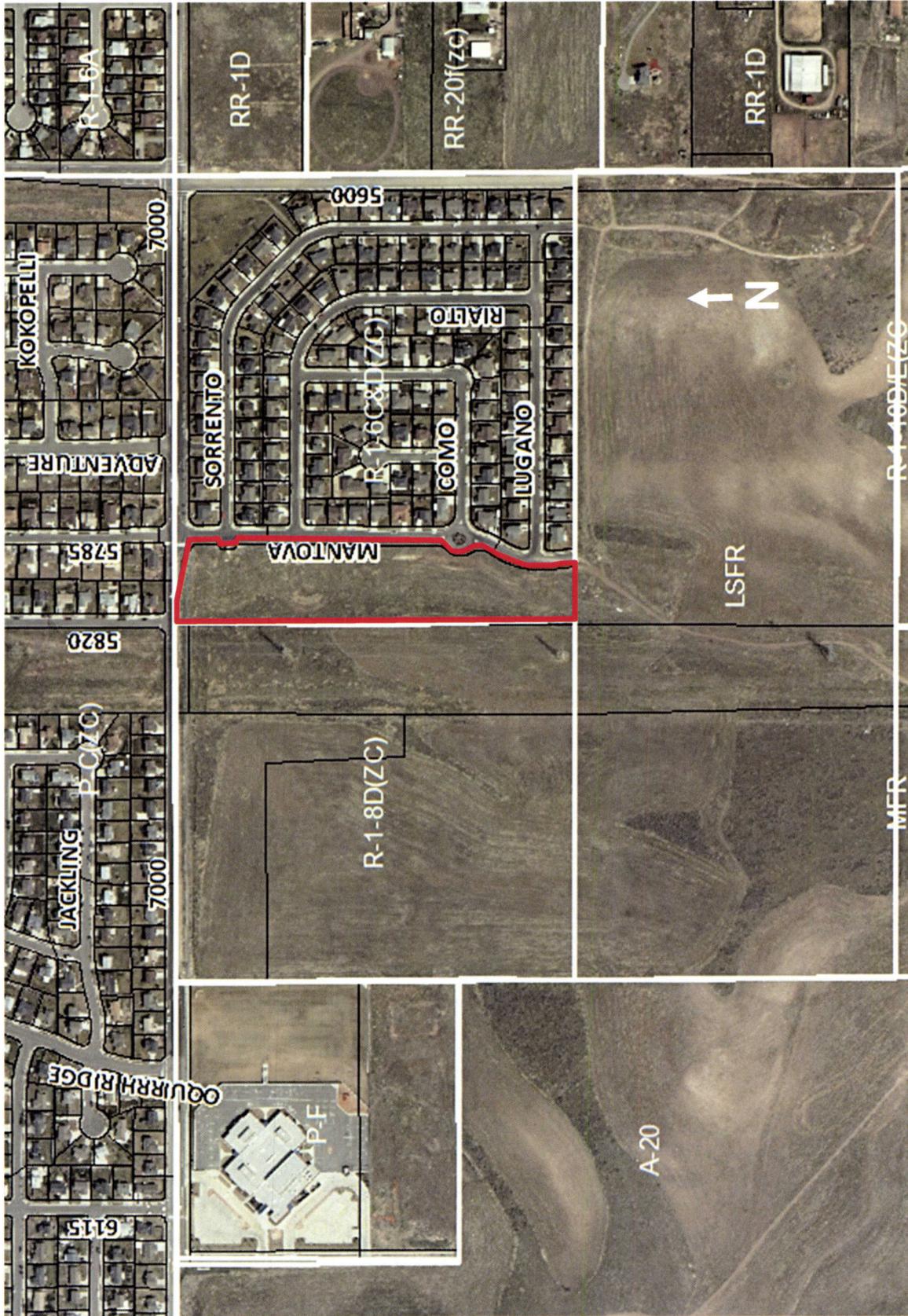
**City of West Jordan**  
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The City of West Jordan, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these 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.



**Exhibit A** **Aerial**

*Siena Vista  
Rezone*

*6/19/01*

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 01-28

AN ORDINANCE REZONING APPROXIMATELY 71.16 ACRES OF TERRITORY,  
LOCATED AT APPROXIMATELY 5800 WEST 7100 SOUTH TO BE IN ZONE  
CLASSIFICATION R-1-6C AND D (ZC), AND R-1-8D (ZC)

Whereas, approximately 71.16 acres of territory, located at approximately 5800 West 7100 South has been zoned to be in zone classification A-20 (agricultural with a minimum lot size of 20 acres); and

Whereas, the owner of the said territory has requested the territory be rezoned to be in zone classification R-1-6C and D (ZC) (single family residential on minimum 6,000 square foot lots with an "C" and "D" home size, with Zoning Conditions), and R-1-8D (ZC) (single family residential on minimum 8,000 square foot lots with a "D" home size, with Zoning Conditions); and

Whereas, on May 16, 2001, the zoning of the property has been considered by the Planning and Zoning Commission, which has made a positive recommendation to the City Council concerning the zoning classification to be applied to the territory; and

Whereas, a public hearing, pursuant to public notice, was held before the City Council on June 19, 2001; and

Whereas, the City Council finds and determines that the public health, welfare and morals of the community will be protected and that property values will be preserved and improved if the property is rezoned,

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

Section 1. The ZONING MAP OF THE CITY OF WEST JORDAN, UTAH, as adopted pursuant to Section 10-2-202 of the West Jordan Municipal Code, is amended, by removing from zone classification A-20 (agricultural with a minimum lot size of 20 acres) and including in zone classification R-1-6C and D (ZC) (single family residential on minimum 6,000 square foot lots with an "C" and "D" home size, with Zoning Conditions) and R-1-8D (ZC) (single family residential on minimum 8,000 square foot lots with a "D" home size, with Zoning Conditions) the following respectively described territory:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; WEST 1,467.9 FEET; SOUTH 0°01' EAST 1,319.15 FEET; EAST 1,484.22 FEET MORE OR LESS; NORTH 0°43'31" WEST 1,319.26 FEET MORE OR LESS TO BEGINNING. CONTAINS 44.7 ACRES ±.

*East of  
Power  
Coordinated  
R1-6 ex*

**Ordinance No. 01-28**

**Exhibit B**

BEGINNING AT NORTH QUARTER CORNER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; EAST 872.09 FEET MORE OR LESS; SOUTH 0°01' EAST 1,321.22 FEET; WEST 872.47 FEET MORE OR LESS; NORTH 1,321.22 FEET TO BEGINNING. CONTAINS 26.46 ACRES ±.

*West of  
Power Corridor  
R-1-8 D*

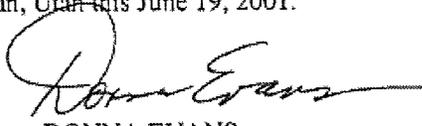
The territory shall hereafter be subjected to the land-use restrictions and limitations as are stipulated for zone classifications R-1-6C and D (ZC) (single family residential on minimum 6,000 square foot lots with an "C" and "D" home size, with Zoning Conditions), and R-1-8D (ZC) (single family residential on minimum 8,000 square foot lots with a "D" home size, with Zoning Conditions), with the following zoning conditions:

**Zoning Conditions**

1. A minimum of 10% public open space is required in the development.
2. A maximum of 50% of the homes in the R-1-6 development will be of "C" home size.
3. At least 50% of the homes in the R-1-6 development will be of the "D" home size.
4. Homes in the R-1-8 development will meet or exceed the "D" home size.

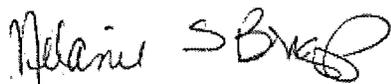
Section 2. This Ordinance shall become effective upon publication or posting or upon the expiration of twenty days following passage, whichever is earlier.

Passed by the City Council of West Jordan, Utah this June 19, 2001.

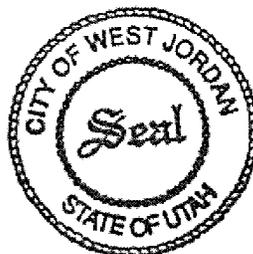


DONNA EVANS  
Mayor

ATTEST:



MELANIE S. BRIGGS, CMC  
City Recorder



**Ordinance No. 01-28**

**Exhibit B**

July 9, 2013



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

Subject: Zoning Amendment for Phase 4 of the Siena Vista Subdivision

Dear West Jordan City Council and Staff,

The zoning amendment under discussion is for Phase 4 of the Siena Vista Subdivision located at 7000 South and 5600 West. Peterson Development has met with West Jordan City staff and they have directed us, in order to move the final phase of the development forward, to pursue this amendment. The amendment would change zoning condition 1 which states "A minimum of 10% public open space is required in the development". After many discussions with city staff, we have been told that the city will not accept the dedication of pocket parks due to the cost of on-going maintenance of such parks. This is the reason for this amendment.

We are providing two options with the hope that a decision can be made and that both the current residents of Siena Vista and the city will be happy with the outcome. The first option includes 23 lots and a small park (0.54 acres) that would serve all of the Siena Vista residents. With this option zoning condition 1 would be amended to state "A small public open space is required in the development". This option would give the residents a park but would require the city to create a funding mechanism for on-going maintenance through an SAA, HOA, or dedication to the city as a public park.

The second option removes the park from the subdivision and the zoning condition would also be removed. In place of the park would be two lots for a total of 25 lots. A large portion of the conceptual Siena Vista development was sold to the Jordan School District for an elementary school, Falcon Ridge Elementary. This school provides the community with a large amount of open space and recreational amenities such as baseball diamonds, a playground, and a large grassy field for other recreational opportunities. Due to the proximity to the school, the pocket park does not seem necessary.

This proposed zoning amendment would further promote the objectives and purposes of the West Jordan Municipal Code, Title 89 and the general plan through the following findings:

**Criteria 1: The public purpose for the amendment in question.**

The public purpose is to amend or remove the size requirement for open space in order to come to a consensus on how to complete phase 4 of Siena Vista.

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

Amending the zoning condition would allow for either proposal to meet city code.

Letter of Intent

Exhibit C

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

The proposed amendment would fulfill general plan policies, goals, and objectives.

**Criteria 4: Consistency of the proposed amendment with the general plans timing and sequencing provisions on changes of use.**

The proposed amendment is consistent with the general plans timing and sequencing provisions on changes of use.

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

The zoning amendment is consistent with the General Plan's articulated policies.

**Criteria 6: Adverse impacts on adjacent landowners.**

The zoning amendment would not adversely impact adjacent landowners. It would improve the quality of life of the adjacent landowners in diminishing negative activities currently taking place on the undeveloped land.

**Criteria 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 map is correct for the area in question. It is also in compliance with the general plan.

**Criteria 8: Impacts on city services such as water, sewer, storm drain, public streets and traffic.**

The zoning amendment would not create a situation where public utilities cannot be provided. Water has been an item of major discussion with this phase of Siena Vista and with the construction of 5600 West it is no longer is an issue.

**Criteria 9: Impacts on schools.**

The zoning amendment does not impact schools any more than current zoning does.

**Criteria 10: Impacts in the local economy and other factors as requested by the planning division.**

The amendment will not impact the local economy.

In meeting with the residents of Siena Vista, they expressed that they want to see the development finished out. Finishing the final phase will diminish the level of negative activities that the residents are seeing take place on the undeveloped phase 4 land. It is our hope that we can come to a decision on this phase. We look forward to discussing our proposal with you.

