

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 20, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** David McKinney, Ellen Smith, Dan Lawes, Nathan Gedge, John Winn, Jesse Valenzuela, and Lesa Bridge.

**STAFF:** Tom Burdett, Greg Mikolash, Ray McCandless, Scott Langford, Jennifer Jastremsky, Nathan Nelson, Paul Brockbank, Robert Thorup, and Julie Davis

**OTHERS:** Paul Hanks, Ken & Arlene Thomas, Jerry & Misty Johnson, Terry Powell, Max Jensen, Dean Goodrich, Jackie Goodrich, Michael Hale, Sabrina Russell, Margaret Smith, Richard Smith, Mary McCollough, Edith Gotberg, Claudia Boulton, Lee Henderson, Brad & DeAnne Ward, Glade & Carolyn Larsen, Doug & Judy Norton, Nile Peterson, Brian Morrow, Cara Hickenlooper, Kalli Kunzler, Dave Nordquist, Cindy Wiggins, and Steve Glezos.

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The briefing meeting was called to order by David McKinney.

The agenda was reviewed. There was a question on the hours of operation for Item #1B, which should be clarified. An amended condition to clarify the student drop off area for Item #2 was discussed. Scott Langford distributed an updated list of conditions for Item #3 that corrects a cartographic error in regards to the wall placement along U-111. Status of the half-width road on 8600 South was briefly reviewed. Robert Thorup explained to the Commissioners that the city can't enforce restrictive covenants of a subdivision. Regarding Item #4, they should consider the application as a matter of zoning and if it is appropriate. Options for amending the time frame for cleaning the yard were suggested.

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The regular meeting was called to order at 6:03 p.m.

**1. Consent Calendar**

**A. Approve Minutes from February 21, 2012**

**B. Arepas In and Out; 1624 West 7800 South; Temporary Use Permit (150 days); CC-F Zone; Leida Salazar (applicant) [#TUP20120004; parcel 21-27-453-014]**

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Temporary Use Permit approval for Arepas In and Out located at 1624 West 7800 South in a CC-F zoning district with the conditions of approval 1 through 7, as listed below.

Conditions of Approval:

1. Dates of operation are from March 30, 2012 to August 26, 2012, or shall not exceed 150-days consecutive.
2. A \$300 site restoration bond shall be placed with the City. The bond will be released after the use has ceased operation and the site has been cleaned and restored to previous conditions.
3. Maintain the temporary stand in good order and the parking lot free from trash and debris during the extent of the temporary use.
4. The stand and all associated equipment/materials shall be removed from the site, and the site fully restored, within five days of permit expiration.
5. Obtain and maintain a valid West Jordan City Business License.
6. Obtain approval from the Salt Lake County Health Department.
7. Provide for a safe pedestrian standing area next to the temporary stand. This area must be blocked off to prevent vehicular traffic from entering by either traffic cones or by other appropriate device, as approved by staff.

**MOTION: Nathan Gedge moved to approve Consent Calendar Items #1A and #1B with an additional condition of approval that the hours of operation be clarified. The motion was seconded by Dan Lawes and passed 7-0 in favor.**

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**2. Extravandance Studio; 7236 South Airport Road; Conditional Use Permit; M-1 Zone; Jordan Arts Center, LLC/Cynthia J. Wiggins (applicant) [#CUP20120003; parcel 21-30-176-002]**

Jennifer Jastremsky gave an overview of the request to relocate a dance studio to Airport Road. The applicant proposes to locate in the entire 7200-square foot north building on the developed site. The sidewalk runs the entire north side of the building and has direct access from the parking stalls on the north to the building entryway. An additional 13 parking spaces are required in order to meet the minimum. Available space in the back of the property can be utilized for that parking. However, planning and engineering will need to review the parking addition plan to make sure it meets drainage and material requirements. In response to the discussion in the pre-meeting, she suggested language as a substitution for condition #3, "Designated parking spaces shall be provided for drop-off and loading purposes. The designated spaces shall be marked by signage and have access to the pedestrian walkway in front of the building."

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Conditional Use Permit approval for Extravandance located at 7236 South Airport Road in an M-1 zoning district.

