

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 15, 2011 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, Kathy Hilton, Nathan Gedge, John Winn, Jesse Valenzuela, and Dan Lawes.

STAFF: Greg Mikolash, Robert Thorup, Scott Langford, Jennifer Jastremsky, Julie Davis, Nathan Nelson, Dan Eatchel, and Dean Waters.

OTHERS: Ben Southworth, John Pappadakis, Steve & Bobbie Turner, Cathy Clift, Jim Allred, Dave Killpack, Teri Vig, David Belnap, Robert Killpack, Kristin Whitaker, Tami Bach, Merrill Weech, Pam Patrick, Sheri Copier, Robert Morgan, Leonard Holmquist, Bonita Yanda, Claudia Burdette, Shane Argyle, Rex Stembridge, Carl Dalby, Pam Patrick

The briefing meeting was called to order by Justin Stoker.

Clarification was given that although Items #2 and #3 are related, they should be considered separately. Questions regarding minimum lot area for the C-M zone were answered. Surrounding similar zones can be included in the minimum acreage. Background explanation was given for Items #4 and #5.

Robert Thorup gave training about public perception of the commission regarding their attendance and actions during a meeting.

Greg Mikolash distributed a copy of the recommended motion style to be included in the staff reports.

The regular meeting was called to order at 6:04 p.m.

1. Consent Calendar
Approve Minutes from March 1, 2011

MOTION: Nathan Gedge moved to approve the Consent Calendar Item #1 the minutes from the March 1, 2011 meeting. The motion was seconded by John Winn and passed 6-0 in favor. Kathy Hilton was absent.

Kathy Hilton arrived at 6:07 p.m.

2. Text Amendment – Amend the West Jordan Municipal Code Section 13-5E-3 to allow Warehouse, Self Service Storage in the C-M Zone and 13-5E-5 General Provisions; City-Wide; ASWN+/James F. Allred (applicant) [#TA20110002]

Scott Langford gave an overview of a text amendment to allow for warehouse, self service storage in the C-M zone. Currently this use is only allowed in the M-1 zone. The M-1 zone also provides areas where businesses and industry can locate in West Jordan and provide jobs and revenue. Self storage facilities use a lot of land and only employ one or two people per site. The use is needed for both residents and businesses, but if the M-1 zone is the only area to allow it then that zoning could be eaten up with the use and take away from other industrial and manufacturing facilities. If the request is approved, it will provide additional options for this type of use. Staff recommended that the use be conditional in the C-M zone. Because C-M zoning districts are often near residential areas, staff recommended additional standards to lessen the impacts of things such as noise and fumes to neighborhoods, which he read. This change will also facilitate a new type of business called a business incubator that provides a professional place where a small business owner can rent an office on an as-needed basis with the use of a common conference room, receptionist, etc. In conjunction with the office, they could also rent an on-site storage unit to store their products. While the text amendment will facilitate this type of use on a specific property, the application before them is to add the use to the C-M district city-wide. He read the purpose of the C-M zone from the zoning ordinance, where a congruous mixture of retail, commercial, warehousing, heavy commercial, and light manufacturing uses may be located. It is also a transitional zone

between industrial areas and residential areas and/or lighter commercial districts. It also states that buildings and grounds that combine utility and attractive appearance should characterize the C-M zone. He gave a brief overview of other possible uses in the C-M zone and stated that there aren't currently many C-M areas.

Based on the findings of the report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed Text Amendments to *Section 13-5E-3 Conditional and Permitted Uses* of the Zoning Ordinance to conditionally allow "Warehouse, self service storage" in the Heavy Commercial (C-M) zoning district and adding additional standards for Warehouse, self service storage in *Section 13-5E-5 General Provisions* of the Zoning Ordinance.

David McKinney said because there is a minimum area requirement of 5 acres, the C-M zone is intended to be a major commercial area.

Scott Langford said that is correct, but within the commercial node it is meant to be a transitional zone between heavier commercial and industrial activities and office or residential. He clarified the statement made earlier that the self service storage units could not have direct sales, but the sales would take place in the office component. They don't want people renting out storage units for direct sales and transactions.