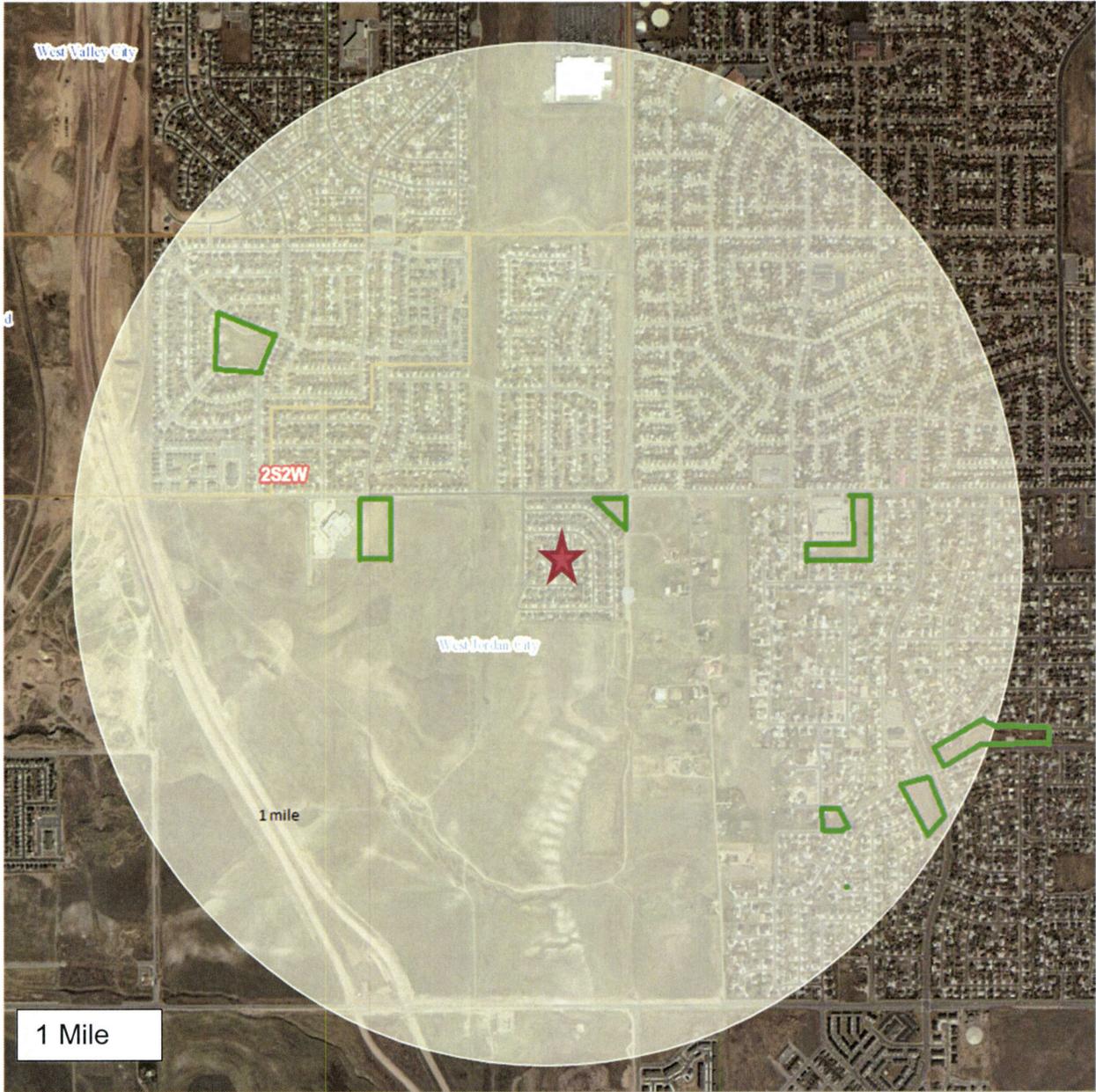
Sincerely,

Vic Barnes  
Peterson Development



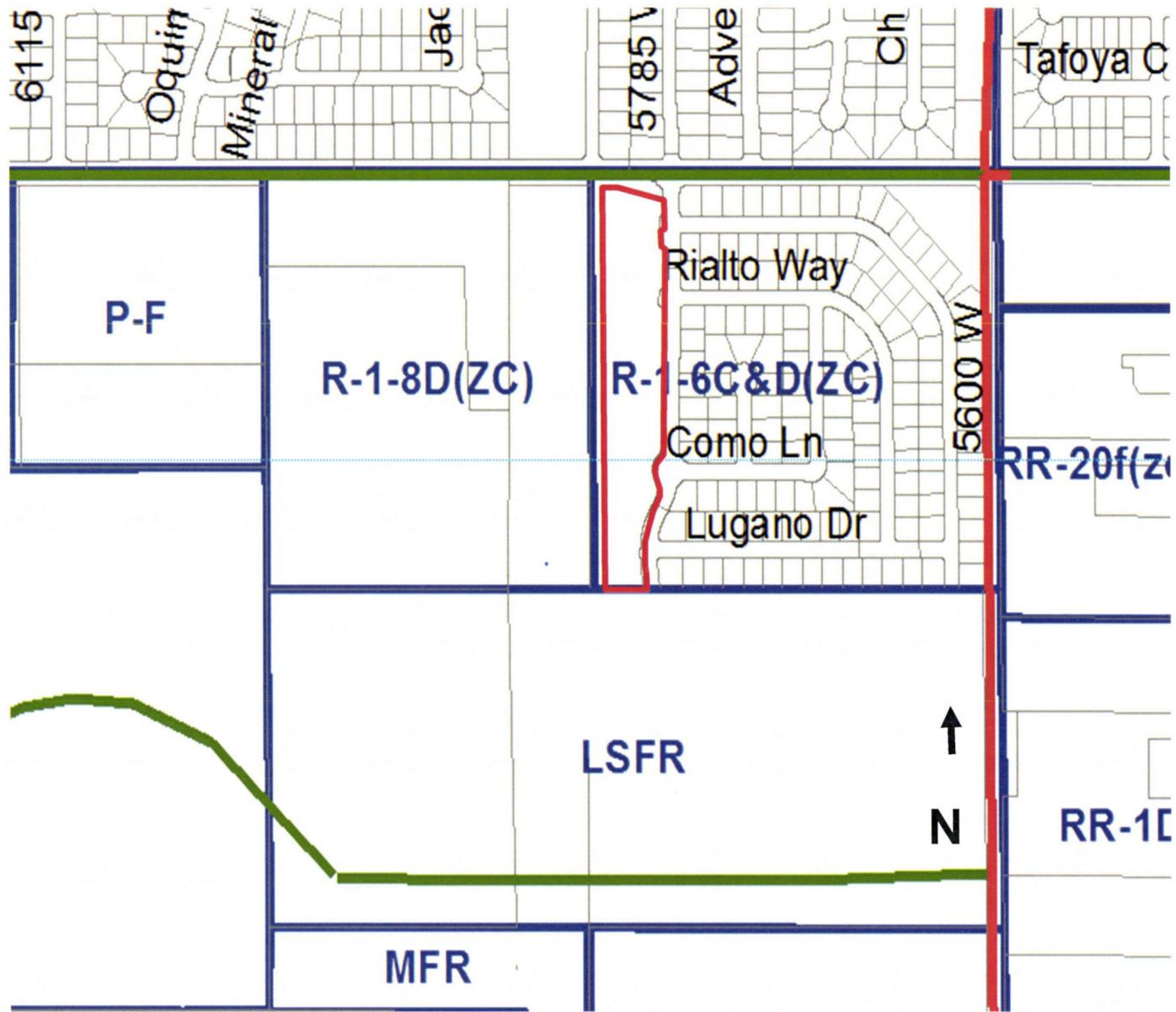
# Park locations

# Exhibit D

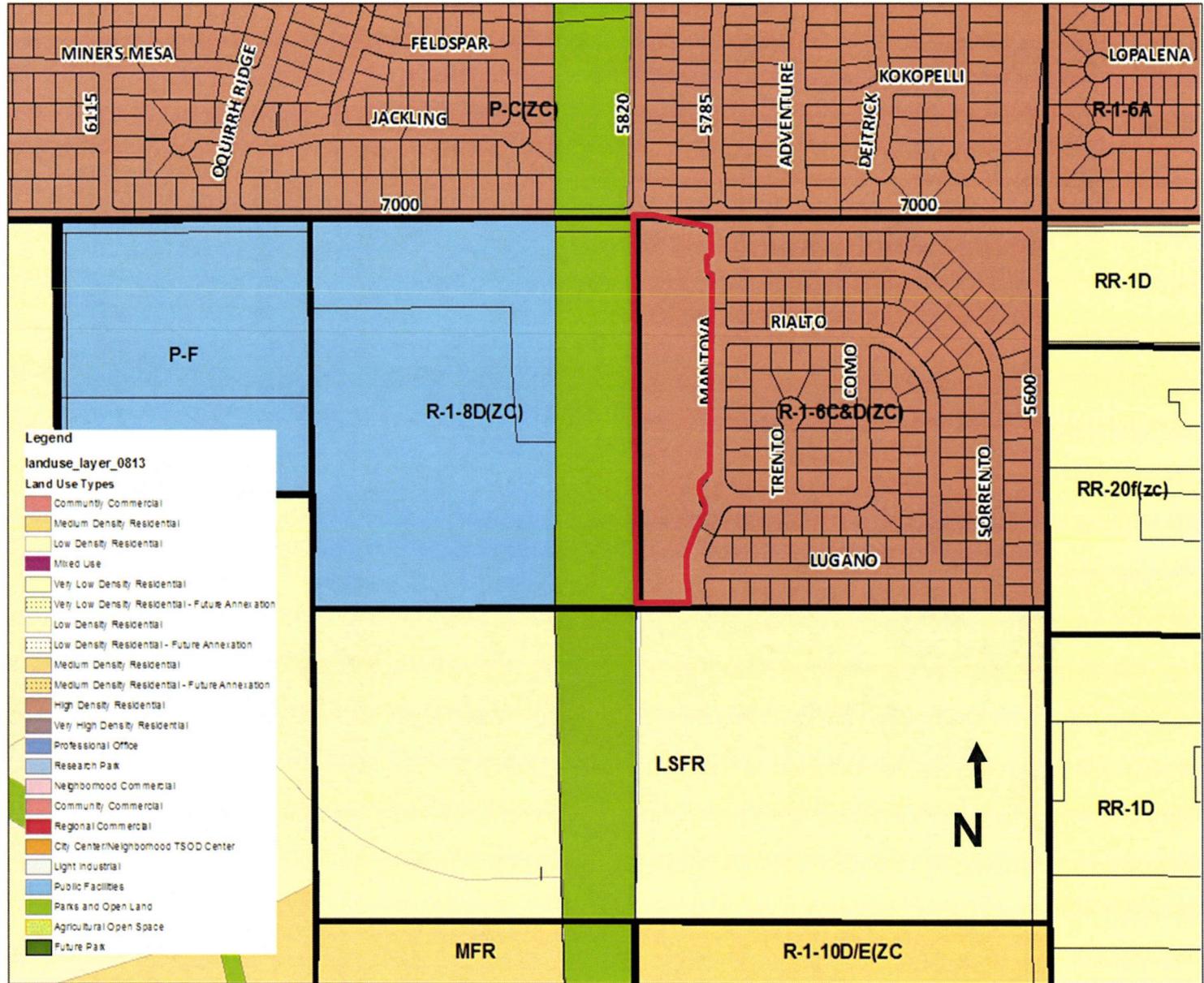


**Park Locations 1 mile**

**Exhibit D**



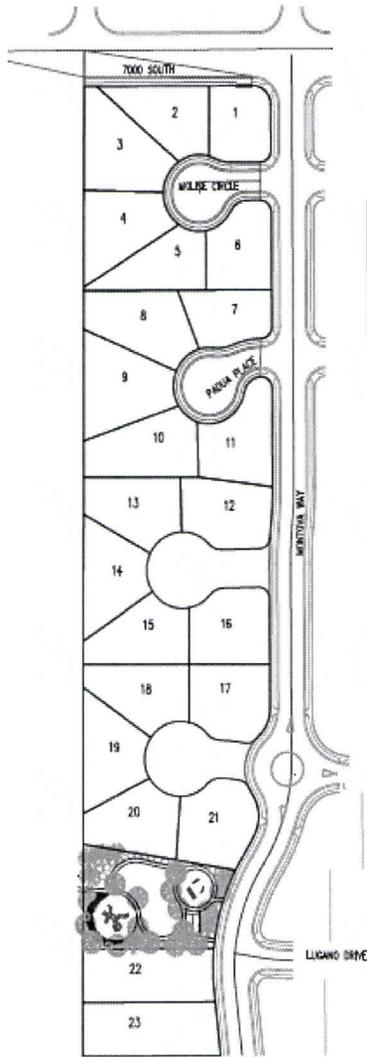
**Exhibit E** Zoning Map



# Exhibit F

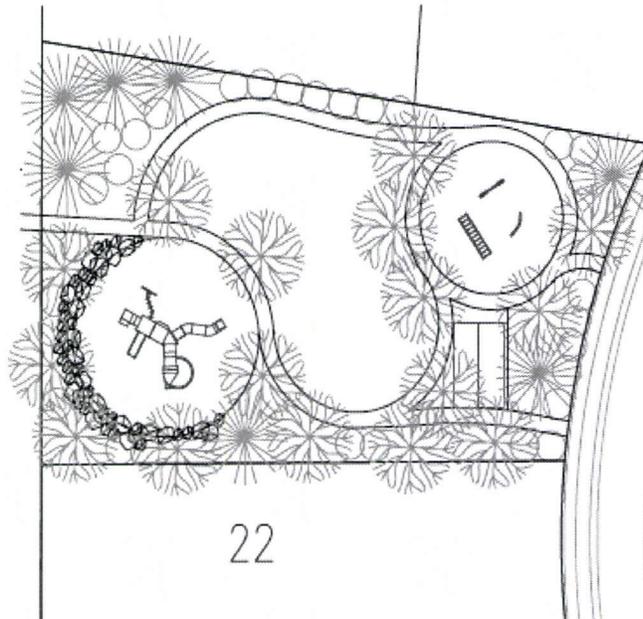
# Future Land Use Map

# Siena Vista Phase 4 Concept 1



Scale: 1"=200' (8,5x11)