Conditions of Approval:

1. Thirteen additional permanent parking spaces are required on-site. All site improvement shall be reviewed and approved by the Engineering and Planning Departments prior to construction and shall meet all applicable requirements of the West Jordan City Municipal Code, including Code Sections 11-2-1 and 13-12-6C.
2. Screening of the reconfigured outside storage yard shall meet all requirements of City Code Section 13-14-3B.
3. The pedestrian walkway in front of the building shall be utilized during student drop-off and pick-up times.
4. The Conditional Use Permit is subject to review and/or revocation as per City Code Section 13-7E-10.

Cindy Wiggins, applicant, 4833 Top Crest Drive, agreed with the staff report. She said they were already planning on a designated drop off location and it has been addressed. She has operated her business for over 30 years and they have always had a drop off location.

David McKinney asked if she was agreeable to the added condition of approval to designate certain parking spaces for that drop off area.

Cindy Wiggins said that was fine. In the past they had signs that designated drop off and pick up areas for dancers. Typically they would reserve two or three parking stalls for that purpose. Classes are staggered so not everyone is coming and going at the same time.

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

**MOTION: Dan Lawes moved to approve the Conditional Use Permit for Extravandance Studio; 7236 South Airport Road; Jordan Arts Center, LLC/Cynthia J. Wiggins (applicant)**

**with conditions of approval as listed in the staff report, amending condition #3 as discussed [Designated parking spaces shall be provided for drop-off and loading purposes. The designated spaces shall be marked by signage and have access to the pedestrian walkway in front of the building]. The motion was seconded Ellen Smith.**

John Winn felt that someone who had been in business for over 30 years has enough experience to keep the dancers safe, so he preferred to keep the conditions as originally listed.

**VOTE: The motion passed 7-0 in favor.**

David McKinney felt that the location was appropriate and wished the business success.

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**3. Discovery Subdivision Phase 3; approximately 8600 South U-111 Highway; Preliminary Subdivision Plat (58 lots on 19.4 acres); R-1-8C (ZC) Zone; Land Solutions, LC/Steve Glezos (applicant) [#SDMA20110003; parcel 20-34-376-001]**

Scott Langford said this is part of a master plan originally adopted in 2005, and the submitted plat matches the original design. In February of this year the City Council approved a half-width road for 8600 South along the south boundary of the subdivision. The City Council required an emergency access from 8600 West to U-111 as well. The details of the road construction will be included in the development agreement. The developer has decided to keep the commercial piece as a parcel and not a lot, which will defer the construction of 8600 South until that parcel is developed. At that time, a 1-lot commercial subdivision plat will also be required.

Mr. Langford stated that the subdivision meets the required findings, except that the developer is asking for an amendment on the fencing along the streetscape. Fencing is required along the frontage of U-111, as a separation from the commercial piece, and along the south boundary of the subdivision. The applicant proposes a 6-foot tall RhinoRock precast wall, which looks like a standard decorative precast wall. The difference is it is not solid concrete but has a foam core center with fiberglass cement exterior. This type is better than other alternative walls they have seen. It has a slight flex if pushed, but it is designed to carry significant wind loads. The pillars on the proposed wall are the same concrete pillars that would be used with a standard precast wall, which gives it strength. Regarding this wall on the frontage of U-111, he referred to the grading and drainage plan that indicates the possibility of an 8 to 9-foot drop. Retaining walls will have to be installed, which creates a potential situation where the home is right against the retaining wall. Hopefully as the homes are built the size will be adjusted to allow for some kind of rear yard. Staff checked the strength of the alternative wall, which seems fairly strong. However, with the lots being within 50 feet of U-111 and the possibility of U-111 expanding over time, staff felt that the strongest type of wall is the best. In a worst-case scenario the stronger wall may help prevent vehicles from coming off the road and into a backyard. Staff recommended a standard precast wall along U-111 with the RhinoRock wall along 8600 South and the commercial area. An extra condition of approval will correct a cartographical error, and applicant agreed to move the property line 10 feet.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Discovery Phase 3 Preliminary Subdivision Plat located at approximately U-111 and 8600 South in an R-1-8C and SC-1 zoning district with the conditions of approval as listed below:

