

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 01/17/2023

Issue: RISE
LAND USE AMENDMENT AND REZONE
Land use boundary adjustment between AP (Agricultural Preservation) and MU (Mixed Use), and a rezone from A-5 (Agricultural, minimum 5 acre lot) to R-M-PD (Residential-Multiple-Planned Development Floating Zone) Zone

Address: 10657 S. 1055 W.
File No: PLZBA202200147
Applicant: Bryan Flamm, DAI Inc.

Submitted by: Damir Drozdek, Planner III
Jared Francis, Senior Engineer

Presented by: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready):

1. Development Agreement—I move that the City Council **approve** Resolution R2023-06 authorizing the Mayor to sign the development agreement.
2. Land Use Amendment—I move the City Council **approve** Resolution R2023-07 approving the proposed land use amendment.
3. Zone Change—I move the City Council **approve** Ordinance No. 2023-01-Z approving the proposed zone change.

| | |
|--------------------------------|--|
| ACREAGE: | Approximately 18 acres |
| CURRENT ZONE: | A-5 (Agricultural, min. 5 acre lot) Zone |
| CURRENT USE: | Single-family residence and unimproved land |
| FUTURE LAND USE PLAN: | MU (Mixed Use) and AP (Agricultural Preservation) |
| NEIGHBORING ZONES/USES: | North – R-1.8, A-5 and C-C / Mix of single-family residences, vacant and unimproved land, and commercial (office) space South – A-5 / Pasture fields West – A-5 / 1055 West East – P-O / RiverPark Corporate Center (office park) |

STANDARD OF APPROVAL

1. LAND USE AMENDMENT:

The general plan may be amended by resolution of the City Council as follows:

- A. The process to amend the general plan and future land use map may be initiated by members of the City Council, by the City Manager or Planning Director, or by the owner of a subject property or his or her agent. A general plan land use or text amendment which is not initiated by the City may not be reinitiated for an amendment which was considered within the previous year without a majority vote of the City Council. A land use amendment should not impair the development potential of the subject parcel or neighboring properties.
- B. The Planning Commission shall hold a public hearing, as required by state law, after which the commission may modify the proposed general plan amendment. The Planning Commission shall then forward the proposed general plan amendment to the City Council.
- C. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing, and may accept, accept with modifications, or reject the proposed general plan amendment.

(City Code § 17.12.030)

2. REZONE:

The rezoning of property may not be considered if the proposed zoning does not conform to the general plan. The following guidelines shall be considered in the rezoning of parcels:

- A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

BACKGROUND:

The applicant is requesting a land use amendment and a zone change to construct a mixed residential development on property located at 10657 S. 1055 W. The parcel is located on the hillside to the west of the RiverFront Corporate Center and east of 1055 West. It is the largest parcel in the area at roughly 18 acres.

The project will consist of 134 townhomes, 20 twin homes and one single-family home. The twin homes will be generally located along the north project boundary. They will be single-story buildings with bonus rooms in the attics and have front-loaded garages. The townhomes will make up the majority of the project and be evenly distributed throughout the property. All townhomes will be two-story buildings, and will be both front and rear loaded depending on the location. Exterior finishes on the twin homes will consist mainly of fiber cement and stone, while the townhomes will have a combination of either stone and fiber cement, or brick and fiber cement. The design of the single-family home has not been submitted but must comply with the current City requirements for single-family homes.

The project's main road will extend River Stone Way (10840 South) through the project to the adjacent property on the project's north boundary. This stub road will provide access to that property when it develops in the future. While River Stone Way will have a 62-foot right-of-way (ROW), the majority of other roads in the project will have a 33-foot ROW. One of these roads will connect to 1055 West at the west end of the project. All roads in the project will be public except for the 21-foot-wide private alleys between garages that will be located on the south side of the project.

To facilitate development and provide access for the Robbins property to the south, two stub roads will be provided, one at the southeast side of the project near the canal trail, and the other at the southwest side of the project. Due to grading challenges, a small section of the stub road on the southwest side will not be improved but will be dedicated for future improvements. It is anticipated that future development to the south will work around the grade difference to make the connection possible at this location.

The project will have various amenities including but not limited to open space, a dog park, and a clubhouse. There will be a pedestrian connection to the canal trail, and all roads will have a sidewalk on at least one side of the street to promote walkability throughout the project. The project will be surrounded by a six-foot vinyl privacy fence, except for the side along the canal, where a six-foot rail fence will be built to tie into the canal trail and the surrounding area. Landscaping will comply with the City's water efficiency standards.

The applicant has agreed to finance (donate) money for a design and construction of six off-site pickleball courts at the City's East Riverfront Park. The amount needed to cover the cost of design and construction is estimated to be around \$575,000.00. If the actual cost to design and construct is lower than the agreed donation, the City will reimburse the applicant the difference between the actual cost and the amount donated to the City.

Development Agreement:

The proposed land use change and rezone requires the applicant to enter into a development agreement approved by the City Council. Approval of the proposed PD Floating Zone and development agreement will allow the underlying zone to be modified to accommodate development that may incorporate design elements and a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by the underlying zone. The proposed development agreement will provide general requirements for the development and include terms addressing items such as site layout, architecture, amenities and

circulation that are more than what City Code requires. Staff and the applicant have negotiated and proposed a development agreement that includes the following:

- The project will be built according to the concept plan and elevations attached to the agreement.
- All roads within the project will be public and maintained by the City. Only alleys between the buildings will be private and maintained by the HOA.
- Streets will be built according to the plans submitted and River Stone Way (10840 South) will be posted as “no parking.”
- The project’s fencing will be installed according to the fencing plan attached to the development agreement.
- The applicant will construct all amenities shown on the concept plan according to a specified timeline.