Dan Lawes asked if they had considered adding this use to the P-O zone.

Scott Langford said they considered other zoning districts or overlay areas for this use. However, the P-O district is intended mainly for office-type uses. They are trying to balance the jobs to housing ratio in the city and they are trying to protect them from being displaced. By reading the purpose statements in the code they felt that the C-M district was the best fit for additional self storage in West Jordan.

Justin Stoker pointed out that this item was addressing the text amendment alone.

Jim Allred, ASWN, applicant, didn't have anything else to add to the staff report.

John Pappadakis, West Jordan resident, said his dealing with storage units was that they start out nice, but in just a few years they end up junky, with ruffraff, running cars, and garbage everywhere. He didn't want this type of use to go in his neighborhood.

Justin Stoker reminded the public that this item is only for the city-wide text amendment and is not associated with any one specific piece of property.

David Belnap, West Jordan resident, said when he bought his home he asked his realtor specifically what would be on the property. He was told that it was for offices only. He was concerned that any of the other uses, such as car repair, could be put on the property if the proposed project does not go forward.

Cathy Clift, West Jordan resident, said when they purchased their lot she was told that this vacant lot would only be an office building. She referred to Mr. Langford's statement that office buildings are a priority, so she didn't know why they would want to change the zoning.

Justin Stoker clarified that this is for the text amendment only. He wanted to be sure that the public comments concerning the following rezoning item were heard and noted for the record under the correct item.

Rex Stembridge, West Jordan resident, said the amendment probably isn't a bad idea, but warehouse operations should have a minimum lot size.

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

David McKinney said the industrial zones allow for this type of use. The range of uses in the heavy commercial zone is different from storage warehouse type of use. He had misgivings in expanding that zone for this type of use, because it belongs in the manufacturing zone and not commercial areas. He recently read where there is about seven square feet of self storage space for every person in the country. He felt that there are currently a lot of options for self storage and was against the amendment.

Justin Stoker asked if there was a minimum lot size for self storage.

Scott Langford said the limiting factors would include items such as requirements for parking, landscaping, buffers, etc. But there is no minimum lot size. There is a minimum 5-acre area size for C-M zones, which can include similar zoning districts to meet that acreage.

It was pointed out that there are several self storage units in the city that were approved in other zoning districts, and are currently legal non-conforming.

Nathan Gedge was in favor of the proposal, because this use is very similar to the outside storage and operations, which is already conditionally allowed in the C-M zone.

MOTION: Nathan Gedge moved based on the discussion and testimony that they forward a positive recommendation to the City Council for the proposed text amendment to Section 13-5E-3 to conditionally allow Warehouse, Self Service Storage in the C-M zoning district and adding the additional standards for the Warehouse, Self Service Storage in Section 13-5E-5 General Provisions of the zoning ordinance; City-wide; ASWN+/James F. Allred (applicant). The motion was seconded by John Winn and passed 5-2 in favor with David McKinney and Jesse Valenzuela casting the negative votes.

3. Work-Store-Send Rezone; approximately 6933 South 1300 West; Rezone 1.47 acres from R-1-10D (Single-family Residential 10,000 square foot minimum lots), P-O (Professional Office), C-G (General Commercial), and SC-2 (Community Shopping Center) to C-M (Heavy Commercial) Zone; ASWN+ Architecture and Engineering (applicant) [#ZC20110002; parcels 21-23-353-002, 21-23-352-095]

Scott Langford noted that the correct address for the request 6933 South 1300 West. The back property is currently used as outdoor storage, which has been in place for a couple of decades and is considered legal non-conforming. The request is to rezone the property to the C-M zone, which is needed to facilitate development of a small business incubator use that combines rentable office space with self service storage. In order to forward a positive recommendation, the planning commission needs to have favorable findings of the criteria in the staff report. Finding #1 has been met, because the area has been designated on the future land use map for commercial use. He also pointed out a cartographical error that shows three residential lots with a commercial land use designation. This error will be corrected in the near future. The general plan also states that the city should include a wider range of commercial uses in the commercial nodes. Regarding Finding #2, there is always a change to have adverse impacts with commercial uses abutting residential uses. However, the standards in the zoning ordinance and review process help to mitigate the impacts and most can be dealt with through screening and buffering. According to the purposes of the C-M zone, this district is designed to coexist next to residential areas as a transition zone from heavier uses. While there could be impacts to the neighborhood, proper site design can mitigate those. Finding #3 can be met by providing for new development and infill. The city-wide impact would be very little, but it could have a big impact to adjacent neighbors. However, through proper application of the city code and site plan review impacts could be mitigated. Finding #4 is met, because this is an infill development, so all public services are roughly found in the area and any future development on the site would have very little impact to public services. Findings #5 and #6 do not apply