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

2. An approved, unrecorded preliminary subdivision plat shall remain valid for one (1) year. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (City Code 14-3-8B)
3. A Development Agreement shall be adopted between the Developer and City Council prior to the recording of the Final Plat. The Development Agreement shall include but not be limited to:
  - a. Future construction of the south half of the street; and
  - b. Future construction of the portion of the street between U-111 and Discovery Phase 3 inclusive of any required intersection improvements.
4. Prior to Final subdivision plat approval, the applicant shall provide written approval from UDOT permitting the connection of an emergency access from U-111 to 8600 South.
5. The streetscape wall around the perimeter of the residential lots backing 8600 South and the commercial property (Parcel A) shall either meet the standard masonry wall requirements as stated in the Zoning Ordinance (13-14-3G) or as an alternative be constructed with RhinoRock concrete walls. A precast concrete cap shall be placed on every masonry pillar regardless of wall type chosen.
6. The streetscape wall along the perimeter of the residential lots backing U-111 shall meet the standard masonry wall requirements as stated in the Zoning Ordinance (13-14-3G). This required wall shall visually match the wall required in condition number 5.
7. All City Staff redlines shall be addressed prior to Final subdivision plat approval, including but not limited to:
  - a. Update the general description of the plat to reflect that this is a 57 lot subdivision, with one remainder parcel.
  - b. Update the setback and easement exhibits to accurately reflect the setbacks for the R-1-8C zoning district.
8. All standards and requirements of the City's Municipal Code in effect at the time of this approval shall be adhered to.
9. Parcel "A" as indicated on this Preliminary Subdivision Plat shall be converted into a recorded subdivided Lot prior to Final Site Plan approval of any future development on this property.
10. The streetscape wall located along U-111 shall be placed within 1 to 2 feet of the U-111 right-of-way line or as close as possible in order to accommodate for wall footings.

David McKinney asked about the local schools as they pertain to this development.

Scott Langford said they contacted Jordan School District who said the elementary and high schools serving this area are sufficient, but they were concerned with the middle school. However, the District recognizes the fact that they can't stop development based on school capacity and will have to plan accordingly. Scott didn't know if there were plans for another middle school in the area.

Steve Glezos, applicant, 796 East 5900 South, had nothing to add to the staff presentation.

David McKinney asked for his thoughts regarding staff's recommendation for the concrete wall along U-111.

Steve Glezos said it is acceptable to him if that is what the Commission wants.

Terry Powell, West Jordan resident, said there are a series of retaining walls in the neighborhood to the east and she wondered if there were plans for retaining walls on the west side of the existing homes on Delicate Arch Drive.

Jerry Johnson, West Jordan resident, said there is currently a 20-foot berm on the hill that slopes to the homes on Delicate Arch Drive, and he asked how they will handle the grade. He knows of people in other subdivisions with a similar situation who are experiencing flooding.

Kalli Kunzler, West Jordan resident, had the same concerns with the grading and the retaining wall in the backyard.

Brad Ward, West Jordan resident, asked if 8600 South would be part of this development.

David McKinney said 8600 South would be built as a half-width street as part of this development. The emergency access leading to U-111 will be in place until the commercial piece is developed.

Terry Powell asked if there were plans for more any more commercial areas to the south.

Scott Langford pointed out the two commercial areas on the corner of 8600 South and U-111.

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

Steve Glezos stated that they will be moving 30,000 cubic yards of dirt that will level the area. The drainage is handled internally, and the plans have been approved by the engineering department. If there are any areas that require retaining walls they will be built, but the current plan doesn't show a need for them.