## Park Concept



Scale: 1"=100' (8,5x11)

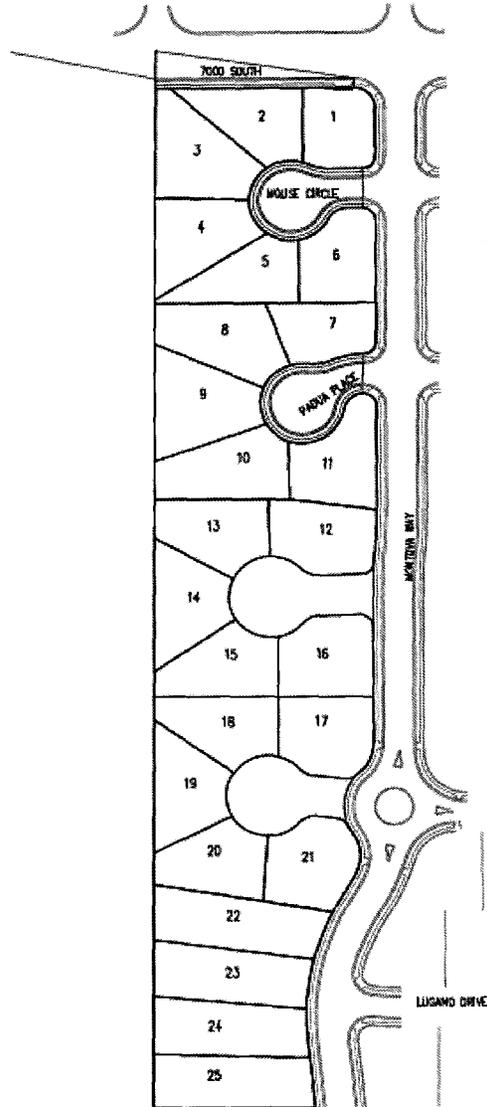
### Park

- 23,711 sq ft total (0.54 acre Park)
- 6,085 sq ft of Grass area
- 23 trees, 31 shrubs
- 19 component tot lot (older)
- 9 component tot lot (younger)
- Pavillon (18'x28'), Benches, BBQ
- Fencing
- Lighting

Sienna Vista Phase 4 Concept 1

**Exhibit G**

# Siena Vista Phase 4 Concept 2



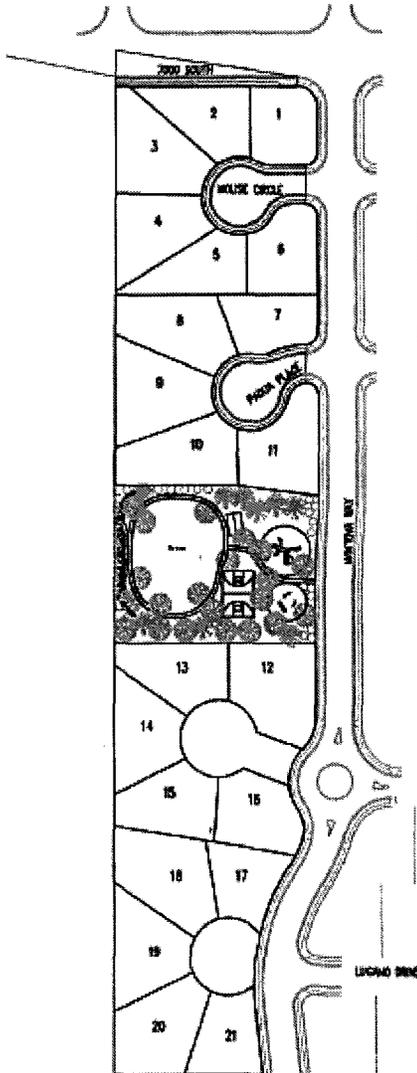
Scale: 1"=200' (8.5x11)

Sienna Vista Phase 4 Concept 2

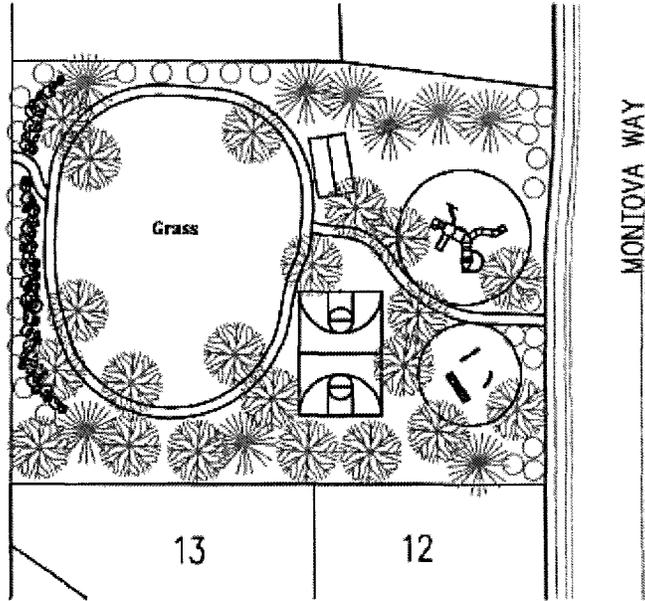
**Exhibit H**

# Siena Vista Phase 4 Concept 3

## Park Concept



Scale: 1"=200' (8.5x11)



Scale: NTS

- Park**
- 1.2 acres
  - 14,911 sq ft of Grass area
  - 30 trees, 27 shrubs
  - 19 component tot lot (older)
  - 9 component tot lot (younger)
  - Pavilion (18'x28'), Benches, BBQ
  - Basketball court
  - Fencing
  - Lighting

**Sienna Vista Phase 4 Concept 3**

**Exhibit 1**



CITY OF WEST JORDAN  
COMMUNITY DEVELOPMENT APPLICATION

8000 South Redwood Road  
(801) 569-5180

Sidwell # 2026200016 Acreage: 7.2 Lots: \_\_\_\_\_ Zoning: HR, R-1-6 (C&DZC)

Project Location: 7000 South 5715 West

Project Name: Siena Vista Phase 4

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

Applicant: Vic Barnes Company: Peterson Development

Address: 225 S 200 E Suite 200

City: Salt Lake City State: Utah Zip: 84111

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

Email Vic@petersondevelopment.com

Property Owner: Barrett Peterson, Manager Canyon Ranches Lc

Address: 225 S 200 E Suite 200

City: Salt Lake City State: Utah Zip: 84111

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

Email Barrett@choosepeterson.com

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

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

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

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

Email \_\_\_\_\_

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

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

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

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

Email \_\_\_\_\_

SIGNATURE: *Vic Barnes* DATE: 7/2/13

Project #: \_\_\_\_\_ Date: \_\_\_\_\_  
Received By: ODA \_\_\_\_\_ PLANNING \_\_\_\_\_ ENGINEERING \_\_\_\_\_

Revised 9/1/11

Application  
Exhibit J

**City of West Jordan**

# Memo

**To:** Paul Coates  
**From:** Tom Burdett  
**Date:** 5/12/2008  
**Re:** Siena Vista

---

After review of the minutes, applications, staff reports and audio tapes of the planning commission, the following conclusions can be summarized:

- It was the consensus of the Commission that the only way they were going to vote in favor of the R-1-6 zoning was with the requirement for open space.
- There was a discussion regarding the definition of open space. One member of the commission was concerned that park-strips and yards could be considered open space and asked to add the word 'public' in front of the staff condition for 10% open space. To clarify the intent for a larger contiguous area.
- Another member wanted to have the planning commission to have input into the placement of the open space. This was to make sure that larger tracts would be available to the community.
- There was no discussion regarding who maintains the area. This question is still ripe for determination.
- I recommend that staff not recommend any more lots be allowed for the reduction of the open space parcels depicted on the preliminary plat. If Peterson wishes to eliminate the open space then they subdivide larger lots instead, while maintaining the same number of units and density.

C: Jeff Robinson  
Greg Mikolash

# Memorandum

To: Tom Burdett, Greg Mikolash

CC:

From: Jennifer Jastremsky

Date: 4/29/09

Re: Siena Vista Open Space

I was asked to look into the history of parks within Siena Vista to see what type of improvements may have been suggested, planned or considered for the required open space areas and what Petersons' obligation for open space within the development may be.

I cannot find anything specific in the minutes and files to suggest what type of park Peterson Development was planning for Siena Vista. During the Preliminary Plat approvals, the Planning Commission asked what type of parks/amenities will be provided. At that time, Peterson said that the design of the parks was undecided and they will be working on a design as the project progresses. They also mentioned a willingness to work with staff on the designs.

The Preliminary plat shows three open space areas, two "park/detention basins" of 1.57 acres and 2.56 acres in size and one "park" that is 4 acres in size. Phase one contains a 1.57 acre detention basin which has been fully developed.

The rezone approval for Siena Vista Subdivision includes a condition of approval for 10% public open space. There have been some questions as to what the word "public" means in this instance. Does it mean the actual ownership and maintenance of the park space or does it mean the park should be open to the public?

At the time, staff made a recommendation to the Planning Commission that several conditions of approval be added to the rezone on the property, specifically that "a minimum of 10% open space is required in the development." According to the minutes from the May 16, 2001 Planning Commission meeting, there was a discussion regarding the definition of open space and how the city can make sure it is developed as public open space. The minutes do not go into further detail of the discussion. After the discussion the Planning Commission forwarded a positive recommendation to the City Council with an amended condition, specifically "a minimum of 10% *public* open space is required in the development."