to this site. Mr. Langford stated the process this application will take. If the text amendment is adopted and the rezoning approved by city council, then the applicant will submit applications for site plan and conditional use permit that will come before the design review committee and the planning commission for review, which is through a public hearing. The final site plan is typically approved by staff.

Based on the findings of fact as mentioned in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend the Zoning Map of property generally located at 6933 South 1300 West from R-1-10D (Single-family Residential 10,000 square foot minimum lots), P-O (Professional Office), C-G (General Commercial) and SC-2 (Community Shopping Center) to C-M (Heavy Commercial) Zone.

The acreage of the northeast commercial corner is just over 5.5 acres, including this property.

Dave Killpack, ASWN, applicant, 5151 South 900 East, stated that seven months ago Kent Bateman, owner of the property, wondered what else could be built that would benefit the citizens and provide additional income. The internet has changed the way people do business. According to West Jordan's economic development director, there are 1500 in-home businesses in West Jordan. Some in-home businesses grow too large for their home, but it is expensive to find a space to do business, there are required leases, and it is cost prohibitive for these types of businesses to grow. They proposed a Hi-Tech facility for growing businesses. Although there are only six offices, a company will rent on a month-to-month basis, but they will only come in for a few hours a day to use internet, computers, a conference room, and the shipping can be done from the facility. This will allow the business to grow at a fraction of the cost and time. The office building has furnished office space, office machines, phones, etc., and climate controlled indoor storage. Top priority for storage is for people that rent the office area, but there is plenty of storage for others to use as well. This project is a good neighbor, because it looks like an office building, and they create less traffic than an office building.

Jim Allred, ASWN, stated that this product is fairly new in the marketplace. He showed some similar buildings that were storage only. They don't look like a storage facility, but more like a professional office building. The current use for the property is vehicle storage, which could continue for another 20 years. However, they felt their facility could enhance the beauty of the area and help the neighborhood. There will be only one building for the back storage area, which will be very attractive. He showed the preliminary site plan. Quality materials and stone will be used, and it will be monitored with a high rate of security. The storage is climate controlled. A study was conducted that showed a major need for this in the West Jordan area. They want to be sensitive to the abutting homeowners and propose to work with the homeowners to provide an appropriate landscape buffer. There won't be any windows on that portion of the building that could hurt the privacy of the neighbors. Through the conditional use approach they will be required to make sure it is a good project for the community and that the homeowners are protected.

Justin Stoker clarified that the item being heard is for a rezoning of the property only and does not speak specifically to the details of what might be built on the property.

Sheri Copier, West Jordan resident, said she still has concerns with the future of 1300 West and the traffic that this business would cause.

Cathy Clift, West Jordan resident, asked for clarification on which properties were being rezoned, which staff helped her with. She also asked for clarification that if the rezoning were approved, any of the C-M uses could go on the property. She also felt that the traffic should be considered before they decide to rezone property to a more industrial area.

Justin Stoker said that was correct, anything that was allowed in the C-M zone could technically go into the space.

Rex Stembridge, West Jordan resident, felt the pictures were out of proportion and misleading, because the property was too small for the commercial development. He was concerned that if the planned project wasn't built then other uses such as auto repair could go there. He was concerned that there would be more box trucks in the area with all the school children who walk by this property.

Carl Dalby, West Jordan resident, asked what the noticing requirements were to residents in the area.

Justin Stoker said it is 300 feet from the property.

Merrill Weech, West Jordan resident, pointed out that his notice gave the address of 7117 South 1300 West and wondered if another public notice should be required.

