

REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 02/22/2023

Presenter: Ray McCandless

Deadline of item :

Department Sponsor: Community Development

Agenda Type: PUBLIC HEARING

Time Requested: 10 minutes presentation, 15 minutes council

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Ordinance No. 23-07 a petition by Brandon Pehrson / Next Level Homes, LLC requesting a rezone of 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) for Jordan River Heights located at 9270/9290 South 1300 West.

2. EXECUTIVE SUMMARY

The applicant proposes to rezone 9 acres of land located at 9270/9290 South 1300 West from an R-1-10G (Single-family residential 10,000 square foot minimum lots) to a R-1-6 (MDA) (Single-family residential with a Master Development Agreement for 8,000 square foot minimum lots) zone. The rezoning is being requested in order to subdivide the property into 34 single-family residential lots. Although the request is to rezone the property to R-1-6 (MDA), all lots will be over 8,000 square feet and will meet R-1-8 lot area and setback standards. The reason R-1-6 zoning is being requested is to allow the minimum lot widths to be reduced to 60' to accommodate the proposed subdivision layout. The equivalent R-1-8 lot area, setbacks and width requirements will be set through approval of a Master Development Agreement. The City Council will need to determine whether an R-1-6 (MDA) zone is the best course of action to assure the property is developed as proposed or if there is another preferred zoning option that would achieve the appropriate development of this property. The ordinance adopting the MDA (Ordinance 23-07) will need to be approved first followed by approval of the ordinance to rezone the property (Ordinance 23-08).

3. TIME SENSITIVITY / URGENCY

Off-site utilities will be constructed along with utilities being installed as part of the 1300 West widening project which is currently underway as described in the Engineering comments in the attached staff report to the Planning Commission.

4. FISCAL NOTE

N/A

5. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the rezone which passed 4-0.

6. STAFF ANALYSIS

I. BACKGROUND:

This property is located at 9270/9290 South 1300 West. It is comprised of two parcels of land, a 2.70-acre parcel and a 6.30-acre parcel with a combined total of 9.0 acres. The property has

an existing single-family dwelling on the northeast corner of the property which will remain as is. The rest of the property is vacant. The applicant plans to develop the property into a 34-lot single-family residential subdivision in the near future. This item was reviewed by the Planning Commission on December 20, 2022. The Planning Commission voted 4-0 to forward a positive recommendation to the City Council to rezone the property to R-1-6 (MDA) as noted in the attached Planning Commission meeting minutes. Comments from adjoining residents are also included in the minutes.

II. GENERAL INFORMATION & ANALYSIS

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

	Future Land Use	Zoning	Existing Land Use
North	High Density Residential	R-1-4(PS)	Single-Family Residential
South	Low Density Residential/Parks and Open Land	R-1-12F and A-5	Single-Family Residential/Agricultural
West	Medium Density Residential	R-1-10G	Residential
East	Low Density Residential	A-5	Agricultural

The property is currently zoned R-1-10G (single-family residential 10,000 sq. ft. minimum lot size). The applicant wishes to develop the property as though it were zoned R-1-8 with minimum 8,000 square foot lots but is requesting to rezone the property to R-1-6 to be able to reduce the minimum lot widths from 75' (the minimum lot width required in the R-1-8 zone) to a minimum of 60' as allowed in the R-1-6 zone. A draft Master Development Agreement has been prepared which would allow the lot widths to be a minimum 60' wide but would obligate the property owner to develop the property under R-1-8 lot area and building setback standards.

This item was discussed at the City Council Land Use Subcommittee on July 12, 2022 (minutes attached). Generally, Councilmembers seemed ok with the property going from an R-1-10 zone to an R-1-8 zone and were not opposed to 60' lot widths; However, they were concerned that rezoning the property to R-1-6 could result in the property developing under R-1-6 standards if the MDA were ever amended.

In the attached Council Land Use Subcommittee meeting minutes it was suggested other options could be considered to avoid zoning the property to R-1-6. These options included the following:

1) Amend the R-1-8 zone (and possibly other zones) to allow narrower lots. Although this is an option, staff is of the opinion that the lot widths should be left as is since most of the City is already developed under the current lot width standards.

2) Amend the zoning ordinance to allow modifications to zoning standards through an MDA

or do an MDA instead of rezoning the property. An MDA is a tool used to obligate a developer to more restrictive standards than would otherwise be allowed in a zone; However, an MDA cannot be used to relax zoning standards. A required lot area or required lot width, for example, could not be reduced in size below the zone required minimums through use of an MDA.

Although the Council Land Use Subcommittee does not appear to be in favor of rezoning the property to R-1-6, the applicant opted to proceed with R-1-6 (MDA) zoning. Should the City Council agree with the R-1-6 (MDA) zoning, the MDA would be approved first followed by approval of the ordinance to rezone the property.