**MOTION: Nathan Gedge moved based on the presentation tonight and the evidence presented in the packets to approve the Preliminary Subdivision Plat for Discovery Phase 3 Subdivision; approximately 8600 South U-111 Highway; Land Solutions, LC/Steve Glezos (applicant) with the 10 conditions of approval identified on the recommended motion delivered to the Planning Commission today. The motion was seconded by Dan Lawes and passed 7-0 in favor.**

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**4. Jordan Ridge Senior Living; 9286 South 2700 West; Conditional Use Permit; RR-.5C Zone; Jordan Ridge Senior Living/Paul Hanks (applicant) [#CUPA20120002; parcel 27-04-378-026]**

Ray McCandless said the application is to operate a small group home for the elderly. He clarified that this will be in an existing home for a conditional use permit and is not rezoning the property. The home will provide housing and basic assistance with meals and light housekeeping, etc., for seniors 55+ years of age. No more than 4 residents will be living there and a caregiver will be on site 24 hours per day. The 4-car detached garage will provide parking areas. Access to the garage will have to be opened up prior to occupancy. Staff is concerned with the amount of clutter in the yard, which presents a safety hazard to the residents. A condition is recommended that the rear yard be cleared of debris and re-landscaped within a year, but the Planning Commission could revise that condition. He pointed out that the Special Residential Facilities ordinance was passed recently and this facility meets the required 1,000-foot separation between facilities.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit for the Jordan Ridge Senior Living facility, located at 9286 South 2700 West, in an RR-.5C Zone, with the conditions of approval as listed below.

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. The applicant shall comply with all Building and Safety and Fire Department Regulations concerning site design and construction, as may be required.
2. No more than 4 seniors reside at the premises at any time as indicated by the applicant.
3. The paved access to the garage shall be restored prior to occupancy of the building.
4. The rocks and debris in the rear yard shall be removed and the rear yard re-landscaped within one year of Conditional Use Permit approval.
5. Per Section 13-7E-10: A Conditional Use Permit may be revoked upon finding that the use is a nuisance or detrimental to the health, safety and welfare of the neighborhood or the city in general; obtained by fraud; and or altered beyond the use described in this report.

David McKinney referred to a memo from Max Jensen that was sent to the Commission regarding compliance with protective covenants of the Mountain View Estates subdivision and asked Robert Thorup to comment on the relevance of those covenants in this meeting.

Robert Thorup said the city code in Title 11-1-1 and Title 13-1-11 provides that nothing the city does has any relationship with preexisting covenants or agreements running with the land that have to do with homeowners associations. That means that the city does not enforce those, so any perceived violation cannot be enforced through any action of the city but would have to be through a private civil action. It also means that even if the proposed use would hypothetically violate a covenant in the neighborhood that would not affect the decision of the commission, because what is being asked tonight is whether from a zoning standpoint this use would be permitted in this zone with those conditions. If there is a covenant issue it would have to be resolved privately with the homeowners association or architectural committee.

Paul Hanks, applicant, 14069 South New Saddle Road, appreciated the opportunity to provide a service that is needed in every community. The home will provide a place for those who either have lost a spouse or don't have family near them and would like to have non-clinical services provided to them. Those services include light housekeeping and food preparation in a home setting that isn't as compact as other facilities. The house has three bedrooms, so they are only proposing up to four people (a couple could share the master bedroom).

Nathan Gedge asked if he objected to cleaning the clutter in the rear yard or to any imposed timeframes.

Paul Hanks said they have been working on that for over the last year with regard to the yard clutter and also within the home itself. He had two people contact him on the phone, one was concerned about property value but a recent appraisal showed it is an improvement. There was another call with concerns about traumatic brain injury residents, but they are looking at residents who just want some basic assistance. The timeframe suggested by staff is acceptable. He addressed questions regarding the garage and parking. There is 100 feet of paved driveway to the garage. A portion of the backyard is fenced off and would protect the residents from entering the cluttered part of the lot.

Lesa Bridge asked if there were a cap on the age limit for the residents or a procedure for handling issues such as health and welfare of the residents when they are level 1 and level 2 or beyond that.

Paul Hanks said they will not discriminate with regards to age; they will comply with State laws on that. With regards to acuity levels that change, they will also comply. He has 15 years in health care, nursing, home health, is a pharmacy tech, and hospice care. They are extremely involved in elderly care and their needs, and as those needs change the option for those services are available just as they are to anyone in any home in the community. For example, if a person needed home care they would have an option to have a licensed home care company come in and take care of them. If they don't meet the requirements to stay in

the home due to acuity levels, they can go to a skilled nursing or other facility as ordered by the physician. If they needed hospice care then that is a service that could be provided by a hospice care company in the home just like anyone else would be able to have in their home. They won't be providing care outside of their ability.

