

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 19, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, David Pack, Ellen Smith, John Winn, and Zach Jacob. Lesa Bridge was absent.

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Ray McCandless, Paul Brockbank, and Julie Davis

OTHERS: Greg Simonsen, Barrett Peterson, Vicki Soha, Colleen Sly, Travis Baker, Pat Lamuth, Kent Wilson, Sophie Rice, Nate Sechrest

The briefing meeting was called to order by Dan Lawes.

A typographical error was noted in the minutes. The agenda was reviewed. A letter from Ron Cole, owner of Boulder Canyon Apartments, was distributed regarding Item #3. Clarifying questions were answered. Robert Thorup distributed language to be added to recommended condition #3: "Notwithstanding the foregoing, a home owners' association must be organized in any event to maintain the private open areas within the town home development, given that the Assessment Area would in no event maintain those areas of open space."

The regular meeting was called to order at 6:06 p.m.

**1. Consent Calendar
Approve Minutes from November 12, 2013**

MOTION: John Winn moved to approve the Consent Calendar, the minutes from November 12, 2013, with the correction as noted in the pre-meeting. The motion was seconded by Zach Jacob and passed 5-0 in favor. Lesa Bridge was absent.

2. 2014 Planning Commission Calendar

MOTION: Zach Jacob moved to approve the Planning Commission calendar for 2014 as outlined in the staff report. The motion was seconded by Ellen Smith and passed 5-0 in favor. Lesa Bridge was absent.

3. Stone Creek Development Plan; approximately 7800 South 5490 West; Amending the Stone Creek Development Plan consisting of 17.52 acres; specifically reducing the amount of open space in Clay Hollow D & F, and transferring 10 residential units in Clay Hollow D to Clay Hollow D & F, and Town Center B; P-C Zone; Peterson Development/Barrett Peterson (applicant) [#DP20130011; parcels 20-36-100-043; 20-36-126-030, 20-36-226-001, 004]

Ray McCandless explained that the most recent Stone Creek Master Plan ordinance #08-09 was approved in 2008. The amendment is to replace eight multi-family dwellings in Clay Hollow D, the community garden in Clay Hollow F, and the 2.5-acre park in Clay Hollow E to build a series of townhomes and single-family homes. When the ordinance #08-09 was approved the total number of units was 106 units. The applicant wants to have 96 units in this location and move 10 units to Town Center B, which will be incorporated in the existing building layout. At a previous request to change the entire area to single-family the owners of the Boulder Canyon apartments were concerned that a street was removed along their eastern boundary. This proposal shows the street with a 50-foot right-of-way for two-way traffic east of Boulder Canyon that will allow for parking on the west side. Townhomes will be along the interior of the street with single-family dwellings along

the Clay Hollow wash to serve as a buffer between the townhomes and single-family to the south. The park space is being reduced from 2.5 acres to .5 acres. There were also amenities listed as part of that park in ordinance #08-09. The planning commission should consider if the reduction of park space is appropriate. This will be a recommendation to the city council, because the request is to amend an ordinance. A walkway will go through the development as well as a sidewalk along the street. He made reference to the amended condition #3 that was distributed in the pre-meeting.

Staff recommended approval of the amendment to the Development Plan subject to revising the ordinance and attachments as follows:

1. Provide a community garden or other similar recreational amenity in proposed Clay Hollow D.
2. The applicant shall be responsible for installing all required streetscape improvements in the 0.5 acre open space area including street trees along both sides of the street.
3. If no assessment area is established prior to May 1, 2014, a homeowners association be established to maintain all landscaping improvements within the development including the 0.5 acre public open space parcel. Notwithstanding the foregoing, a homeowners' association must be organized in any event to maintain the private open areas within the townhome development, given that the Assessment Area would in no event maintain those areas of open space.

Zach Jacob asked if the street parking would be parallel parking or angled.

Ray McCandless said it would be parallel parking.

Barrett Peterson, applicant, Peterson Development, 225 South 200 East, said he understood that they may be concerned with the reduction of park property. Their rationale is that Stone Creek currently exceeds the required 15% open space, and he understood that any park in this property will be eventually maintained by a Special Assessment Area that the City Council needs to enact. The burden or cost for that maintenance would be on the residents of this area. There is plenty of open space already with trails and parks. A trail connection is shown that will eventually connect to 5600 West, which will provide the walkability that the city likes. There will be health/fitness stations along the trail, which is different than the original plan. Two and one-half acres is large park and the reality is that the city doesn't have money to pay for the maintenance. They are not increasing the density of the project but just moving ten units. He pointed out that the new layout provides buffering with single-family lots along the Ranches and Island Park across the wash. Their company planner lives in the Ranches and her husband said he met with the Ranches owners who liked the fact that the 24-plex buildings might not be built. They tried to address Boulder Canyon's concern with a road that will allow for parking. As the developer, they would like to build on this property that has been vacant for a number of years, and that will provide additional trail connections. They really like the end result of their proposed plan.