Attached to this report are many of the exhibits that will be attached to the development agreement, including the concept plan. The City Council may include additional provisions in the development agreement.

PLANNING COMMISSION RECOMMENDATION:

On November 8, 2022, the Planning Commission voted to recommend approval of the application by a vote of 4-1 (Commission Chair, Michele Hollist, voted against recommending approval to the City Council). The recommendation of approval included the following suggestions and changes to the project:

- That the City Council address the proposed road that connects to 1055 West by:
 - addressing the designation of 1055 West as a historic road and any improvements or widening of the road that may be needed; and
 - requiring changes to the proposed road that will better protect existing homes along 1055 West.
- Require masonry fences between the project and the north and south properties instead of vinyl to protect the current agricultural use.

After the Planning Commission meeting the applicant made the following changes to the concept plan in response to the Commission’s concerns:

- Shifted the road that connects to 1055 West south by 2.5 feet. Although this is a small shift, it will provide an opportunity of possibly preserving some of the trees along the northern boundary of the property, which should also provide a better buffer for the adjacent property.
- Adjusted the shape of the single-family lot to provide a bit more transition from 1055 West and the townhomes in the project, and to create the possibility of preserving existing trees.
- The west townhome building shifted south to accommodate the road shift.
- Added five parking stalls bringing the project total to four stalls/unit.

- Removed the sidewalk along the south property line the slope makes the sidewalk infeasible. The overall connectivity, however, is not substantially impacted because there are other sidewalks that connect southern townhome units to the project.

The applicant did not make changes to the fencing plan and proposed vinyl fencing on the north and south boundaries because the neighboring properties have a high probability of being developed in the near future. Additionally the applicant believes that with existing animal fencing in place, the proposed vinyl fence will suffice.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- As required by the PD Floating Zone process (*see* City Code § 17.130.050.020.A.1), the project was reviewed at a City Council study session meeting on August 2, 2022. Based on that discussion, the applicant chose to move forward with the proposal and negotiate development agreement terms with City staff.
- The applicant attended a City Council study session on January 3rd of 2023 in connection to an item on the agenda regarding any possible road connections in this general area, and more specifically changes to 1055 West. Based on the recommendations from the traffic engineer (WCG – Wall Consultant Group) which attended and spoke at this meeting, and the feedback received from the Council, the applicant has elected to keep the site plan and the road connections in generally the same shape as presented at the Planning Commission a couple of months ago.
- The Architectural Review Committee reviewed building elevations and architecture on August 24, 2022, and unanimously recommended approval of the building designs.
- The application meets the rezone standards of approval of the City Code.
- The project will be a “for-lease” product.
- The required development agreement provides predictability for how the property will look and be used. Any changes to the use will require further approvals and a modification of the development agreement by the City Council.
- The “Mixed Use Opportunity - (MU)” land use designation is defined in the General Plan as follows: “Mixed Use Opportunity identifies areas that are currently either undeveloped or underdeveloped and adjacent to Economic Centers. The intent is to elevate these areas from single land uses to an integrated mix of commercial, retail, office, residential, and light industrial land uses. Mixed use opportunity supports both horizontal and vertical mix of uses and shall result in walkable areas that are activated with employees during weekdays and residents, restaurants, and entertainment during evenings and weekends.”
- The “Agricultural Preservation - (AP)” land use designation is defined in the General Plan as follows: “Agricultural Preservation identifies areas with current and/or historic agricultural usage. Though these properties are a beloved asset to the community, future development is probable. Future development shall be primarily residential and serve to preserve the agricultural character in the forms and character of the development. Cluster style development will be encouraged to preserve the agricultural use/open space where possible. Small scale, neighborhood commercial uses could be strategically placed consistent with surrounding land uses and/or at the core of the neighborhood to provide a themed service base for neighborhood gathering.”

- The project will meet the following strategic priorities:
 - DAOS-1. Develops a quality parks, trails and recreation facilities system
 - DAOS-4. Offers a variety of park amenities, recreation and art programs and community events for all ages and abilities
 - SG-1. Implements effective policies and programs to ensure the accomplishment of the General Plan and its related goals and objectives while using a variety of financial tools (e.g. RDA housing funds) to ensure diverse and affordable housing types
 - SG-2. Creates and supports environmentally sustainable programs including water conservation, recycling, energy conservation, and air quality improvement to ensure the financial well-being and long-term sustainability of the community

Conclusion:

Based on the findings, the application is consistent with the goals and policies of the General Plan and the City's Strategic Priorities.

Recommendation:

Based on the findings and conclusion listed above, Staff recommends that the City Council take comments at the public hearing and **approve** the application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

A fiscal impact analysis table and graphics are attached to the report.

ALTERNATIVES:

- Approve an amended application.
- Deny the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- | | | |
|--|---|---------------------------------|
| • Aerial Map | • Fencing Plan | • Resolution R2023-07 |
| • Future Land Use Map | • Amenity Exhibit | • Exhibit 'A' - Future Land Use |
| • Zoning Map | • Fiscal Analysis | • Ordinance 2023-01-Z |
| • Building Elevations | • Infrastructure Analysis | • Exhibit 'A' – Zoning Map |
| • Concept (Site) Plan | • Traffic Impact Study | |
| • Concept (Site) Plan with highlighted changes | • Resolution R2023-06 and the Development Agreement | |

DEPARTMENT APPROVAL

Damir Drozdek

Damir Drozdek (Jan 11, 2023 17:34 MST)

Damir Drozdek, AICP
Planner III, Planning Department

Steven Schaefermeyer

Steven Schaefermeyer (Jan 11, 2023 18:01 MST)

Steven Schaefermeyer
Director of Planning