David McKinney said the plan for this home is to have a 24-hour assistant to the residents, but if one of them were in a hospice care situation they could have hospice care coming in on a daily basis.

Paul Hanks said that would be up to the hospice service company to deal with the patient and their patient rights; he can't discriminate against that service, but his company wouldn't be providing it.

Kenneth Thomas, West Jordan resident, indicated that West Jordan will be widening 2700 West so there wouldn't be as much area in the front for parking with visiting family, hospice, etc. He felt like the facility was too small and needed to be somewhere with more room and not in an existing subdivision. He was concerned with the traffic and congestion along 2700 West.

Rick Smith, West Jordan resident, referred to the information in the letter of intent that describes the types of residents that will be here and that they will not require skilled assistance. He understood that the City of West Jordan's first and greatest interest is in the family and providing a family living atmosphere. He had lived in the Mountain View Subdivision since it began. He also felt that the home was too small for this use. He wondered if the stairs would be a problem and if they needed an outside access from the basement. He felt the yard could be cleaned up so that isn't an issue. He represents eight other couples in the area who have the same feelings that this should be a family use. They have gone to court in the past over the protective covenants and that is an option for this situation as well.

Dave Nordquist, West Jordan resident, said his biggest concern was opening the floodgate for conditional uses in the neighborhood where he is raising his kids, and he wants to maintain the family atmosphere.

Lee Henderson, West Jordan resident, said he had not seen a great deal of improvement in the backyard over the last year. He asked what kinds of individuals will be living next to him if his grandkids come to visit. What kind of individuals will be on the staff and what are their qualifications? Do background screenings take place? He felt this is strictly a business proposition.

Michael Hale, West Jordan resident, agreed with Mr. Henderson. He was also concerned with an apartment-style living with a revolving door of changeover in residents as their lifestyles change. He purchased the home as a single-family dwelling and family-style living. He is concerned with who will be living there and also wondered about the screening process for residents. He didn't think the size of the home is adequate and with each resident and caretaker with a vehicle, plus visitors, it will add a large amount of traffic. This isn't a commercial area.

Jackie Goodrich, West Jordan resident, has lived here for 40 years and it is a great residential area. She is a home care nurse and associated with hospice. If this is opened up here, will it open the floodgates to other possibilities? She referred to the public notice that said these will be active seniors, but if hospice or home care comes it will increase traffic.

Nile Peterson, West Jordan resident, distributed photographs that shows the condition of the property, which has been out of compliance with zoning for years. He said it looks more like a commercial dump than a residential area; it doesn't give the appearance of a safe place for anyone. He felt that it should be cleaned up immediately and not within a year. He noted the locations of other elderly care homes in the area and to have another one would affect the property values. Even living next to a rental house brings turmoil into the

neighborhood because of the turnover and reduction in home values. He requested denial of the application. He felt that the presence of a 24-hour caregiver contradicts the statement that the residents are highly active.

Max Jensen, West Jordan resident, thanked Mr. Thorup for the response to his email. He said he is a great advocate of special needs facilities, but he is opposed to them being in the middle of a residential area and in his subdivision. West Jordan advocates its family-oriented nature. He understood that the issue of restrictive covenants must be resolved in State court, but there must be city zoning ordinances that preclude putting this facility in a residential area. Otherwise, why else would a special exception need to be made to allow it? One concern is the unknown challenges that the facility may present. Another concern is with the traffic where nursing facilities are available. His main concern with approval is it will be like opening Pandora's Box and they won't know where it will end with commercial ventures in residential areas. The neighborhood covenants were granted in good faith when he moved here and this area should be allowed to exist as a single-family residential community.