Ray McCandless noted that they received a letter from the owner of Boulder Canyon apartments who is concerned with reduction in park space and they also addressed the roadway connection to the apartments.

Dan Lawes opened the public hearing.

Travis Baker, 10766 South Ozarks Drive, represents the Boulder Canyon ownership that purchased the development in 2012 and has committed \$1.5 million to improve the amenities of the property including a 2500 square foot fitness center. He said their amenities are very important to their financial results regarding the residents and families and children who understood that the Boulder Canyon apartments were built, designed and approved with the street access and a park, which is valuable to the community and families that live in the townhomes that specifically face the park area. Their biggest concerns were losing the parking on both sides of

the street as well as the substantial reduction of park area. He stated that the 60+ children and 100+ families that live in Boulder Canyon would appreciate having the promised park.

Sophie Rice, West Jordan resident, appreciated the proposed buffer and the change from apartments to townhomes. They need to deal with the parking issue, but they have quite a bit of open space that will be dealt with in the future by making it more usable. She liked the plan.

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

Barrett Peterson responded to the letter from Eight Bay Advisors that indicates there would be no parking on the street, but Peterson Development proposed parking on the west side for the Boulder Canyon residents.

Zach Jacob asked him if there are any ideas for relocating the community garden since it is recommended by staff as a condition of approval.

Barrett Peterson said they put a community garden in Hayden Court, and he thought that there is room for one in this development as well. It would be maintained by the HOA. He is in favor of community gardens as long as they are being used. He wasn't prepared to report on how the one at Hayden Court is working out, but one could be worked out as part of the site plan.

Ellen Smith said there are different types of open space, with trails, medians and private open space. She wanted to know the percentages of public access open space, private, and how much is designated as open space area actually wider than normal medians.

Greg Mikolash said there are calculations in acreage in the development plan, but they aren't in percentages.

Ellen Smith said her concern is that with the number of residents in the area they are taking out public access parks and amenities, because not everyone will have access to the private open spaces and you don't let your kids play in the medians.

Dan Lawes said the intent of the P-C Zone is to provide community and public at-large places for recreation and social activity.

Ellen Smith liked the fact that townhomes would be built in place of big apartment buildings. The existing larger parks are not as accessible to those in the north and west. They are losing a good gathering point with the removal of the park.

David Pack said his three main concerns were loss of open space, loss of the community garden, and the potential impact to the adjoining property regarding any unmet expectations, and specifically the street issue.

Zach Jacob had similar concerns with loss of park and open space in general. Counting a median in the middle of a street in the open space calculation is almost silly. He was inclined to forward a positive recommendation in this case because of the lower density development with single-family homes and townhomes, but the open space concerns are valid.

Dan Lawes supported that half of it, but it is the loss of open space that he is struggling with.

John Winn said there isn't a lot they can do about it; it is either the apartments and more open space or townhomes and less open space.

Zach Jacob said the developer could use these comments as feedback when the site plan and subdivision come forward in its final form.

Ellen Smith didn't know that the proposal is the best arrangement. She wasn't as inclined to give up the open space. It would change the character of the development and what the surrounding residents were expecting.

Greg Mikolash referred to page 10 of the current ordinance #08-09 that says, "A minimum of 45 acres of open space will be dedicated to the city for parkway, creek and open wash channels within the 285-acre area of Stone Creek." So the entire dedication area minus what is private open space and medians are approximately 15.7% of the total 285-acre gross. Everything that was already dedicated as open space in Stone Creek Parks Phases 2 through 5 is 16%.

Zach Jacob said subtracting two acres from that still leaves them at 15.08%, which is within the calculation.

Ellen Smith said if they approve the plan she is not counting the 0.5 acres as open space; it is just a big median.

Greg Mikolash clarified that it is an expanded health trail.

David Pack said they can deal with the community garden and impact to adjoining property with conditions of approval. But regarding the loss of open space, Commissioner Smith had indicated that maybe it's not an either/or situation, but that maybe there is another configuration that increases the width.

Ellen Smith said that is one solution, but she understood that there are constraints and some products are more sellable than others.

David Pack said in a way it is a matter of semantics. He agreed that this is more of an expanded buffer rather than a true park.