1

Memorandum 2  
Exhibit L

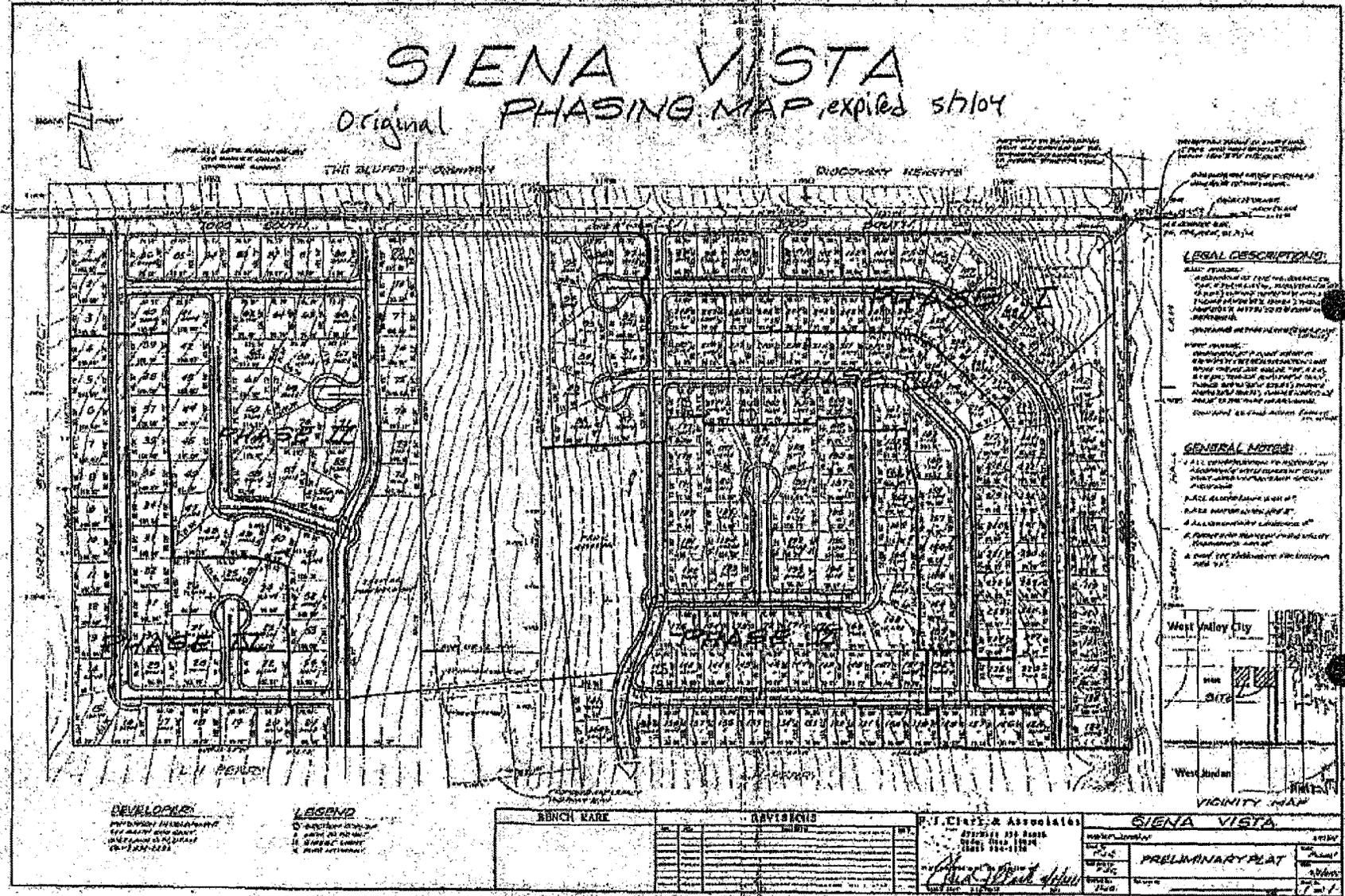
According to various memos and emails in our records there has been four different options discussed with Peterson Development about how to proceed with the open space. These options assume the open space was intended to remain in private ownership.

1. Create a home owners association for the entire development to maintain the remaining open space.
2. See if City Council will accept dedication and maintenance of the open space.
3. Amend the zoning condition to allow for a smaller amount of open space in order to have an amount that would be more easily and feasibly maintained by a home owners association within the remaining phases only.
4. Rezone the property to the West Side Planning Area's LSFR designation.

Below is an outline of specific approvals and dates.

- The City Council approved the rezone application for Siena Vista Subdivision, encompassing 71.16 acres, on June 19, 2001, following review and recommendation for approval by the Planning Commission on May 16, 2001. Ordinance 01-28 included four zoning conditions. The first is as follows: "A minimum of 10% public open space is required in the development."
- Preliminary Subdivision approval occurred on April 3, 2002. The Planning Commission included two conditions of approval that are relevant to the open space discussion. Condition number three states that the applicant must work with the Parks Department on design of park areas. Condition number eleven states that the subdivision plat should designate trails and other necessary pedestrian access to the TRAX station and the park systems.
- Phase 1 Final Subdivision Plat was approved on March 5, 2003 and included a small open space dedication, approximately 1.57 acres, in the northeast corner of the development adjacent to the intersection of 7000 South and 5600 West. This open space also doubles as a detention basin and has been dedicated to the city.
- Phases 2 and 3 Final Subdivision Plats were approved on May 7, 2003 and did not include any open space. Planning Commission minutes from the approval indicate that the open space is to be provided in future phases.
- The remaining Phases of the Subdivision will be required to install the remainder of the 10% public open space, which must equal a minimum of 5.54 acres to meet the 10% open space requirement.
- The Preliminary Plat expired on May 7, 2004. All future phases will require a new preliminary plat. The two conditions of approval placed on the original preliminary plat will not apply to future phases, unless they are placed on a new preliminary plat.
- The General Plan Map does not show a future planned park in the vicinity of Siena Vista. The closest planned park is part of the Peterson Development Creekside at the Highlands.





**Exhibit M**

**Original Phasing Map**

MEMORANDUM

**To:** Tom Burdett  
**From:** Julie Davis  
**Regarding:** Findings in Planning Commission audio tapes from May 16, 2001 regarding Siena Vista rezoning and open space.  
**Date:** April 18, 2008

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After review of the tape referenced above the following items were discussed regarding open space:

- Questions were raised as far as what would be provided. Mr. Peterson said he would work with staff regarding the placement.
- Kathy Hilton was especially vocal as far as the need to provide the open space and to make sure the Commission had input into the placement. She wanted to make sure it was in larger tracts that were accessible to the community.
- There was a discussion regarding the definition of open space. Lohra Miller was concerned that parkstrips and yards could be considered open space and asked if adding the word 'public' would clarify their intent for the large open space areas. Staff said that it would.
- It was the consensus of the Commission that the only way they were going to vote in favor of the R-1-6 zoning was with the requirement for open space.
- It was noted that the next item on the agenda was the rezoning of West Jordan Meadows #3 Subdivision. One of the conditions was to 'Provide a minimum of 10% open space.' Does the City maintain that open space?

**Memorandum 3**

**Exhibit N**

**PETERSON  
DEVELOPMENT COMPANY, L.L.C.**

225 South 200 East, Suite 300, SLC, UT 84111  
Office: (801) 532-2233 Fax: (801) 532-7110

March 27, 2008

Paul Coates  
West Jordan City  
Office of Development Assistance  
Email: [PaulC@WJordan.com](mailto:PaulC@WJordan.com)

Re: Siena Vista Zoning Requirements

Paul:

As you know we would like to move forward with the approval process on the remaining portions of Siena Vista that is located at approximately 5800 W 7000 S in the city. As we have reviewed the future phases with regard to the landscape requirements for the open space with the planning department an issue has come up that causes great concern. The planners say the city no longer wants to accept the open space as city parks to be maintained by the public works department that was originally part of the preliminary plan.

At the time this land was rezoned on June 19<sup>th</sup>, 2001 the city placed a condition that 10% of the land would need to be left as open space. At that time the city was encouraging small park areas that were intended to benefit the city as evidenced by the parks in some of our other developments such as in Woodcreek and Stone Creek. The first portion of open space in this development was dedicated to the city. The preliminary plan that was approved at the beginning of this project calls for two more open space areas, one on either side of the power corridor. Now that more than half of the project has been sold and the city has changed its position on open space we are questioning how we are to proceed.

We have had conversations with Chris Gilbert and Greg Mikolash in the planning department. Some suggestions have come out of these discussions, but some we do not like and others may require approval of city council. The first suggestion is to create a home owners association for the remainder of the subdivision which would maintain the remaining open space. That would cause an unfair burden on the remaining buyers since

2008 Peterson Development Letter

Exhibit O

over half of the subdivision has all ready been sold and a small percentage would be required to pay for the park that benefits the whole project.

Another suggestion is to see if city council will accept the dedication and the maintenance of the open space as was originally intended.

A third suggestion is to see if city council will revise the conditions and reduce the area required to be developed as open space or park small enough for an HOA consisting of the remaining lots, or possibly just those lots on the west side of the power corridor, to reasonably maintain the open space.

The forth suggestion was to rezone the property to the West Side Plan under the LSFR designation. In looking at this option we have determined that more open space would be required under this plan then is currently required under the existing zoning. Since we plan on selling these lots individually we would then have to work with the builders to make sure they complied with any density bonus requirements that we worked out in finalizing the zoning. The current zoning we have is more suitable to our needs then the LSFR would be.

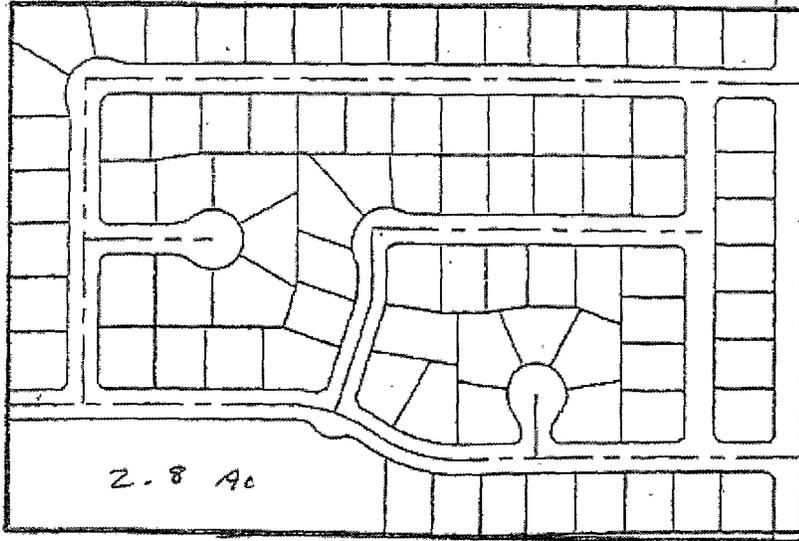
We would prefer either the second or third suggestion be approved. The planners thought the second option would not require modification of the zoning conditions but would require council action to accept the dedication and maintenance. They said the third option would require modification of the zoning conditions by council. I hope that would not require a full zoning application with its associated notification periods for multiple meetings and fees.

We are hoping you can give us direction on this and help us move forward on this issue not to mention the original issue we brought up with the planning department regarding the landscape requirements for the open space. With resolution on this, the water issues and the road dedication we would like to proceed with approvals.

We appreciate your help on this matter. I look forward to your response.

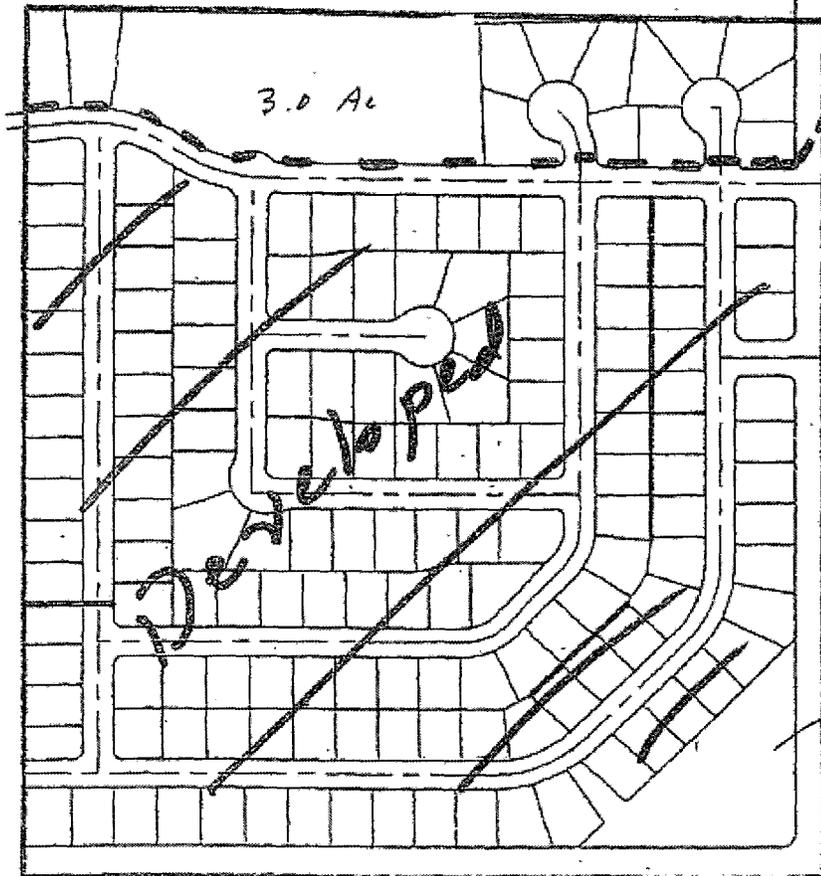
Regards,

Victor Barnes



Siena  
Vista  
Concept  
Plan

Pointe  
Corridor



City Owned  
Open Space

2008 Peterson Development Letter

Exhibit O

City of West Jordan  
Planning and Zoning Division  
April 17, 2008



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MEMORANDUM

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**TO:** Greg Mikolash, City Planner  
**FROM:** Chris Gilbert, Associate Planner  
**SUBJECT:** Siena Vista Open Space Requirement  
**PROJECT:** Siena Vista Subdivision, All Phases

---

This memo is provided in response to your request to research the history of the open space requirement for Siena Vista Subdivision due to some statements made recently by the developer that may not be in agreement with already-granted approvals. The developer referenced verbal comments allegedly made by myself in a phone conversation held several weeks ago on this subject.