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

Paul Hanks appreciated the comments and concerns of the community. He said they are applying for a conditional use permit, which means that the city does allow it with a review, and that is why they are at the hearing. He wanted the community to feel at ease with the fact that nothing will be changed visually with regard to the property. They are providing a home where people like him will live and it will be a great place where people can visit. He understood some of the concerns for parking and traffic, but he will be living there until after May and he has 5 children with 4 being teenagers. To illustrate a point, he will be moving in with four cars and seven people. His teenager will probably be driving more than the senior citizens will. This is a home. They are not providing any kind of a business that will change the look of the community. They have done a lot of improvements and they will comply with whatever the commission proposes as conditions. Regarding the widening of 2700 West the city has marked where that will occur and they are waiting to do improvements until that is completed. They have a permit to install an outside entrance into the house from the basement, and that will be completed by the end of the month. He clarified that they will not be providing skilled assistance. They cannot discriminate any more than if any individual in this room needed a home care provider, they have that option. Their purpose is to provide help for those who are lonely or if they want or need care. Their 24-hour employee is not required, but from his experience, it is just nice to have someone there.

David McKinney said their statement that the residents will not required skilled assistance can't be guaranteed, because something might happen after they move in that will require the skilled care. He asked if they would be able to force them to leave the home.

Paul Hanks said the statement was for the purpose of their business and what they will provide. It is not saying that no one will ever get sick. If the physician orders that type of care they would need to move to a skilled nursing facility to get that care just the same as if they were living in some other facility. If they had Alzheimer's or dementia they would have to move to a place that would provide that kind of care. The intent of the statement was not to deceive anybody; it was clarifying that they are not going to provide that care, because they are not licensed to do that. They are just providing a home for seniors.

Jesse Valenzuela said if a resident becomes ill or incapacitated it would change the occupancy of the home and fall under a different section of the fire code, which would require a fully sprinklered building because of their incapacity.

Paul Hanks said if they needed to move because of that requirement then they would. However, if anyone in any of the residences in this area needed care it would not be a live-in situation, but the nurse would come in from time to time.

Jesse Valenzuela said it is different, because he is running a business. He also noted that they are required to meet ADA requirements. When he worked as a fire marshal he saw these types of businesses, but they never developed into anything because it was hard to change a residence into a commercially functioning business.

Paul Hanks responded to the property value issue by saying they put \$60,000 into the interior of the home with high energy efficient windows, insulation, exterior doors, guttering, and interior improvements. They had an appraisal within the last three months at \$290,000 for the home and he didn't know of any other home in the area that was even close to that. As far as the size of the home, it is almost 4,000 square feet and is more than adequate to house four seniors. It is 3800 square feet with a separate detached 4 car garage, and he could provide that documentation if necessary. He clarified that they will be moving into the house this month for a short time in order to prepare the home internally and then they will move back out.

Nathan Gedge said the commission is required as a body that if the proposal meets all seven conditional use criteria then they are obligated to approve the project. The only criterion that may be in question is #2 that relates to being materially detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood. But he didn't know if he could say that this type of use would not meet the criteria. In order to be a facility for seniors there are various state and federal licenses required in order to get a city business license, and that is not within the purview of the commission. So if they added that as a condition of approval he felt that the request meets the criteria for a conditional use permit and he recommended approval.

Dan Lawes said the recently passed ordinance regarding special residential facilities requires a minimum 1,000-foot separation from another similar facility, which somewhat addresses the issue of more facilities coming into the neighborhood. They also cannot be in operation without a valid state license.

Jesse Valenzuela was not in favor of the proposal due to the fact that they are mingling residential in a clearly commercial business operation. He was not opposed to seniors having an orientated neighborhood, but it would be better served in a different section of town.

John Winn said there is a need for this type of development, but this is not the right place to do it.

David McKinney clarified that there is no violation of zoning and the applicant is not requesting a zoning change. Group homes are permitted in this zone with a conditional use permit, and that is why we are here. This can't go in without a conditional use permit, but the use is allowed in this zone as long as the conditional use permit is granted. There are specific criteria to consider when issuing the permit, and he agreed that the criterion is met. They will address the clutter with a condition. He didn't believe that this is a commercial business, because this sort of use under the code is still a residential use and is appropriate. He felt that some of the concerns for potential problems are a bit exaggerated. He didn't think there would be loud music, fast cars, and all kinds of disturbances coming from a home occupied by four senior citizens, even if they are relatively active.