Ellen Smith said the old plan feels more like a park and with the new proposal the people using the health trail will feel like they are playing in someone's front yard.

David Pack said the residents living along that open space might not appreciate people in that area.

MOTION: Zach Jacob moved to forward a positive recommendation to the City Council to amend the Stone Creek Development Plan for Clay Hollow D, E, and F and Town Center B as proposed subject to amending Ordinance #08-09 with conditions 1 through 3 listed in the staff report including the amended condition #3 as discussed in the pre-meeting. The motion was seconded by John Winn.

David Pack asked if they would accept an amendment to the motion to strive to increase the 25-foot wide buffer with a condition of approval.

Zach Jacob said he would personally agree with that, but he didn't know if they could do that.

John Winn said they give a recommendation to city council and they could require something different, but he didn't think they could request some other plan.

David Pack withdrew the proposed amendment.

ROLL CALL VOTE:

Commissioner Smith – no

Commissioner Winn - yes
Commissioner Jacob - yes
Commissioner Lawes - no
Commissioner Pack - no
Commissioner Bridge - absent

The motion failed 2-3.

John Winn didn't want to make the developer come back again and again, so they should forward either a negative or positive recommendation to the city council.

David Pack didn't think that the entire project needed to be thrown out, but he wanted more discussion on their options. The hang-up seems to be on the buffer, and he asked how they can forward that recommendation to city council.

Greg Mikolash asked how big they want the park.

David Pack said they are just trying to widen it.

Dan Lawes liked the preservation of the park space and he liked the shift in the different housing density, but he didn't know how to make them both work.

Ellen Smith said she didn't know if there is a better plan. She didn't know if it is an either/or situation or if they can come up with a more workable solution.

Dan Lawes said they can forward a negative recommendation for what was presented tonight and that will provide an opportunity for the developer to consider some of the discussion and then take it to the next step with city council.

MOTION: Ellen Smith moved based on their discussion to forward a negative recommendation to the City Council for the Stone Creek Development Plan; approximately 7800 South 5490 West; Amending the Stone Creek Development Plan consisting of 17.52 acres; specifically reducing the amount of open space in Clay Hollow D & F, and transferring 10 residential units in Clay Hollow D to Clay Hollow D & F, and Town Center B; Peterson Development/Barrett Peterson (applicant). The motion was seconded by Dan Lawes.

Zach Jacob asked if some of the concerns could be assuaged when the site plan and subdivision plat come forward. He asked how binding this plan is as far as the pictures versus what it could be.

Greg Mikolash said the text will define what will have to go into that area. So this proposal says it is going from 2.27 acres to .51 acres.

John Winn commented that this will at least give the developer an opportunity to go before the city council with ideas or proposals and it is better than a postponement.

VOTE: The motion passed 4-1 in favor of a negative recommendation with Zach Jacob casting the negative vote. Lesa Bridge was absent.

John Winn was excused from the meeting at 6:48 p.m.

4. Text Amendment – Electronic Billboards; Amend portions of Title 12 Sign Regulations and Title 13 Zoning Regulations or other sections of the West Jordan Municipal Code relating to billboards and electronic billboards; City-wide; City of West Jordan (applicant) [#TA20120008]

Ray McCandless gave a history of the item, which included an action by the city council to exclude billboards with digital display from the permitted and conditional use tables to allow staff time to develop standards for these types of billboards. Staff is now presenting those standards for consideration.

He reviewed the recommended changes. Standard billboards have a separation of at 250 feet from a residential zone, which remains unchanged. A reduced setback of 150 feet from residential along Bangerter Highway was recommended. The number of billboards is not proposed to change. Staff recommended a separation of 500 feet between residential districts and digital display billboards, and a separation of 2640 feet, or a half-mile, between billboards with digital displays. The code would also regulate the messages. There can be no video or animation, flashing, strobing, or blinking, because they may be a distraction to drivers. The messages must be clear and legible, the transition time between messages must be instantaneous, and there must be a mechanism for controlling the display period with the dwell time for each message being at least eight seconds. The standard illumination is 0.3 foot candle above ambient light level, and an automatic dimmer is required. They also talked about turning off the display between 11 p.m. and 7 a.m. if they are within 1,000 feet of a residential zone or use (unless it is for an emergency). Within ten days the billboard company needs to verify in writing that the sign had been tested and is within the current standards. If there are a lot of complaints on a particular billboard they can have the sign tested for compliance at the owner's expense.