My recollection of this discussion is being asked some questions by Mr. Vic Barnes about the open space shown on his pre-application meeting drawings for the final phases of Siena Vista Subdivision. I said to Mr. Barnes that the Parks and Recreation staff has stated in the past their concerns about being able to maintain the numerous small "pocket" parks that are being required in many developments to meet open space requirements, and that if he thought he had a better idea how to address the situation, to put his thoughts on a plan drawing and bring it in and visit with staff on the issue. In no way was Mr. Barnes told that the City would not accept the required park and was relieved from having to install this City Council-mandated improvement. The open space requirement had previously been made clear to Mr. Barnes at the pre-application meetings held on Phases 3 and 4 of Siena Vista.

The results of these research efforts are attached to this memo.

The findings are summarized below:

- The City Council approved the rezone application for Siena Vista Subdivision, encompassing 71.16 acres, on June 19, 2001, following review and recommendation for approval by the Planning Commission on May 16, 2001.
  - Included in the minutes of the City Council discussion on the rezone is a Condition that was placed on the rezone requiring a minimum of 10% public open space. Both the original staff report and the Planning Commission minutes reference providing 10% open space in the development.
  - The first phases of the Subdivision were built with a small open space dedication, approximately 1.5 acres, in the northeast corner of the development adjacent to the intersection of 7000 South and 5600 West. This open space also doubles as a detention basin.
  - The remaining Phases of the Subdivision will be required to install the remainder of the 10% public open space and dedicate it to the City as part of the development, in order to be in compliance with the original zoning conditions.
  - Only the City Council has the authority to remove a zoning condition through an application process.
  - The General Plan Map does not show a future planned park in the vicinity of Siena Vista. The closest planned park is part of the ongoing Maple Hills project.
- 

Memorandum 4

Exhibit P

**WEST JORDAN PLANNING COMMISSION STAFF REPORT**

**DATE:** May 16, 2001

**ITEM #** 3  
**SIDWELL:** 20-26-200-003, 004

- I. APPLICATION: SIENA VISTA SUBDIVISION REZONE**
- A. APPLICANT:** Peterson Development
  - B. REQUEST:** Rezone 71.2 Acres from A-20 to R-1-6A & B, R-1-8C
  - C. LOCATION:** Approximately 5800 West 7100 South
  - D. ZONING:** A-20
  - E. ACREAGE:** 71.2 Acres

**II. ANALYSIS:**

The applicant is requesting a rezone of 71.2 acres from A-20 (Agricultural with 20 acre minimum lot size) to R-1-6A and B, and R-1-8C. The property is located at approximately 5800 West 7100 South, just south of the Suncrest Ridge and west of the 5490 West private lane development. It will be bordered on the east by 5600 West and on the West by the Western Transportation Corridor (WTC).

The Engineering Division has indicated to staff that 5600 West Street will be a 106 foot right-of-way street through the City. It is staff's understanding that the WTC will be a 100 meter (approximately 330 feet) right-of-way. These two roads will have an impact on the layout and design of the subdivision.

The applicant has requested an R-1-6 zone with a mix of "A" and "B" home sizes and an R-1-8 zone with "C" home sizes. In their letter stating the reasons for the requested rezone they ask for a 50/50 mix of "A" and "B" home sizes to be mixed on 6,000 and 7,000 square foot lots. This portion of the rezone request is 44 acres and is the eastern part of the property. The R-1-8 zone is on the west 26 acres of the property.

The "A" homesize was established for use in limited instances in hardship circumstances as determined by the City Council. In staff's opinion this rezone request does not meet those requirements. Staff would recommend a "B" and "C" size home for the R-1-6 zoning and a mix of "C" and "D" for the R-1-8 zoning. The Planning Commission may choose to place Zoning Conditions on the rezone that establishes the minimum building square footage. However, the imposition of Zoning Conditions can not be less restrictive than those of the underlying zone.

The requested rezone is in compliance with the current General Plan, however, the area between 5600 West and the WTC is scheduled for review with the General Plan Committee on their May 9, 2001 meeting. Staff will provide the Planning Commission with information from that meeting at the May 16, 2001 Planning Commission meeting.

There will be impacts on City infrastructure. The three areas of primary concern are the construction of the

106 foot wide right-of-way road at 5600 West, the development of the WTC, and the completion of 7000 South Street (80 foot right-of-way). Further study on the location of 5600 West Street will need to be undertaken prior to any subdivision plat approvals being granted. The Director of Public Works has indicated to staff that this area is to be included in an update to the Master Transportation Plan. Staff is unsure as to when that updated study will be conducted, however, funds have been budgeted. Water and sewer availability will also be issues that will need to be reviewed by the Utilities Engineer.

The R-1-6 zone did not exist prior to the adoption of the May 2000 Zoning Ordinance. It was included with the new ordinance as a way to prevent many of the lots in the Oquirrh Shadows annexation from being non-conforming. In general the R-1-6 zone should only be used if there are some tradeoffs for the increase in the number of lots.

Staff has compared this request with the Bloomfield Farms rezone and suggests imposing similar zoning conditions on this property. In the Bloomfield Farms rezone request the applicants showed 12% open space, which staff included as a Zoning Condition. Staff suggests that a minimum of 10% open space be maintained in this project.

**III. STAFF RECOMMENDATIONS:**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone 71.2 acres to R-1-6B and C and R-1-8C located at approximately 5800 West 7100 South, with the following findings:

1. The rezone is in compliance with the General Plan.
2. The rezone would provide a transitional development between Suncrest Ridge to the north and the property to the South.
3. The higher density lots provide a good transition from the Western Transportation Corridor.

Staff also suggests that the Planning Commission forward a recommendation to impose the following Zoning Conditions on the property:

1. A minimum of 10% open space is required in the development.
2. A maximum of 50% of the homes in the R-1-6 development will be of the "B" home size.
3. At least 50% of the homes in the R-1-6 development will be of the "C" home size.
4. Homes in the R-1-8 development will meet or exceed the "C" home size.

**IV. CLEARANCE:**

Planner: Michael Meldrum

City Planner: *[Signature]*

Attorney: *[Signature]*

# DRAFT

## PLANNING COMMISSION MEETING MAY 16, 2001

**MOTION:** Jamie Gordon moved to forward a positive recommendation to the City Council to rezone Siena Vista Subdivision Rezone; Approximately 5800 West 7100 South; Peterson Development (applicant) from A-20 to R-1-6B and C and R-1-8C; Peterson Development (applicant) with the findings 1 through 3 as outlined by staff and further stating to forward a positive recommendation to impose the following zoning conditions on the property 2, 3, and 4 as stated by staff and amending:

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone 71.2 acres to R-1-6B and C and R-1-8C located at approximately 5800 West 7100 South, with the following findings:

1. The rezone is in compliance with the General Plan.
2. The rezone would provide a transitional development between Suncrest Ridge to the north and the property to the South.
3. The higher density lots provide a good transition from the Western Transportation Corridor.

Staff also suggests that the Planning Commission forward a recommendation to impose the following Zoning Conditions on the property:

1. A minimum of 10% public open space is required in the development.
2. A maximum of 50% of the homes in the R-1-6 development will be of the "B" home size.
3. At least 50% of the homes in the R-1-6 development will be of the "C" home size.
4. Homes in the R-1-8 development will meet or exceed the "C" home size.

The motion was seconded by Kathy Hilton and passed

**ITEM #3: 20-26-200-003, -004 SIENA VISTA SUBDIVISION; APPROXIMATELY 5800 WEST 7100 SOUTH; REZONE 71.2 ACRES FROM A-20 TO R-1-6A & B AND R-1-8C; A-20 ZONE; PETERSON DEVELOPMENT (APPLICANT)**

Russell Fox said that the proposed rezone is from A-20 to R-1-6A&B and R-1-8C. The General Plan designation is high density residential, and the location of the Western Transportation Corridor has been relocated to the east portion of the UP&L Corridor instead of the original location of 5600 West.

Michael Meldrum said that 5600 West is planned to be 106' right-of-way. Staff's primary concern is the impact to the project because of the widening of the road and dedications required.

Russell Fox also read the zoning conditions which were recommended for the R-1-6 subdivision and follows that which was required for the Bloomfield Farms Subdivision. He stated that the R-1-6 zone was primarily added to the ordinance to address the annexation of Oquirrh Shadows. Staff suggested that the open space will compensate for the high density zoning.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone 71.2 acres to R-1-6B and C and R-1-8C located at approximately 5800 West 7100 South, with the following findings:

1. The rezone is in compliance with the General Plan.
2. The rezone would provide a transitional development between Suncrest Ridge to the north and the property to the South.
3. The higher density lots provide a good transition from the Western Transportation Corridor.

Staff also suggested that the Planning Commission forward a recommendation to impose the following Zoning Conditions on the property:

1. A minimum of 10% open space is required in the development.
2. A maximum of 50% of the homes in the R-1-6 development will be of the "B" home size.
3. At least 50% of the homes in the R-1-6 development will be of the "C" home size.
4. Homes in the R-1-8 development will meet or exceed the "C" home size.

Lohra Miller asked if an R-1-6 zoning with the required open space would be preferable to the R-1-8?

Russell Fox explained that R-1-8 had been the City's smallest single-family lot for several years and there was no open space required for the zoning. High density is also defined in the General Plan as R-1-8 or smaller lots which would also include the R-2 zone.

Lohra Miller asked if R-1-6 with open space would provide the same amount of homes as R-1-8 without the open space?

Michael Meldrum felt that it would be slightly more and it would also depend on how the open space is placed in the area. If it is accessible and in a usable format it would be a benefit to the residents.

Lohra Miller asked about the difference between 12% open space provided for the Bloomfield Farms Subdivision versus 10% required for this application?

Russell Fox said that the applicant of Bloomfield Farms originally submitted 10% open space but the actual design was 12% and that is what they are required to provide.

*Planning Commission Meeting Minutes  
May 16, 2001*

**May 16, 2001 PC Minutes**

**Exhibit R**

It was pointed out that this subdivision will be next to rural residential lots to the east. Russell Fox explained that Legacy Highway was the proposed separation at the time of the revision of the General Land Use Plan Map which was adequate, but now the highway location has moved.

Jamie Gordon was concerned that there is a lot of high density residential in the area nearby already.

Michael Meldrum said that the General Plan Committee considered this area at their last meeting and they wanted it to stay the same.

Russell Fox explained that an R-1-6 zone is similar to the Village at Jordan Landing. The General Plan targeted the high density areas. He stated that 5600 West will be a 106-foot right-of-way and this property will be in between that and the Western Transportation Corridor and it will not be highly developable as a large-lot area.

Lohra Miller said that she understood staff to say that this high density is a good buffer for the roadways that will be built as well as from the existing subdivisions.

Russell Fox said there would be a transition from the higher density but they don't want to inundate the area with too much commercial and professional office. A similar density is the Village at Jordan Landing which has an average price of \$169,000 to \$175,000.

Gary Beutler said he was on the General Plan Committee when that area was reviewed and they looked at the amount of high density compared to the rest of the land uses and they tried to maintain 15%.

There was a discussion regarding the percentage of high density housing in the City. Russell Fox said that the 15% limit is for multi-family designation and not high density.

Leon Peterson, 225 South 200 East #300, stated that their application was to have smaller lots, but when staff recommended 6,000 and 8,000 square-foot lots they were changed. He said that even with 6,000 square-foot lots, the homes will be in the price range as indicated by Russell Fox. They have been working with the overall master plan and general plan and they agree with the planning staff suggestions. He said his price estimate is based on the other developments they are doing in West Jordan. The most important thing is to attract builders and developers that will build a quality home.

Gary Beutler asked Mr. Peterson if he was aware of the number of lots that will be lost due to the Western Transportation Corridor?