Lesa Bridge said the staff report refers to being subject to all conditions of approval and the State Land Use Development and Management Act (LUDMA) with respect to housing for the elderly and states, "The proposed facility will meet all the zoning requirements needed for a conditional use permit". She had reviewed the LUDMA code, and the proposed use does meet the requirements of LUDMA and also seems to meet all of the criteria proposed under this application.

**MOTION:** Nathan Gedge moved based on the discussion this evening and with the findings that all seven criteria have been satisfied to approve the Conditional Use Permit for Jordan Ridge Senior Living facility; 9286 South 2700 West; Jordan Ridge Senior Living/Paul Hanks (applicant) with the conditions of approval listed in the Planning Commission agenda, amending:

4. The rocks and debris in the rear yard shall be removed before occupancy and the rear yard re-landscaped within one year of the conditional use permit approval.

**Adding:**

6. All applicable licenses to be obtained before occupancy.

**The motion was seconded by Dan Lawes.**

John Winn said there is no way to look around the fact that this is a business and he hoped that through this the citizens do pursue this in court and get things fixed so this type of thing doesn't happen in this area.

David McKinney wasn't entirely comfortable with allowing one year for the re-landscaping and proposed it to be six months.

**AMENDMENT**

**MOTION:** David McKinney moved to further amend condition #4 to specify that the rear yard will be re-landscaped within 6 months of conditional use permit approval. The amendment was accepted by Nathan Gedge and Dan Lawes.

**ROLL CALL VOTE:**

Commissioner McKinney – yes  
Commissioner Winn – no  
Commissioner Valenzuela – no  
Commissioner Lawes – yes  
Commissioner Gedge – yes  
Commissioner Smith – yes  
Commissioner Bridge –yes

**The amended motion passed 5-2 in favor.**

A recess was taken at 7:33 p.m. and the meeting reconvened at 7:42 p.m.

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5. **Text Amendment; Amend the West Jordan Municipal Code making miscellaneous amendments to Title 12, Sign Regulations relating to Noncommercial Signs, Opinion Signs and Temporary Signs; City-wide applicability; City of West Jordan (applicant) [#TA20120003]**

Ray McCandless gave the overview of the amendments. There have been legal challenges in other cities relating to placing restrictions on opinion signs. West Jordan defines those types of signs as noncommercial, political, and temporary signs. One of the biggest changes was eliminating the time limit for removal of opinion signs. Other changes made were mostly for clarification purposes.

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 Text Amendment to Title 12, "Sign Regulations" relating to Noncommercial Signs, Political Signs and Temporary Signs.

David McKinney said it seems that free speech restrictions are driving this amendment. He understood that content neutral, time, place, and manner restrictions on speech are permissible.

Robert Thorup said that is correct.

David McKinney asked why they don't just adjust the time period to be more reasonable instead of eliminating it.

Robert Thorup explained that the lawsuits have argued that there should be no time limit on expressing an opinion as long as it is still that person's opinion. It isn't a question of trading one time frame for another. If they want to fight the lawsuits they will, but the City Manager decided that we should follow the lead of Sandy City and remove the restrictions completely.

David McKinney asked if with this amendment could signs be placed anywhere in the city, at any time, on any particular subject, by anyone who wants to post one.

Robert Thorup said yes, if it is a noncommercial sign. They can't be posted on city or public property. The placement and size restrictions are still in force, but the time restrictions are gone. This also applies to political signs.

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

**MOTION: Dan Lawes moved to forward a positive recommendation to the City Council for the proposed Amendment to the West Jordan Municipal Code Title 12, Sign Regulations relating to Noncommercial Signs, Opinion Signs, and Temporary Signs. The motion was seconded by John Winn and passed 7-0 in favor.**

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Tom Burdett gave an update on recent and upcoming city council actions including the adoption of the General Plan.

**MOTION: Dan Lawes moved to adjourn.**

The meeting adjourned at 7:54 p.m.

David R. McKinney  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012