Scott Langford said the address was incorrect on the notice, but it also had a map of the property showing the correct location.

Robert Thorup said it had been substantially noticed, because there was an accurate description of where the property was located, and everyone in attendance seems to know where the property is, so the notice was probably adequate.

Pam Patrick, West Jordan resident, commended ASWN for a very nice presentation of a product that the residents would probably be very happy with, but there is no assurance that it would actually be built. Rezoning to a heavy commercial zone without those assurances leaves the residents feeling uneasy. The rezoning would also increase traffic, and she noted that any access to Bateman Lane would have to be approved through the Spring Hollow community.

Bob Morgan, West Jordan resident, said the proposed buildings look nice, but he was concerned that any windows in the back of the office building would impose on the residents' privacy. He was also concerned that the property is being changed from what was originally expected and also for the safety of the school children in the area due to added traffic to 1300 West. He asked them to consider the tax implications and if this wouldn't impact their neighborhood.

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

Jim Allred said the biggest concern seems to be the fear of what will go here if the property is rezoned and they don't build the project. He said that the Bateman family has owned the property forever, and will continue to own the property forever. This is an investment by the Bateman family and it is their project. If it is not approved, they will continue to store the RV's on the site. The Bateman's currently use the property as an investment, but the new proposal would enhance their income without being a negative impact. He felt that this type of facility would have the least amount of traffic impact of all the possible uses. He thought that the Bateman's wanted to be a part of the project as they have been with the other commercial businesses that they own in that area.

Dan Lawes asked if a traffic study had been completed.

Jim Allred said they haven't, but they will do one when it is required as part of the site plan process.

David McKinney didn't feel that the traffic issue was related to the rezoning and neither were the characteristics of the building, such as windows and privacy, but those would be considered later. The question tonight is whether or not the property should be rezoned to the heavy commercial zone. He liked the business idea, but he didn't think the subject property was the right place for a C-M zone. A minimum of five acres is required for a

large commercial node, but this is just barely five acres. He didn't feel that this fits in right next to a residential zone, because the commission needs to consider all of the uses that could be made of the property and some of them were not compatible.

Justin Stoker agreed with Commissioner McKinney that he liked the potential product, but the zoning that allows a mix of commercial and manufacturing so close to a residential district was not good. He wondered if the incubator use could work in a P-O zone, because this is a good area for professional office zoning.

Scott Langford suggested they could look at more of an equal mixture of office to storage. Some other communities that have these types of businesses found that once they go in you can't control who they rent the storage to. They want to create a text amendment that is enforceable.

Justin Stoker wondered if this climate controlled type of warehouse, self storage could be separated to be more compatible with the P-O zone.

Greg Mikolash asked how much storage they would want in the P-O zone. The storage area is unenforceable as to who it is rented to. If the incubator business leaves they would end up with only self storage.

Justin Stoker asked if they could make a distinction between outdoor self storage and climate controlled indoor self storage.

Scott Langford said the original language submitted by the applicant was worded as indoor storage and service, but staff had a hard time defining that. Almost any office or business has a component of indoor operations and indoor storage. As they met with the applicant to get a better feel for the project staff called it how they saw it, which is self storage.

Greg Mikolash said the office portion of the incubator business would be allowed in the P-O zone as well as many other zones.

Justin Stoker said the problem comes when the building has lived its life and it is replaced by some other use such as an auto repair shop.

John Winn said aside from the proposal for the building, which they can't really consider, his biggest concern is what could be put there if the property were zoned C-M. He would be opposed to the zoning change but would look for something in the future that would accommodate a project of this design.

MOTION: David McKinney moved notwithstanding the findings of fact from the staff report, based upon the public input and planning commission discussion regarding uses in the C-M zone that are permitted and conditionally permitted and also concerns regarding the site here and its proximity to a residential zone to forward a negative recommendation to the City Council for Work-Store-Send Rezone; 6933 South 1300 West; ASWN+ Architecture and Engineering (applicant) to amend the zoning map for approximately 1.47 acres from R-1-10D, P-O, C-G, and SC-2 to C-M zone. The motion was seconded by Nathan Gedge and passed 7-0 in favor of a negative recommendation.

