

Approved Planning Commission Minutes December 20, 2022

- 1. Jordan River Heights; 9270/9290 South 1300 West; Rezone 9 acres from R-1-10G (Single-family residential 10,000 square foot minimum lots) to R-1-6 (MDA) (Single-family residential with a master development agreement for 8,000 square foot minimum lots) Zone; Next Level Homes, LLC/Brandon Pehrson (applicant) [#28870; parcel 27-03-476-046, 045]**

Brandon Pehrson, applicant, said the future land use for the property is medium density residential and zoned R-1-10. The request is to change the zoning to R-1-6 in order to develop with a minimum 60-foot lot width. The lots will be at least 8,000 square feet in size. They want to work with the neighbor to the west in order to connect to the existing subdivision to the north.

Ray McCandless gave an overview of the location and the proposal. The existing home on the northeast corner will be incorporated into the subdivision. The R-1-4 (PS) lots to the north have about 4500 square feet. Property to the south is zoned R-1-12 and agricultural. Glover Nursery to the east is also agricultural. The existing home to the west is not part of the rezoning request. The request is to change the zoning to R-1-6 (MDA). A master development agreement will require that the lots be developed with 8,000 square feet minimum. The R-1-6 zone allows for a minimum lot width of 60 feet, which is the reason for the request. The concept plan shows 34 lots, but they final subdivision layout would come with future approvals. The City Council land use subcommittee reviewed the proposal and would rather not rezone it to R-1-6 and suggested other options. Staff examined those options but felt that implementation of the MDA would provide sufficient safeguards for the city.

Matt Quinney opened the public hearing.

Delaun Fullmer, West Jordan resident, was concerned with the increased traffic issues that would occur if an additional 34 homes accessed Brigadoon Drive and Mistry Fen since it is the only way to get to Redwood Road. If the rezoning were approved, he would like larger lots and speed bumps added on Brigadoon Drive to help with speeding in the area. There are already code enforcement issues with parking on the road during snowy weather.

April Davis, West Jordan resident, was also speaking for a group of neighbors. They support the rights to develop land, but they are not in favor of the rezoning. The MDA has language making it possible to amend the terms upon the written consent of the parties without public input, which could then allow development to the R-1-6 standards on smaller lots. The residents are curious as to why this is going forward even though the land use subcommittee recommended against for valid reasons. The R-1-8 zoning district would be a better option and would make the city less vulnerable and would require the developer to adhere to the same zoning standards as other developments.

Amy Allred, West Jordan resident joining remotely, asked if there had been a precedent set for an amalgamation of both the R-1-6 and R-1-8 zoning districts. She agreed with the concerns regarding the connection between their neighborhood with the one in South Jordan with the only

access to Redwood Road being through Brigadoon. She was also concerned that the MDA can be amended. She would like to have the zoning remain R-1-10.

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

Matt Quinney explained that the role of the Planning Commission is to make sure the proposal meets city ordinance and to forward a recommendation to the City Council to make the final decision. He asked the City Engineer to address questions about traffic.

Nathan Nelson said that development of the property would add a block of new homes and the traffic that comes with it, even without a rezoning. If there are problems regarding the number of cars or the travel speed, they will address them by conducting a traffic analysis by taking traffic counts and measuring speeds to identify any traffic problems or impacts and to find solutions. Those solutions could be speed tables or some other way of calming traffic. There will probably be more cars on Brigadoon if that is the more convenient way to get to Redwood Road.

Ray McCandless was asked how many more lots this concept would add compared to the current R-1-10 zoning, which he said might be between four and six lots.

Matt Quinney asked for an explanation regarding the process to amend the MDA and if it could be done without public input. He also asked that staff explain to the public why the applicant is choosing this method instead of asking for R-1-8 zoning.

Scott Langford said this request is out of the ordinary, but not without precedent. There was a remnant parcel at approximately 6700 West and 8200 South that the City Council rezoned to R-1-6 with the agreement to require 8,000 square foot lots with the same lot frontage issue.

Duncan Murray addressed the process for amending the MDA, which would be identical to this current process that requires a public hearing and recommendation from the Planning Commission and then approval by the City Council prior to the mayor's signature.

Matt Quinney said that it is not often that an MDA is changed, because the city likes to hold the developer to the original agreement.

Kent Shelton said he would not consider the request without the MDA in place. He asked if R-1-6 is considered high density.

Duncan Murray said the general plan designation is medium density, which includes R-1-8 and R-1-10 lots. Normally the R-1-6 zoning is high density, but based on the minimum lot size requirement of 8,000 square feet with the agreement, it would be medium density.

Scott Langford said the comprehensive general plan is going through an update at this time, and staff has been taking this opportunity to clean up the map in those areas where the general plan does not reflect the density of the built environment by using this same principle.

Ammon Allen said it has been explained that the Planning Commission has to review the application for compliance with city code. He thought that this application met the code. It is not the responsibility of the Planning Commission to say if they like an application but rather if it meets the code. The City Council has more leeway with the final decision.

Duncan Murray said that the Planning Commission also has the criteria to follow when making a recommendation, but they don't have the same legislative discretion as the City Council.

Scott Langford said the Commissioners should work through the criteria in their recommendation to the City Council.

MOTION: Ammon Allen moved, based upon the information and findings in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for Jordan River Heights located at 9270/9290 South 1300 West to Rezone 9 acres from R-1-10G Zone to R-1-6 (MDA) (Single-family residential with a master development agreement for 8,000 square foot minimum lots) Zone; Next Level Homes, LLC/Brandon Pehrson (applicant) noting the need for a master development agreement as attached and with the various findings of fact that were well documented within the staff's report. The motion was seconded by Matt Quinney and passed 4-0 in favor. Jay Thomas, Trish Hatch, and McKenna Marchant were absent.