Leon Peterson said he did, but there are utilities and roads that have to be provided in order for developments to occur and property isn't valuable unless those are provided. He commented on the difference the completion of I-15 had on his travel time so he knows the importance of 5600 West as well as the Western Transportation Corridor.

Russell Fox said that the Commission is familiar with the Ivory Highlands which are on 7500 to 8000-square foot lots and the quality of the project makes a difference and those homes are being sold for more than \$225,000. That project has 12% open space.

Jamie Gordon asked the developer if they have plans for the open space?

Leon Peterson said they don't yet, but they will work with staff. He stated that his company has developed a lot of property in West Jordan over the last eight years and the smallest lots they have are 10,000 square feet. But they have found with the price of infrastructures that the lots are expensive and they need to be able to accommodate people who cannot afford something quite as expensive.

*Planning Commission Meeting Minutes  
May 16, 2001*

May 16, 2001 PC Minutes

Exhibit R

David Oliphant, 7548 South Woodbend Road, said he didn't have a concern with the proposed development but would like discussions to occur on the east/west travel corridors in the City and not only the north/south.

When asked, Michael Meldrum said that 7000 South will have an 80-foot right-of-way.

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

Kathy Hilton asked what size the homes on 1300 West are behind Anderson Lumber?

Russell Fox said they are on 4,000-square foot lots.

Kathy Hilton said that a park was promised in that area when it was developed and then the apartments were built with no open space. It is her concern with this project that the open space is provided.

Russell Fox explained what the old performance subdivision and performance development included and the problems which were encountered with them. The performance subdivision had some tradeoffs such as fencing, landscaping and architecture and the performance development had to include open space such as the Wood Cove Subdivision. He stated that zoning conditions can assure the open space will be provided because it is part of the zoning itself.

Kathy Hilton asked if they will have input on how the open space is developed because she would like something that is centralized.

Russell Fox said that it is a site plan issue that can be reviewed by the Planning Commission.

There was a discussion regarding the definition of open space and how they can make sure it is developed as public open space.

**MOTION:** Jamie Gordon moved to forward a positive recommendation to the City Council to rezone Siena Vista Subdivision Rezone; Approximately 5800 West 7100 South; Peterson Development (applicant) from A-20 to R-1-6B and C and R-1-8C; Peterson Development (applicant) with the findings 1 through 3 as outlined by staff and further stating to forward a positive recommendation to impose the following zoning conditions on the property 2, 3, and 4 as stated by staff and amending:  
1. A minimum of 10% public open space is required in the development.  
The motion was seconded by Kathy Hilton and passed 5-0 in favor.

There was a discussion of the amount of open space required. It was felt that with the amount of open space it provides a compromise for the density of the project. The Commission requested that the ordinance be reviewed regarding the R-1-6 zone.  
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*Planning Commission Meeting Minutes  
May 16, 2001*

**Exhibit R**  
**May 16, 2001 PC Minutes**

**CONSIDER APPROVING PROPOSED ORDINANCE 01-28, REZONE OF APPROXIMATELY 5800 WEST 7100 SOUTH FROM A-20 (AGRICULTURAL) TO R-1-6A, B AND R-1-8C (RESIDENTIAL SINGLE-FAMILY 6,000 AND 8,000 SQUARE-FOOT LOTS) PETERSON DEVELOPMENT, APPLICANT**

Russell Fox said the applicants were requesting a rezone of 71.16 acres from A-20 (agricultural with 20 acre minimum lot size) to R-1-6A and B, and R-1-8C (single family residential on 6,000 and 8,000 square foot lots, respectively). The property was located at approximately 5800 West 7100 South, just south of the Suncrest Ridge Subdivision and west of the 5490 West private lane development. It would be bordered on the east by 5600 West Street and on the west by the Western Transportation Corridor (WTC).

Planning staff had consulted with the Engineering Division and learned that the 5600 West would be a 106-foot right-of-way through the majority of the City. It was staff's understanding that the WTC would be a 100-meter (approximately 330 feet) right-of-way. These roads would have an impact on the layout and design of the proposed subdivision.

The applicant had requested an R-1-6 zone with a mix of "A" and "B" zone sizes and an R-1-8 zone with an R-1-8 zone with "C" home sizes. In their letter stating the reasons for the requested rezone they asked for a 50/50 mix of "A" and "B" home sizes to be placed on a mix of 6,000 and 7,000 square foot lots. This portion of the rezone requested was 44 acres and was the eastern part of the property. The requested R-1-8 zone was on the western 26 acres of the property.

The "A" home size was established for use in limited instances in hardship circumstances as determined by the Council. In staff's opinion, this rezone request did not meet those requirements. Staff would recommend a "B" and "C" size home for the R-1-6 zoning and a mix of "C" and "D" for the R-1-8 zoning. The Council could choose to place zoning conditions on the rezone that established the minimum building square footage.

The R-1-6 zone did not exist prior to the adoption of the May 2000 Zoning Ordinance. It was included with the new ordinance as a way to prevent many of the lots in the Oquirrh Shadows annexation from being nonconforming. In general, the R-1-6 zone would only be used if there were some tradeoffs for the increase in the number of lots. In reviewing the application, staff compared this request with the Bloomfield Farms rezone and suggested imposing similar zoning conditions. In the Bloomfield Farms rezone request, the applicants showed 12% open space, which staff included as a zoning condition. Staff suggested that a minimum of 10% open space be maintained in this project. The reason for the difference in the amount of open space between the two projects

was that in working with the developer for Bloomfield Farms staff indicated that 10% open space would be the minimum that the City would consider. In drawing their concept plans, the developer found that 12% open space worked well and they determined that it was a number that they could work with as a zoning condition. Staff used this same approach with Peterson Development and made the same suggestion for a minimum of 10% open space. Staff had not yet seen a concept plan that showed this 10% open space, however, the applicant had indicated their willingness to comply with that number.

#### General Plan Compliance

The General Plan Committee considered changes to the land around the WTC on their May 9, 2001 meeting, and forwarded a positive recommendation to leave the land uses as currently designated. The Planning Commission heard this item on their May 16, 2001 meeting, and forwarded a recommendation to rezone the property from A-20 to R-1-6B and C and R-1-8C.

There would be impacts on City infrastructure. The three areas of primary concern were the construction of the 106-foot wide right-of-way road at 5600 West, the development of the WTC, and the completion of 7000 South (80 foot right-of-way). Further study on the location of 5600 West would need to be undertaken prior to any subdivision plat approvals being granted. The Director of Public Works and Development Services had indicated to staff that this area was to be included in an update to the Master Transportation Plan. Water and sewer availability would also be issues that would need to be reviewed by the Utilities Engineer.

The positive fiscal impacts would include connection fees to utilities, other impact fees, and property taxes. The residential development would have a negative fiscal impact on City services. The Planning Commission and staff recommended that the Council adopted an ordinance rezoning 71.16 acres, located at approximately 5800 West 7100 South, from A-20 (agricultural with 20 acre minimum lot size) to R-1-8C (single family residential on 6,000 and 8,000 square foot lots, respectively) with zoning conditions.

The following zoning conditions would be attached to the property:

1. A minimum of 10% public open space was required in the development.
2. A maximum of 50% of the homes in the R-1-6 development would be of the "B" home size.
3. At least 50% of the homes in the R-1-6 development would be of the "C" home size.
4. Homes in the R-1-8 development would meet or exceed the "C" home size.

Councilmember Summers questioned how the open space was defined?

Russell Fox said it could be a park similar to the Bloomfield Subdivision, in the center of the development.

Leon Peterson, Peterson Development, said they had taken into consideration the 10% open space and there were approximately 280 residents in the development, minus the 28 lots for the open space.

Russell Fox indicated that there would be approximately 5.7 units per acres. There would be approximately 70 acres, with approximately 7 acres of open space, leaving 63 acres for residential.

The Council, staff and Mr. Peterson addressed the open space and possibility of development in the area.

Mayor Evans indicated there had been an increase in density in the western portion of the City. Mr. Peterson felt the high density was ideal for this area because of the impact of the Western Transportation Corridor.

The Council and staff addressed the house size in the Oquirrh Shadows Development and proposed house sizes abutting. They addressed the proposed C and D home sizes.

Russell Fox indicated the Council could approve the R-1-8C with a condition that 50% of the homes would be a "D" house size. He felt if 5600 West was designated as a 106-foot right-of-way, it would be a good buffer to separate the proposed development from the one-acre rural residential homes.

Councilmember Haight asked if there would be problems with providing sewer and water lines to the proposed development?

Russell Fox said there were currently water lines available and a sewer line was available on 7000 South.

Mayor Evans opened the Public Hearing.

Kelly Deluth, 5490 West 7144 South, said several home owners had addressed this issue with the Council in the past. He said he did not want the smaller "C" or "D" size homes next to their property. He would like to have at a minimum, ½ acre lots to the west of their homes where the proposed Legacy Highway would have been. He felt there were several lots on a bluff that would provide a great view that should not be small lots.

Ken Tramvetta, 5490 West 7252 South, distributed a map to the Council outlining the surrounding three mile long park and riding trails surrounding his property. He indicated they do not want to have smaller lots on the bluff areas. He felt the west side had the best view in the valley. He felt very expensive homes could be developed in this area if the City would make the homes premier. He said the City should hold onto the heritage of the west and keep the higher class homes in the area.

Brian Cahoon, 7333 South 5490 West, said he would like to keep the area the way it was currently developed.

There was no one else who desired to speak.

Mayor Evans closed the Public Hearing.

Councilmember Allison asked what the grade separation was with the lots on the east and the west side?

Russell Fox said 7000 South had a very good rise in the grade and would look over the homes to the east. He was not sure of the grade separation.

Councilmember Allison asked staff about the statement that this area would not be ideal for low density housing because of the close proximity to the Western Transportation Corridor.

Russell Fox said one of the advantages of the Western Transportation Corridor was that it was designed out as a sub-grade highway. He felt any development that went in the area would have a great view of the entire valley.

Councilmember Allison asked if any consideration had been given by staff or by the Planning Commission to moving from a lower density on the eastern portion of the site up against 5600 West, to a higher density as the Western Transportation Corridor was approached?

Russell Fox said the transitions had worked well. He said a 106-foot right-of-way would provide a good buffer, especially when they were backing homes.

Councilmember Nelson felt the higher density homes should have every right to the views in the area. She felt mixed lots would be beneficial in the area.

Councilmember Summers said the power corridor in the area would make a big impact with the development in the area. He could not see a millionaire dollar home in the area.

Mayor Evans said the power corridor would give an unimpeded right-of-way all across the City. Having ½ acre lots close by would be a benefit to those people. If there were high density all around, there would not be any access points.

Leon Peterson said all they were asking for was the same zoning that was placed to the north of the proposed development.

Mayor Evans was concerned with zoning another high density development in the City. She felt the City needed to have more larger lots and homes.

Leon Peterson said he had been responsible for bringing in several low density developments in the City over the past few years. He was open to any suggestions from the City.

Councilmember Allison asked if Mr. Peterson would comment, as a developer, on the feasibility of the mixture of densities with a development his size, from an economic perspective.

Leon Peterson said there must be integrity in the development. He said it would be difficult to sell homes across the street from each other if the house sizes were different.

**MOTION:** Councilmember Argyle moved to adopt an Ordinance rezoning 71.16 acres located at approximately 5800 West 7100 South, from A-20 Agricultural, to the 26-acre piece be rezoned R-1-8 "C" size homes, and the 44-acre piece be rezoned R-1-10, R-1-12 with "C" and "D" size homes with the R-1-12 being further east and transitioned into the R-1-10 with 10% open space. The motion was seconded by Mayor Evans.

The Council and staff discussed the proposed motion.

Councilmember Allison spoke against the motion. He did not think it would be workable, from the standpoint of the property owners perspective. The homes would not be marketable. Regarding an unimpeded equestrian trail, given the other types of development that had already been approved or contemplated according to the General Plan, he did not see how it could happen.

Kevin Watkins said when a motion was made regarding zoning that was different from the General Plan, he recommended a basis for doing it, so it would become part of the record.

Councilmember Pitts spoke against the motion. There was a process in effect with resident involvement that had carefully laid out a plan. The plan had been supported by developers who had brought forth a development proposal which had been supported by the Planning Commission and Planning staff.

Councilmember Allison said regarding the 10% open space, he asked if the same grounds for requiring the trade off for anything 8,000 square feet or above were the same?