Justin Stoker said that every professional office has some kind of a storage component, so he wondered if the code could be amended to allow for indoor climate-controlled storage as a conditional use within a P-O zone.

Greg Mikolash said it is possible that the P-O zone would currently allow for a 49/51 percent of storage and office use as long as the storage was ancillary. They can also look at the code to see if there is something they can provide for the term 'incubator'.

4. Text Amendment – Amend the West Jordan Municipal Code Section 13-5B-7B regarding Animal Allowances, increasing the number of medium and small –sized animals and adding a provision that offspring under the age of 6 months do not count toward the total calculation; City-wide; City of West Jordan (applicant) [#TA20110004]

Jennifer Jastremsky said this item was referred to staff by the city council to reanalyze the animal point system. The amendment would change three provisions in the code: 1) A provision excluding the offspring less than 6 months of age from the total calculation, which matches the current animal control ordinance; 2) Medium sized animals equal 8 animal points instead of 10. Staff’s research of surrounding cities show a range between 4-8 medium animals per half acre; 3) Small sized animals would equal 2 points instead of 4 points, which would double the number of small animals. Research showed that West Jordan is currently very low compared to the range of neighboring cities at between 20-50 small animals per half acre. Animal control is in support of the changes.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council with respect to the Text Amendment-Amending the West Jordan Municipal Code Section 13-5B-7B regarding Animal Allowances, increasing the number of medium and small–sized animals and adding a provision that offspring under the age of 6 months do not count toward the total calculation.

Kathy Hilton was concerned with the location of animal pens and distance away from neighboring homes, especially in the areas where rural residential is adjacent to single-family residential. She would like that included in the code.

Jennifer Jastremsky said small pens aren’t addressed, but accessory structures for housing animals need to be 40 feet from residential dwellings. Animal control might have additional restrictions.

Kathy Hilton wanted to be certain that if someone calls on enforcement regarding the animal issues that someone will actually investigate and enforce it.

Justin Stoker asked if their research showed a setback or buffer where rural residential might be next to another use or zone, and if there should be one in place.

Jennifer Jastremsky said there are separations from the actual housing component such as barns, but staff can also research the small pens that don’t require a building permit.

Dan Lawes said that any issue that arises will be addressed by animal control and the animal owner will be given a certain number of days to correct the issue, and at that time they can require a setback to correct the smell or whatever the issue is.

It was pointed out that pigs are not allowed in the rural residential zone and dogs and cats are not included in the point calculations.

David McKinney felt that the issues of odors and noises from rural residential activities are the realities of life near rural residential areas. He didn’t think that an increased buffer would necessarily help the problems of odor and noise.

Kathy Hilton gave an example of when there were four rabbit pens next to her fence and the droppings came through the fence and onto her property. A buffer in that circumstance would make a difference.

There was a brief discussion regarding the current ordinance for keeping chickens in a single-family area, which requires minimum setbacks.

Dan Eatchel, West Jordan Animal Services Manager, felt that this is a good proposal. He said they mostly receive complaints regarding large animals, and this change won't affect that. Regarding the number of complaints they receive, there is an increase in the springtime and through the summer months with one or two complaints per week. The most common complaint is with the nuisance and not with the number of animals. If the owner cleans up the waste every day the neighbors are usually satisfied.

Shane Argyle, West Jordan resident, said in comparing medium to large animals with eight medium animals it approximates the same space as for horses, but it would only achieve about 40% of waste produced by the large animals. He felt that even eight would be a negligible impact. There is a period of time to see how the animals will grow before they determine which they will sell. With dairy goats it is typically one year. He felt that at a minimum it would be nice to have the option of keeping them until after the state fair, which can be nine or ten months from birth. He felt that having 5-8 goats or sheep allows for a good project.

Kathy Hilton asked Mr. Argyle if the time limit would be similar for other animals such as a calf or chick.

Shane Argyle said it would be more difficult with just two large animals. He recommended a 1-year limit for the medium animals.

John Winn asked if he would be in favor of a limit for the number of offspring during that 1-year period.

