

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD DECEMBER 2, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Sophie Rice, Zach Jacob, Ellen Smith, and Bill Heiner. David Pack and Lesa Bridge were excused.

STAFF: Tom Burdett, Larry Gardner, Greg Mikolash, Nannette Larsen, Nathan Nelson, Robert Thorup and Julie Davis.

OTHERS: Kaylen Nichols, Elizabeth Beutler, Addison Beutler.

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying information was given regarding the history of the WSPA.

The regular meeting was called to order at 6:00 p.m.

**1. Consent Calendar
Approve Minutes from November 18, 2014**

MOTION: Zach Jacob moved to approve the Consent Calendar. The motion was seconded by Bill Heiner and passed 5-0 in favor. Lesa Bridge and David Pack were absent.

2. Redwood Customs; 8133 South Redwood Road; Conditional Use Permit for Retail Sales; CC-R (TSOD) Zone; Redwood Customs/Addison Beutler (applicant) [#CUP20140008; parcel 21-34-252-002]

Addison Beutler, applicant for Redwood Customs, said the proposal is for a retail store that will primarily sell motorcycle clothing and accessories. The exterior of the existing building will not change and the ownership will remain the same.

Nannette Larsen stated that based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit to allow for a retail store located at 8133 South Redwood Road in a CC-R zoning district, with the conditions of approval as listed below.

Conditions of Approval:

1. The proposed business shall meet all applicable Zoning, Building, Engineering and Fire Departments' requirements.
2. Permanent and/or temporary signage shall adhere to the requirements found in Title 12 of the City of West Jordan Municipal Code.
3. All changes to the site shall be consistent with the Conditional Use application and Development Plan.
4. The decision of the Planning Commission shall be final and effective fifteen (15) days from the date of the decision, unless an appeal is filed.

Dan Lawes opened the public hearing.

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

MOTION: Sophie Rice moved based on the positive findings set forth in the staff report and the information received during the meeting to approve the Conditional Use Permit for Redwood Customs retail store; 8133 South Redwood Road; Redwood Customs/Addison Beutler (applicant) with the conditions 1 through 4 as outlined in the staff report. The motion was seconded by Zach Jacob and passed 5-0 in favor. Lesa Bridge and David Pack were absent.

3. Text Amendment – Amend the West Jordan Municipal Code Section 13-5J amending the West Side Planning Area Boundary; Peterson Development/ Barrett Peterson (applicant) [#TA20140010]

Kaylen Nichols, representing the applicant Peterson Development, stated that the subject property was recently acquired by Peterson Development in hopes to add it to the adjacent Highlands development. The addition would square off and make a good gateway into the Highlands development off of 6700 West. They do not want to change the zoning from LSRF, so it will be a nice continuation of the project into Loneview North.

Bill Heiner asked how much of the property is developable.

Kaylen Nichols said there is some topography on the property, but most of the property is developable. If it is amended into the Highlands project then 20% would be left as open space, planned as parks or detention, or would become part of the trail system. They are hoping to make a trailhead off of 6700 West to continue through the Highlands.

Larry Gardner explained that this is a text amendment request to the zoning code for the WSPA. An amendment to the Highlands master plan will be brought forward at the time of the subdivision if this is added into the WSPA.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed text amendment amending Section 13-15J-2A of the 2009 City Code as provided in Exhibit D attached to the staff report.

Zach Jacob asked if the property could be added to the Highlands without being included in the WSPA.

Larry Gardner said the ordinance specifies the WSPA as the Highlands. When the WSPA was reduced it made the Highlands and the WSPA synonymous. The WSPA doesn't exist anywhere outside of the Highlands.

Dan Lawes asked if anyone else had the option to include their property in the WSPA.

Greg Mikolash said they do if they apply for a text amendment and if it is approved.

Dan Lawes referred to Criteria 4 and said it does seem that this is conferring a special privilege to a single property owner.

Dan Lawes opened the public hearing.

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

Zach Jacob had the same thought about benefiting a single property owner. This may be a unique case since the WSPA is placed on specific property, but text amendments to the code should have general application and not to a specific parcel or owner.