Russell Fox said it was a matter of deciding if an area was to be preserved open space, and considering the fiscal impacts it would have.

#### **SUBSTITUTE**

**MOTION:** Councilmember Summers moved to adopt an Ordinance rezoning 71.16 acres, located at approximately 5800 West 7100 South, from A-20 [Agricultural] with a 20-acre minimum lot size to R-1-6 "C" and "D" and R-1-8D [single family residential on 6,000 and 8,000 square foot lots, respectively], based on the

following findings and zoning conditions: 1) A minimum of 10% public open space was required in the development; 2) A maximum of 50% of the homes in the R-1-6 development would be of the "C" home size; 3) At least 50% of the homes in the R-1-6 development would be of the "D" home size; 4) Homes in the R-1-8 development would meet or exceed the "D" home size. The motion was seconded by Councilmember Pitts.

The Council and staff discussed the proposed motion and the home sizes in the area.

A roll call vote was taken:

Councilmember Allison	Yes
Councilmember Argyle	No
Councilmember Haight	No
Councilmember Nelson	Yes
Councilmember Pitts	Yes
Councilmember Summers	Yes
Mayor Evans	Yes

The motion passed 5-2.

**ITEM #9 20-26-200-003, -004 SIENA VISTA SUBDIVISION; APPROXIMATELY 7000 SOUTH 5600 WEST; PRELIMINARY SUBDIVISION PLAT; R-1-6C&D (ZC) AND R-1-8D (ZC) ZONES; PETERSON DEVELOPMENT (APPLICANT)**

Michael Meldrum gave the overview of the property and said there was a concern with the proposed phasing plan that would need to be addressed with the Engineering and Planning departments. The intersection at 5600 West and 7000 South were not aligned and the City Council must approve the proposed half-width on 5600 West.

Staff recommended that this application for Preliminary Subdivision Plat approval for the Siena Vista Subdivision, located at approximately 7000 South 5600 West, be approved with the conditions as set forth below. The applicant should be advised that Planning Commission approvals do not include Fire, Building and Safety or Engineering approval. Requirements by those departments must be met and site changes or additions may be required. Building permits will not be issued until all departments' requirements have been satisfied.

1. No lots may have access directly onto 7000 South or 5600 West.
2. Sewer lines in 5600 West and 7000 South must be shown as required by the Utility Department. The sewer lines must be shown on the Final Subdivision Plat drawings at the time of submittal.
3. Work with the City's Park Department to design the park areas.
4. A plan for the detention pond must be submitted with the Final Subdivision Plat application.
5. Work with Planning and Engineering Department staff members to determine a phasing plan, which will address utility connections.
6. Renumber the subdivision lots according to the phasing plan.
7. The intersection at 5600 West and 7000 South must be aligned as specified by the Engineering Division.
8. Meet all zoning conditions of Ordinance 01-28 and dated June 19, 2001 granting the rezone for Siena Vista.
9. A streetscape wall must be installed along both 5600 West and 7000 South as required in Section 88-4-803(c) and 88-4-304 of the Unified Development Code.
10. The streetscape wall color must be earth tone as defined in Section 88-1-103 of the Unified Development Code.

Linda Dalley asked if an allowance had been made for light rail or a parking station?

James Woodruff said that the future Western Transportation Corridor was proposed to go within the Utah Power and Light Corridor and some utilities would be relocated. In the next two years there would be a better idea of exactly where it would be located. It was planned to have a light rail or transit facility within the corridor, which would be included in the available 328 feet.

Linda Dalley said there should be some type of walking trail or pedestrian access to the Trax station or 7000 South. She asked if a condition could be made to designate walking and pedestrian trails to the park areas?

Michael Meldrum said it would be appropriate to have those connections through the park. He noted that an easement would need to be obtained from Utah Power.

There were parks and open space that were pointed out.

Barrett Peterson, 225 South 200 East #300, said that the walkways were a good suggestion. He stated that they were prepared to meet the conditions and the phasing plan would be modified.

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

**MOTION:** Duane Harding moved to approve the Preliminary Subdivision Plat for Siena Vista Subdivision; Approximately 7000 South 5600 West; Peterson Development (applicant) with conditions as recommended by staff 1 through 10, adding:  
11. Designate trails and other necessary pedestrian access to the Trax station and park systems.  
The motion was seconded by Nola Duncan and passed 5-0 in favor. Lohra Miller was absent.

Please find minutes of the February 4, 2014 Planning Commission meeting on the following pages

**Exhibit U** February 4, 2014 Planning Commission Minutes

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 4, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Dan Lawes, Sophie Rice, Zach Jacob, Ellen Smith, and Bill Heiner. David Pack was excused. Lesa Bridge was absent.

**STAFF:** Tom Burdett, Robert Thorup, Greg Mikolash, Larry Gardner, Nathan Nelson, and Julie Davis

**OTHERS:** Clayton Haight, Justin Adderley, Rick Hellstrom, Mike Fossmo, June Christiansen, Lynn Rasband, Kelly Smith, Emily Backus, Warren Kirk, AJ Walkowski, Bill Barton, Susan Gould, Marian Furst, Karen Barton, Dale Walkowski, Connie Sedanto, and Katie Dolar.

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The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed, and clarifying questions were answered. There are water issues that have contributed to the development delay in Phase 4 of Siena Vista subdivision, which still exist. Resolving the park issue doesn't necessarily clear the way for completion of the phase.

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The regular meeting was called to order at 6:01 p.m.

- 1. Consent Calendar**  
**Approve Minutes from January 21, 2014**

**MOTION:** Zach Jacob moved to approve the Consent Calendar, the minutes from January 21, 2014. The motion was seconded by Bill Heiner and passed 5-0 in favor. David Pack and Lesa Bridge were absent.

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- 2. General Plan Update – Update the 2012 City of West Jordan Comprehensive General Plan adding to the text a Vision Statement; City of West Jordan (applicant) [#TA20140001]**

Greg Mikolash stated that the General Plan was adopted in 2012. The proposal is to add a vision statement to the document.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed General Plan Amendment as discussed in the report.

Dan Lawes opened the public hearing.

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

**MOTION: Zach Jacob moved to forward a positive recommendation to the City Council to add the vision statement to the General Plan as stated in the packet with the removal of one comma as discussed. The motion was seconded by Sophie Rice and passed 5-0 in favor. David Pack and Lesa Bridge were absent.**

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- 3. Siena Vista Amended Zoning Conditions; 7000 South 5715 West; Amend/Remove Zoning Condition #1 pertaining to Open Space Requirement; R-1-6 C&D (ZC) Zone; Peterson Development/Vic Barnes (applicant) [#ZC20130008; parcel 20-26-200-016]**

Warren Kirk, representing the applicant, Peterson Development, gave a history of the development of Siena Vista, which began 13 years ago with preliminary approval for 71 acres with 10% required open space. The property was divided into 44 acres east of the power corridor and 26 acres west of the corridor. The 10% open space requirement was a zoning condition at that time, and since then the city has determined that they do not want to maintain pocket parks. Since the initial approval, the Jordan School District acquired 26 acres west of the corridor. The Planning Commission met on January 7<sup>th</sup> of this year to discuss options for the property. Staff listed eight options at that time, but the developer proposes two options 1) A park 0.57 acres in size and 23 home lots, and 2) Eliminate the internal pocket park and have 25 lots. The proposed lots would be larger than the minimum zoning requirement. He said there are currently 1.57 acres of open space, which is just less than 4% of the currently developed area. If they add 0.57 acres for a pocket park it will bring it to almost 5%. They understand they are not meeting the 10% requirement with their two options. A third option is to do nothing at all. He stated that they met with the residents, and Councilmember Southworth had as well. Mr. Kirk said he had personally attended two of the Open Land Committee meetings, and his impression at both of those was that there is not a vehicle or a way to maintain the park and the Open Land Committee would not make a recommendation for a pocket park or additional open space within this area. He described the current condition of the vacant field, which includes weeds, paint cans, mattresses, etc. They proposed to finish the development. They can't go back and change what happened in 2001 nor can they change the city's attitude toward maintenance. People in that area would love to have a park of any size in the area, but if it is going to cost them money the residents might not want the park. Some ways to provide maintenance may include an SID or HOA, which would not be popular with the residents. Some may argue that the power corridor is open space and their plan to finish the subdivision should not overcrowd the area. The property south of this is proposed as single-family lots. It is his understanding that Mantova Way has become a place for various activities and it is causing problems. He hoped that developing the lots on this property would help to reduce those concerns. There are five homes on Mantova Way who might say they don't want development to the west, because it would block their views. However, the rest of the development would probably hope to eliminate some of the suspicious activities in the area. As a property owner and developer they have tried to work well with the city in growing the area. Just south of Siena Vista they have helped to

facilitate a 4-acre city park, which he knows doesn't meet the requirement from 2001, but he asked them to consider that they are trying to finish this development.

Zach Jacob asked for clarification that the existing 1.57 acres of open space is the corner property on 7000 South and 5600 West, and it would require 2.89 acres of additional open space to fulfill the original condition.

Warren Kirk said yes.

Bill Heiner asked if open space could have been provided along the way as the other phases were being developed. It seems that they waited until the end to provide the open space even though Peterson Development knew it was required from the beginning. He asked how it got to this point.

Warren Kirk said in the past they submitted multiple attempts to see what the area on both sides of the power corridor would look like. They couldn't anticipate that the school would want 26 acres, but it made sense for them to purchase the property to plan for their growth. They always assumed they would have the open space in the end, but over that time period it seems that the city's appetite for maintenance and the budget had changed enough that it kept getting pushed aside and never developed. Up until 2008 there was a lot of growth in the area, but the challenge was how to maintain the open space. From 2001 to 2005 they developed the subdivision and then they stalled not knowing what maintenance vehicle would be used for the open space. So it was pushed to the back end with questions from both parties.

Dan Lawes asked if having an HOA or SID for a pocket park was feasible with only 23 homes.

Warren Kirk said they had made several proposals including a funding mechanism from the developer on the front end for a two or three year period and to be determined by the residents on the back end. But that would require the residents to police what they would consider to be a private park, and it would be difficult. It would be unfair for all of the current residents of Siena Vista to be assessed for a pocket park. He thought that some of the residents will express that they just want something done with the property and others will want it left open.

Larry Gardner gave an overview of the subject property and surrounding area. The original zoning condition on the R-1-6 property included 10% open space. The phasing map from 2004 showed the applicant intended the open area to be on both sides of the power corridor. He showed the existing parks and open areas within a quarter-, half-, and one-mile radius. He showed the two options from the developer. He said this is difficult situation. Peterson Development had never stated that they don't want to install the open space, but the city isn't interested in taking any more open space. Despite that, staff hadn't heard any compelling argument to remove the condition. He noted that the condition didn't specify 'park' but it said '10% open area', which was in exchange for a smaller lot zoning. It could be looked at that it gives the developer more product to sell in exchange for 10% open space, so staff recommended that the planning commission forward a negative recommendation for the request. The commission will hear from the residents of the area and staff is willing to look at any other

options to make a workable situation. Everyone wants to see the development ultimately finished with everything that the residents counted on.

There was a discussion regarding the map of open space and whether or not school property is counted as open space. Staff was just listing anything that had lawn that could be used as open space. One argument is that school grounds are used as open space, so why not count them. It was pointed out that school property may or may not be used by the public due to district policies, school sessions, and/or development.

Dan Lawes opened the public hearing.

AJ Walkowski, West Jordan resident, said they always understood that homes would be built in front of their home, but they also understood that a park was part of the plan. He felt the developer is trying to benefit from the extra property. He said the garbage collects in the field because it is undeveloped. If it becomes a nice park then that would probably change. He said they had a meeting last week and it was his understanding that the city is willing and has the money to install and maintain a park, and he asked the commission to vote in favor of the residents.

Bill Barton, West Jordan resident, supported Mr. Walkowski's comments and he asked the commission to support and reflect the feelings of the people who have invested money in their homes in this area. They had only been in the neighborhood for a couple of years, and they were told that there would be a fairly good-sized park in the area. He was sure that everyone who bought there was told by the realtor that there would be a park. He understood that the city had the park in the plans several years ago, and if they back out of it now it is a slap in the face to those residents, so the city should keep their commitment to have the park and maintain it.