Shane Argyle said it isn't feasible to keep them all anyway, so he would be in favor of some kind of limit. He felt that you could go up to eight and not begin to approximate the waste and odor that two horses would produce. He recommended five for the year period. He gave the statistics for the amount of daily wet waste for the different animal types.

Ben Southworth, West Jordan resident, said the approximations for the waste are from the agricultural standards. He spoke on the waste comparisons between the different sized animals. The proposed amendment puts West Jordan in line with the average. He pointed out that there is a nuisance ordinance that takes care of enforcement issues.

Tamera Bach, West Jordan resident, stated that the comments made by Mr. Argyle regarding the one-year time period for offspring should apply to rabbit and chickens as well.

Kristin Whitaker, West Jordan resident, agreed with the comments previously stated. She is the owner of both medium and small animals. She wondered if it would make sense to have separate zoning and point ordinances. She spoke of the hardships that come from chickens taking animal points when they can coexist easily with the medium animals. She pointed out that the council felt that chickens have a minimal impact since the ordinance was passed to allow single-family residential areas to have chickens. She felt that chickens could be worth only 1 point and still be acceptable. She said people without animals are quick to say they smell and are noisy, but her neighbor's dogs are louder and smellier than her chickens and goats put together.

Ben Southworth, West Jordan resident, said the purpose of the amendment is to make more sense of the ordinance. Regarding the offspring, he said the original suggestion of six months was just a number to start with, but it wasn't based on any information. Now that they have heard from the agricultural people, we have an idea of what makes sense. He felt the commission was headed in the right direction with a limit to the number of offspring less than one year. He didn't want to make it complicated, but they might want to make a distinction between the types of animals when considering that number. He also felt that getting into setbacks will overcomplicate the issue. There is a nuisance ordinance that can address those concerns.

Justin Stoker wondered about a setback of the small animal pens that is similar to what is in the chicken ordinance to minimize the impacts of droppings getting onto adjacent properties.

Ben Southworth thought it was a reasonable concern, but he felt that it over complicates the issue for something that really might not be an issue.

Kathy Hilton asked why there was a setback with the chicken ordinance.

Ben Southworth said this ordinance deals with the rural residential zoning compared to single family residential for the chicken ordinance. He cautioned the commission to not over complicate the code and to apply the nuisance ordinance for problems that may arise.

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

Greg Mikolash said the purpose of the rural residential zone intends for it to have a limited number of farm animals and fowl. He pointed out that the rural residential areas were already in place and the single-family residential areas came to them, so should they now make those rural areas increase their setback?

John Winn was in favor of the amendment and changing the limitation for offspring to 1 year. He wasn't sure about the suggestion to double the amount during that period.

David McKinney wondered if this item should be tabled while they consider the issues of time limits for offspring and buffering in order to determine if it should be modified.

Justin Stoker said the commission is a recommending body, so the final action is with the council. He was okay with forwarding a recommendation with revisions.

David McKinney said an appropriate time frame might vary with the different types of animals, but they don't have enough facts tonight.

John Winn said they can recommend it be reviewed before it goes to the city council meeting.

Kathy Hilton pointed out that the purposes of the rural residential zone said it was for limited animals; they are not raising a farm on a half-acre. She felt that the proposal was good for half-acre lots and she liked the new time frame.

MOTION: Dan Lawes moved based upon the positive findings set forth in the staff report and upon the evidence and explanations received to forward a positive recommendation to the City Council with respect to the Text Amendment amending the West Jordan Municipal Code Section 13-5B-7B regarding animal allowances, increasing the number of medium and small sized animals and adding a provision that offspring under the age of 12 months do not count toward the total calculations; City-wide; City of West Jordan (applicant). The motion was seconded by Nathan Gedge.

Justin Stoker asked if they should mention something about a cap for the amount of offspring under the age of 12 months.

AMENDED

MOTION: John Winn moved to amend the motion that the issue of the number of offspring allowed be analyzed before it comes before the city council for a motion. The amendment was accepted by Commissioner Lawes.

Nathan Gedge did not accept the amendment and called the question.