Larry Gardner said if this is undeveloped ground and if the Petersons were the only owners in the Highlands then it might be the case; however, there are several property owners in the project area including Smith's and Garbett Homes. One of the applicant's objectives for the addition is to improve the Highlands. The amendment will add to the overall trails and open space in the Highlands and will also add more into the assessment area.

Dan Lawes asked if those same objectives could be met by changing the zoning to something currently in the code.

Ellen Smith clarified that this application doesn't mention the Highlands, but it is to amend the Municipal Code to put additional acreage within the boundary of the West Side Planning Area. A separate application would put it in the Highlands. If another adjacent property owner wanted to be part of the West Side Planning Area then they could apply for it as well.

Bill Heiner asked if they have to be part of the Highlands in order to be included in the WSPA.

Larry Gardner answered Chairman Lawes and said they could accomplish the same thing with a traditional zoning, but it would still be a zone change that has to come before the planning commission and city council. The property is currently in the LSFR zone, which can't be administered outside of the WSPA. The Highlands may give the applicant a vehicle that they are more comfortable with in managing the wash and the open space, etc., but the wash would still be preserved 50 feet from the top of bank on both sides and dedicated to the city with Euclidian zoning.

Zach Jacob said a broader question should be whether or not they should amend the city code piece by piece. A zoning change isn't a city-wide application. He pointed out a small piece of property south of the church that could be included as well as other properties. If they are going to change the code to allow more property in the WSPA, should they change it to make it easier for future applicants? Then it would be a city-wide application and would benefit more than one property owner per se.

Sophie Rice said they are just changing the definition of the number of acres and the boundary.

Ellen Smith said these questions are relevant and worth mentioning, but they are more relevant at the city council level.

Bill Heiner said if there is a great benefit for the WSPA then why not go to a larger area.

Zach Jacob said adjacent property owners can apply for the same code amendment, but code amendments are for city-wide applicability and not like a rezoning.

Greg Mikolash said they should look at this as a special planning area. When it was created it was thought of in terms of boundaries, and the boundary unexpectedly shrunk a couple of years ago. They are trying to find a boundary that works and is feasible. In this case there is a physical boundary to the west side and it probably won't expand to the north. This has always been considered a special planning area rather than being something that is city-wide.

Ellen Smith said it is in the framework of something more like a TOD.

Greg Mikolash said yes, and the acreage went from 6500 acres to 370 acres.

Bill Heiner asked what caused the WSPA area to shrink so dramatically.

Greg Mikolash said it was precipitated because of some discussions and later with legislative decisions due to density conversations during the General Plan update.

Dan Lawes said the direction was to move away from having a larger defined area, so with this request we are moving backwards.

Zach Jacob asked if there is other former WSPA property with WSPA zoning, because this is a bigger issue than 40 acres.

Larry Gardner said there are a lot of properties with that zoning.

Dan Lawes asked if they should address that issue and clean it up.

Tom Burdett said they will discuss whether or not to replace the zoning for properties with WSPA zoning with Euclidian zoning.

Sophie Rice referred to Criteria 4 and said she didn't see how approving this amendment would relieve a specific hardship just for the applicant, and she didn't feel that it was a special privilege.

Ellen Smith agreed with Commissioner Rice. The amendment gives the applicant a tool to continue to develop the property in a consistent fashion, especially if the commission is viewing the request in the same fashion as they do with a TSOD or other planning areas they have considered.

Bill Heiner agreed that it makes it more homogenous.

MOTION: Bill Heiner moved based on the findings in the staff report and the new evidence and further explanations to forward a positive recommendation to the City Council for the proposed text amendment to Section 13-5J-2A WSPA Defined; Peterson Development/Barrett Peterson (applicant) as addressed in the staff report. The motion was seconded by Ellen Smith and passed 3-2 in favor with Zach Jacob and Dan Lawes casting the negative votes.

Tom Burdett gave an update on recent city council actions and applications.

MOTION: Zach Jacob moved to adjourn.

The meeting adjourned at 6:26 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014