June Christiansen, West Jordan resident, said it seems that over the years the open space is getting chopped up into smaller and smaller bits. She thought that the low density for the area should be more like 12,000 square foot lots. She wondered if it were ethical that the developer got smaller lots with the open space and now they are asking that the open space be removed. Open space is a premium and a benefit to the residents. Once you give it up you can't get it back, so they need to preserve it in some way. If they can't develop it as a park it could be community gardens or something else. Maybe the residents had ideas on how it could be maintained as a park. As a school teacher she sees that children spend way too much time indoors because there is no place to play. Space is needed for a healthy and happier environment. Overdevelopment contributes to crowded schools, road congestion, noise level, and pollution, and then they don't end up with the same vision they wanted when they moved here.

Susan Gould, West Jordan resident, said her lot would be across from the park, which was a main selling-point. They were just starting a family at that time. A few years later they went to a meeting with Councilman Southworth and Mayor Johnson and how they were going to get Peterson Development to start working on the park. Every year since then it seems there is a new meeting. They finally had a meeting with Peterson who said they were ready to do a park, but now the city had decided not to maintain parks smaller than 10 acres in size. She had been very active in trying to get this park and they keep getting shut down for something they were

promised from the beginning. She appreciated Peterson Development meeting with them, and she would like to see something happen. The property is currently unmaintained weeds, which is why people use it as a dump. She and her family often clean it up. She felt their situation should be grandfathered because it was approved before the new stipulations for parks were established.

Mike Fassmo, West Jordan resident, echoed Ms. Gould's comments. He was also told 7-8 years ago that there would be open space/park. Their neighborhood had met on multiple occasions as well as with the city council members and with Peterson Development. It sounds to him like Peterson is offering some open space and that they are willing and able to facilitate the park, but the hang-up is with the acreage of the park and what the city will maintain. Their neighborhood had tried to come up with possibilities on how they could assist with maintenance, but as a whole the neighborhood had become a little rundown with some of the rentals and 7000 South isn't maintained well along with the roundabout, and the field is an eyesore. The dead end road has become a haven for drug use, vandalism, and dumping. He would like to see the development finished by Peterson. He understood that the lots and homes will be equal or greater value than the existing homes. Because they have offered to complete the park, which is what was promised, he preferred that proposal.

Marian Furst, West Jordan resident, said the nearby school doesn't provide usable open space where kids can play or for her workouts. She said there isn't much in the way of park space in this area for children, so there is a need. If Peterson got permission from the city to build a development with designated lots sizes with a stipulation that there be a park, then it isn't right for Peterson to wait a few years and then want to change the arrangement.

Clayton Haight, West Jordan resident, said the area needs to be finished one way or the other. It is a fire hazard. The city needs to make the decision and get it done and then maintain it. The roundabout in that area isn't maintained well, and in the summer the sprinklers run all summer with water running down Como Lane. His vote would be for an open area that is trimmed up and maintained.

Emily Backus, West Jordan resident, said they have a field in back of their property and the subject field to the west and the dead end road. There have been a lot of undesirable activities such as loitering, people driving trucks there, partying, shady characters, graffiti, etc. The area seems to draw these types of activities. It seems that no one is concerned about it since it isn't finished off. The city helped to get a street light and 'road closed' sign in 2012, which has helped a bit. She would love to see a park there. They've had regular meetings Councilman Southworth and Mayor Johnson and most recently with Peterson. In the beginning it was the city saying that Peterson wasn't going to build the park, and then it was Peterson saying that the city won't maintain it. But it is the residents who suffer. She would rather see something rather than nothing so it will be less of a draw for the bad activities. Her concern is if they don't get the park and it stays a field, will the city change its mind in fifteen years and allow for duplexes or something else?

Karen Barton, West Jordan resident, said they had only lived in their home for two years, but they were told at that time that there would be a lovely 3-acre park. They have a small yard, but they thought that would be okay since the park would be nearby for the grandkids. She had heard

that the lots were originally going to be 8,000 square feet, but then it was approved for smaller lots with the understanding that there would be a park. The city approved this at the onset, so that should be honored despite the change in park maintenance policy.

Justin Adderley, West Jordan resident, said the main reasons they moved here in 2005 was that it was centrally located for his family and that there was going to be a park. They were also looking in South Jordan at that time, which had a lot of parks in their neighborhoods, but this lot had a better location for him. It has been nine years and there is still no park or open space, but the developer wants to make more money and give them less space. He never would have moved to West Jordan if he had known this would happen. The city should make sure that the realtors and developers live up to what they promise.

Dale Walkowski, West Jordan resident, said when they bought their home it wasn't quite finished and they knew the city had certain requirements such as installing lawn and trees, which they did. She said we need to hold people accountable for what we say we need them to do. Peterson needs to follow through with the park and do what they said they were doing to do. She is sad to see the open space develop, because she enjoys the view, but if it means putting homes in as well as the park then ... she said they need the park.

Kelly Smith, West Jordan resident, said she started meeting with Ben Southworth almost seven years ago when she was expecting her first son, and now he is going to be 7 years old and they are still talking about a park. She asked them to think about their own family and where the time goes. They often wonder if they will be living here going on 15 years still be talking about the park. By then their children will be teenagers. They are the original owners of their home and they take great pride in the neighborhood. She asked them to drive the area and look at one of the main entrances, which is scattered with weeds and is an eyesore and a mess. If the commissioners lived in the neighborhood she thought they would want to see it finished and taken care of. They appreciated Peterson and the commission hearing them out. The subdivision isn't finished, and they would appreciate a nice area to enter their neighborhood. She understood that the city doesn't want to maintain a park, but in this day and age there is xeriscaping or other options. They would hope for fields of green grass, but it doesn't have to be that. The residents of the neighborhood would take pride in it and help to keep it clean. She didn't think the people in the area would agree to an HOA, but the city should look at grandfathering the original idea.

Connie Sedanto, West Jordan resident, said she didn't know why the residents had to fight for years to get a park. These residents are taxpayers. When she worked for Home Depot they volunteered to build parks because they know the benefits that a good park can provide to the residents. It is awful that they have to spend so much time debating the issue. The area is getting crowded, cars are parked on the unfinished road, and it is beginning to be an eyesore. She knows that the city wants to provide a healthy environment to their residents, so why can't these taxpayers get a little piece of park space.

Katie Dolar, West Jordan resident, applauded her neighbors for their actions over time. She desired the open space for the families in their neighborhood. She has three children who want for open space to play in when they are off track, and from time to time they play in the field, which isn't safe. Her only option now is to drive them to a larger park.

Dan Lawes closed the public hearing.

Warren Kirk, Peterson Development, applauded the residents for their passion in their community. He was there when the project broke ground and 13 years of his life have passed. He didn't think it was an option for the staff to recommend denial. The commission has the responsibility to make this go forward, because the third option that they don't discuss is to let it go back to where it is. America is a great land that provides the forum to express their feelings. He didn't agree with everything that has been said, because there is finger-pointing at the developer saying that they just want money. There is not a vehicle that has been shown where that much acreage can be maintained. If there is a way for the larger park they will do it. He wasn't here to argue whether or not the school space is open space. He was here to say let's take quality versus quantity. They have offered a park that requires minimal upkeep and maintenance. It is proven and evident that there isn't enough time, interest, or money from the city to maintain a roundabout. The city doesn't have an appetite to maintain certain sized parks. He didn't have a problem with either of their two options. The residents want open space whether that is littered continually with mattresses, paint cans, pallets, etc., that is an option for 13 more years. The developer has offered two options to finish the project; this is not about money to them.

Zach Jacob asked if it were possible for the city to find funds to maintain a two- to three-acre park in place of the two southern cul-de-sacs as it was shown on the original concept plan, would Peterson be willing to install and dedicate that space per the original concept.

Warren Kirk said that is purely hypothetical because he went to two Open Lands Committee meetings. One of their proposals was to put money in the coffers for development and maintenance for three to five years until it could get in the Capital Improvement Plan. That didn't get a lot of support, so he wasn't optimistic. Secondly, he said they should be careful what they wish for, because the quality may go down with the larger park. He felt that the proposal is one where the passion shown from the residents would love to see it finished. If the city can't quite step up, hopefully they will start doing more with the roundabout and with the smaller park. But when it grows to 2.89 acres they are opening up some concerns. But the city is welcome to come to them with that option and they are open to it.

Zach Jacob understood the dilemma that the city had put the developer and the residents in. The burden to this problem is on the city.

Dan Lawes said there is a history where the city had imposed obligations on the developer, so he asked if that imposes obligations on the city as well.

Tom Burdett said he wasn't here at the time, but it was fairly common when the city reserved open space that the city did so with the intention of providing maintenance. That is what the city did for other developments that were approved at the same time. Regarding this development, he always thought that the map on page 29 that showed parks in both phases was something the city was going to pursue. It was only when the school district bought the property that they started heading in a different direction. The city council will have a challenging decision on this same

application regarding how many acres they are willing to maintain. It is more expensive for the public works department to maintain smaller pieces of property, but acquisition by the school district has changed the dynamics and that could be good grounds for maintaining a smaller-sized park.

Zach Jacob asked if there were any other subdivisions that are in the same situation.

Greg Mikolash said this is a special circumstance with the zoning conditions.

Tom Burdett said it is unique, because it is a traditional zoning district rather than a planned zoning district. In a planned zoning district the open space is set by code and implementation goes well. With each subdivision the planning staff and the developer have an understanding of who will provide the maintenance.

Ellen Smith asked if this situation could happen with amenities other than parks.

Tom Burdett said he didn't know of any other conditions or precedents.

Robert Thorup said they are talking about a multi-phased project that leaves the large public facility burden to the end. They have recently tried to address that with development agreements that require a certain amount of the improvements be completed with each phase so it isn't all put to the end.

Zach Jacob asked if the number of homes or lots was specified when the subdivision was approved and if they would be allowed to build 15 more lots if the open space condition is removed.

Tom Burdett said they would adjust the phasing plan, and a development agreement is a great tool that acknowledges what everyone is willing to do.

Zach Jacob thanked the 13 people who spoke on the issue. Each one of those who spoke said they would like the large park that was promised. Just because the city policy has changed it didn't seem to him that the residents should have the burden of dealing with it. This subdivision was allowed to have smaller lots with the requirement that the extra space would be used as a park. If the park is reduced or taken away that is removing the extra space that the residents were counting on.

Sophie Rice liked Option C with the idea that the park is grandfathered and making the city pay for maintenance. This should have been considered when the city decided to change policy.

Dan Lawes said this is a unique situation that won't be applied to every development in the future, so given that uniqueness they need to step out of the black and white and look at some unique approaches.

Ellen Smith agreed. At some point, when the city required the park they must have considered the maintenance, whether or not that is still the plan. She didn't like all of the finger pointing

with the city and the developer. She thought there were miscommunications on both sides. She thought that Option C was the best and that the city council will need to answer some questions and make the decisions that the planning commission cannot make. She wanted this issue to be taken care of and then maintained. She asked who is responsible for the current maintenance of the field and if there had been complaints issued.

Tom Burdett said the owner is responsible, and there have been complaints regarding debris.

Ellen Smith said there are two issues. First is the application regarding the park and its maintenance and second is getting help with the issues that plague the field today.

Bill Heiner asked how quickly the residents would get a park if it moves forward.

Dan Lawes said that's not a question they can answer.

Zach Jacob said they hear a lot about how the city doesn't want the smaller parks and their maintenance, which he understood. The park in his neighborhood is not well-maintained. It is matter of public record during the last budget discussions that the city had too much money in the general fund reserves, which is limited to 25% so he felt that the funding for maintenance is almost a non-issue. West Jordan's economy has rebounded nicely. The city planned on this park in 2001 and it must have been budgeted for at one time or another. He didn't think it was too big a burden to find the money to maintain it. He recommended that the citizens call code enforcement regarding the current maintenance for the roundabout and field.

**MOTION: Ellen Smith moved based on the findings set forth in the staff report and the evidence received at the public hearing to recommend to the City Council that they deny Siena Vista Amended Zoning Conditions; 7000 South 5715 West; Peterson Development (applicant) to remove the zoning condition #1 in Ordinance #01-28. The motion was seconded by Zach Jacob and passed 5-0 in favor. David Pack and Lesa Bridge were absent.**

Dan Lawes encouraged the residents to attend the city council meeting for this item that will be held in the future.