ROLL CALL VOTE:

Commissioner Stoker – yes
Commissioner Hilton - no
Commissioner Gedge - yes
Commissioner Winn - yes
Commissioner Valenzuela – yes
Commissioner Lawes – yes
Commissioner McKinney - no

VOTE: The original motion passed 5-2 in favor.

MOTION: **Kathy Hilton moved to forward a recommendation to the City Council to look at how many offspring a person can have which don't count against the total number. The motion was seconded by John Winn and passed 6-1 in favor with Nathan Gedge casting the negative vote.**

David McKinney said the only reason he opposed the original motion was because he felt there should be additional information to consider before making a final decision.

5. Text Amendment – Amend the West Jordan Municipal Code Section 12-3-3 Exceptions and Qualifications for specific sign types, regarding Temporary Signs During Road Construction, adding language to expand the boundary of placement of a temporary sign and the timeframe of allowance; City-wide; City of West Jordan (applicant) [#TA20110005]

Greg Mikolash said this application was forwarded by the city council in an effort to help businesses affected by major street construction. These types of signs are already allowed, but the amendment would expand the boundaries of time and the placement. The proposal suggests one-half mile outside of the actual construction area for businesses directly and indirectly affected by the construction be allowed to have this signage. However, that distance could be debatable and is up for discussion. Another proposal is to allow the directional signage for 120 days following construction. He read the limitations of the ordinance. He noted that there were a lot of businesses who closed during construction on 7800 South last year.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend Section 12-3-3(P) – *Use Of Temporary Signs During Periods of Major Street Construction*, based on the positive findings of fact in the staff report.

Justin Stoker said he received complaints regarding how the access was limited with 'no left turn' into the businesses, so allowing the signage is good, but traffic into the businesses needs to be maintained. He wondered if that could be reviewed as part of the permits for street construction.

Greg Mikolash said we aren't always in control of the roads, but they are trying to do what they can.

Kathy Hilton thought that the business should be able to place a logo or similar marking on the signs that read "business access open" so it is clear where the access to that business is.

Greg Mikolash said the code would allow that. He suggested that when construction is anticipated the city provide information on the website or with flyers letting those businesses being directly affected know what signage is available.

Additional suggestions or points of discussion included:

- Allowing the sign to be double-sided
- The temporary signs can't always be securely attached to the ground, but it could read "securely installed."
- Business access that might not be near the frontage of the business, but might be shared. So it would read that the location of the sign cannot extend beyond the frontage of the property that is affect by the construction, "or the nearest accessible driveway."
- There was some concern with the number of signs that might be in a shopping center that would block visibility.
- How is completion of construction defined? It was suggested that the language "date of substantial completion" be used and approved by city council after staff's recommendation.
- There was concern with regards to the 120-day period.

Ben Southworth, West Jordan resident, said he didn't know if there was a defined reason for 120 days beyond completion, so they could recommend something else if they felt it was too long.

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

Nathan Gedge suggested that the limit could be as low as 30 days after substantial completion.

Justin Stoker, David McKinney, Kathy Hilton, and John Winn all felt 60 days was adequate.

MOTION: David McKinney moved based upon the findings of fact presented by the staff report and the discussion this evening that they forward a positive recommendation to the City Council to amend Section 12-3-3P, Use of Temporary Signs During Periods of Major Street Construction, with the following changes to the proposed ordinance that was presented in the staff report:
Under Subsection P2, first sentence be changed to read, "The maximum display period for temporary signs used during periods of major street construction shall be for a period not to exceed 60 days beyond the date of substantial completion." Otherwise, Subsection P2 remains as presented. Subsection P5 shall read, "The maximum number of temporary signs used during periods of major street construction shall be limited to one temporary sign per business (which can include a double-sided sign)." Subsection P6, second sentence, shall read, "The location of such a sign shall not extend beyond the frontage of the property that is affected by the construction or beyond the location of the nearest accessible drive." Subsection P7 shall read, "All signs shall be securely installed." Subsection P8 shall read, "The boundary and temporal duration of impact will be approved by city council after a recommendation from city staff." The motion was seconded by Dan Lawes and passed 7-0 in favor.

The issue of motions will be discussed at next meeting.

MOTION: Dan Lawes moved to adjourn.

The meeting adjourned at 8:41 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2011