Staff is requesting that the City Council give direction as to whether the requested R-1-6 (MDA) zoning or some other zoning option is the best option for this development.

III. FINDINGS OF FACT

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

Prior to approving an amendment to the Zoning Map, the City Council shall make the following findings:

Criteria 1: The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Staff Analysis: The applicant is proposing to rezone this 9.0-acre property 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).

The Future Land Use Map designates this property as Medium Density Residential. Although the property would be rezoned to R-1-6(MDA), the R-1-8 zoning standards which this property would be developed under, is consistent with the Medium Density Residential designation in the General Plan. The gross density of the proposed development is 3.77 dwelling units per acre which is also consistent with the Medium Density Residential land use designation. Although the property will be rezoned to R-1-6 (MDA), the proposed zoning will not be contrary to the general plan as the lots will be a minimum of 8,000 square feet and meet R-1-8 building setback standards.

The General Plan states:

"While lower density single-family residential uses are most preferred in West Jordan, the city should also address in its General Plan a range of residential densities and housing types in order to provide housing opportunities for all age groups and income levels."

The proposed development will provide higher-end single-family homes which meets this goal.

Furthermore, the Plan states:

“Single-family housing should be the primary residential development type in the city.

The single family as conceptually proposed would provide a transition between the R-1-4(PS) (4,000 square foot lot minimum lot size) and the R-1-12F (12,000 square foot minimum lot size) homes to the south.

Staff Opinion: The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City’s General Plan.

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

Staff Analysis: The concept plan shows 34 single family homes on a street extending from 1300 West to Mac Duff Lane (1477 West). The proposed development is compatible with adjoining property which is primarily single family residential. There is an existing home on the west side of the property that is not part of the development and will remain as is. The concept plan shows a pedestrian connection to 1500 West between this home and the development which may or may not become a street connection sometime in the future.

Staff Opinion: The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.

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

Staff Analysis: The change of zoning will not harm the public health, safety or welfare of the city as a whole. The change of zoning will not change emergency service response efforts.

Staff Opinion: The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Staff Analysis: Significant improvements will need to be made to utility infrastructure to support this project, particularly with regard to sanitary sewer and water service as noted in the Engineering Department comments.

Engineering Comments:

1. Sanitary sewer along 1300 West is at capacity, which would be the connection point for a development at this location. The sewer needs to be upsized to a 12" along 1300 West from 9000 S south to the city boundary. The developer would need to provide this sanitary sewer improvement in order to construct the development. The city would reimburse a certain amount towards the upgraded sewer when funds become available, and after a reimbursement agreement is signed, but the availability of funds may take years. If the developer chooses to proceed with the development and the necessary sewer system upgrades, 1300 West is scheduled to be repaved along this stretch. Construction for paving is scheduled for late 2023 to early 2024. The developer may choose to replace sanitary sewer before paving in order to save some cost up front to the developer.

2. A portion of 1300 West will need to be dedicated and built out to City Standards to include sidewalk, curb and gutter. Additional vehicular and pedestrian connectivity to the neighboring communities is necessary.

3. A detention pond will need to be established in accordance with the State Code for Low Impact Development. An oil/grease/water separator is required.

4. Overhead power will need to be buried in a 10 ft wide easement immediately on the east side of the east property line at the cost of the owner/developer.

5. Water distribution system needs to be connected to Mac Duff Lane, 1300 W, and 1500 W. In addition, building permit availability may be limited until the construction of the second Cemetery Reservoir is completed at 3400 West 9000 South. Zone 1 water storage is limited based upon current analysis numbers.

6. Based on Engineering's experience with groundwater in the area, an underdrain system is recommended if basements are desired in the development.

7. A storm drain system will need to be developed for the parcels

8. A SWPPP plan is required.

Traffic Engineer:

1. Dedicate and construct 1300 West and sidewalk along frontage and show property driveways to the east to check for conflicts.
2. connect to the north if needed (sidewalk and street).

Fire Comments:

1. Show the closest existing fire hydrant on 1300 w and on Mac Duff Lane and their distance to the project.

Staff Opinion: Significant connections/improvements to the City's sewer and water utility systems are required to develop this property as requested.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Staff Analysis: The property is not located in any overlay district which may impose additional standards.

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

7. MOTION RECOMMENDED

Move to APPROVE/DENY **Ordinance No. 23-07** rezoning 9 acres from R-1-10G to R-1-6 (MDA) for Jordan River Heights located at 9270/9290 South 1300 West

8. MAYOR RECOMMENDATION

N/A

9. PACKET ATTACHMENT(S)

Ordinance No. 23-07
Master Development Agreement
Ordinance No. 23-08 (Rezone)
Vicinity Map
Future Land Use Map
Existing Zoning Map
Proposed Zoning Map
Concept Plan
Planning Commission Minutes
Council Land Use Subcommittee Minutes

10. OTHER INFORMATION

N/A