Mr. McCandless said they received comments from the sign industry that suggested the sign be allowed to remain on during those night hours, only with a static message. They would also like a 600-foot separation between digital display billboards and 150 feet from a residential boundary. He showed an aerial photo of city hall and what the distances of 150, 250, 500, 600, and 2640 feet look like.

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.

Ray McCandless clarified some issues for the planning commission. Staff received most of their code recommendation from the city of Cottonwood Heights, which was adopted about 1 ½ years ago. The reasoning for exclusion from Mountain View Corridor is they are in discussions with other communities to see if they will be allowed.

Tom Burdett said it isn't that Mountain View Corridor is never going to be acceptable. West Jordan wants to participate with other west side communities in a discussion to see what everyone wants. If they are allowed as a conditional use and those conditions are met, they don't have complete discretion to deny it. Staff is under a time crunch to finish this code by the end of the year and they will revisit it when the regional planning is complete.

Dan Lawes opened the public hearing.

Nate Sechrest, Reagan Outdoor Advertising, explained the 0.3 foot candle above the ambient light equals the amount of light thrown off by the exit sign in the council chambers if all the other lights are turned off. So that is a very small amount. They've found that the only concern people in residential areas have with digital billboards at night is when the color changes. So if they go to a static image the issue tends to go away. It costs them money to turn it off and it doesn't do anyone else any good. The 'placeholder' for Mountain View Corridor could be made clearer by having a set time limit for the moratorium. Their main concerns deal with spacing. They have found that since they are very specifically limited as to what zoning they can place signs, a

spacing requirement of one-half mile is hard to accomplish since there are so many practical problems. They propose the spacing between digital signs at 600 feet and in that way they will always be two signs away, and that is what Cottonwood Heights adopted. They felt that they could go up to 250 feet away from residential, and after that it is too difficult to upgrade or relocate existing signs. They would be happy with the code with these changes.

Dan Lawes asked for the luminance on a sign lit with halogen lights.

Nate Sechrest wasn't sure of the exact number but it is a lot more than 0.3 foot candles. Digital lights go in a straight line, but halogen lights are designed to bounce the light everywhere.

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

Dan Lawes asked staff for their thoughts on the proposed amendments regarding spacing.

Ray McCandless reminded them that the half-mile spacing is between electronic signs and not from electronic to the standard sign. Staff could suggest making it 1320 feet, or a quarter-mile, as an acceptable spacing.

Dan Lawes supported that modification, but he liked the 500-foot spacing for residential.

Zach Jacob asked if that could be addressed in the conditional use permit review. They could allow for a smaller spacing and then mitigating circumstances could be addressed with the conditional use process. The separation could increase if needed based on how the light is shining or how the billboard faces.

Tom Burdett suggested they could but there would have to be adopted standards in the code to accomplish that. However, he recommended that they adopt a larger standard with capability to offer a reduction based on established criteria. He stated that the time frame for this code amendment was set by city council. Staff is flexible with the timing and they could have additional discussions with the industry, but they may not be able to accomplish that by the last council meeting on December 18th. They would be happy to work on it and bring it back if the industry is flexible with the deadline.

Nate Sechrest said they would be okay with a deadline in April.

There was a brief discussion regarding what would be discussed between now and April. They would consider not only the spacing but also mitigating criteria that would be considered to allow for a closer spacing similar to what is required with other environmental situations.

Ellen Smith wanted to ask Mr. Sechrest if they would prefer to have that discussion.

MOTION: Ellen Smith moved to suspend the rules of order to allow additional comment from the industry expert. The motion was seconded by Dan Lawes and passed 4-0 in favor. Lesa Bridge and John Winn were absent.

Nate Sechrest said it would be acceptable. They would prefer the smaller standard except in certain circumstances, but they can work with that.

There was a discussion regarding the new deadline and how to inform the city council of the extension. Staff will take the initiative based on the commission's general direction.

Dan Lawes closed the public hearing.

MOTION: Zach Jacob moved to continue the Text Amendment regarding Electronic Billboards to a date uncertain but no later than March 31, 2014, and recommend that the deadline imposed in the City Code be extended, if necessary. The motion was seconded by Dan Lawes and passed 4-0 in favor. Lesa Bridge and John Winn were absent.

Tom Burdett gave an update on recent City Council actions and read from a press release in support of the State's interest in Boeing expansion facilities in Utah. A new senior planner will be starting in December.

The planning commission by-laws were updated with the changes noted in the previous meeting and will be copied and distributed.

MOTION: Dan Lawes moved to adjourn.

The meeting adjourned at 7:28 p.m.

DAN LAWES
Interim Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2013