MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 1, 2015 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Kelvin Green, Matt Quinney, David Pack, Zach Jacob, Bill Heiner, and Josh Suchoski.

STAFF: Scott Langford, Ray McCandless, Larry Gardner, Julie Davis, Nathan Nelson, and Darien Alcorn.

OTHERS: Don Moss, Kristin & Shea Whitaker, Cara Hickenlooper, Karen Hyatt, Michelle Pearson, Eric Hanna, Dallin Moss, Justin Peterson, Marianne Young, Dennis Hepworth, Gardner Crane, Kit Erickson, John Webster, Albert Smith, Bree Cornell, Joshua Stockwell, Shane Bowler, Randy Bowler, Lynn Heward, Charles Eric Pemberton.

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The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed. Larry Gardner added two recommended conditions of approval for The View at 5600. Clarifying questions were answered.

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

1. Consent Calendar
Approve Minutes from August 18, 2015

MOTION: Zach Jacob moved to approve the Consent Calendar, the minutes from August 18, 2015. The motion was seconded by Kelvin Green and passed 7-0 in favor.

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2. The View at 5600; 5600 West 8200 South; Preliminary Site Plan, Preliminary Subdivision Plat, and Preliminary Development Plan establishing a density of 8.5 units per acre in the MFR zone (51 units on 6.01 acres) and 16.7 units per acre in the HFR zone (480 units on 28.79 acres); WSPA - MFR and HFR Zones; The View at 5600, LLC/Uinta Land Company (applicant) [#SPCO20140008, SDMA20140013, DP20140006; parcels 20-35-200-040, 041, 042, 045]

Dennis Hepworth, Uinta Land, gave a presentation of the project that is a component of the approved Highlands master plan. He reviewed the surrounding uses. This five-phase project is subject to WSPA standards, which have been met. It is well buffered, has great access to traffic channels, and close proximity to commercial growth. The scope of the request in the MFR zone is 6.01 acres with 51 units for 8.5 du/ac, which is below the 9 du/ac maximum. The request for the HFR zone is 480 units on 28.79 acres for a density of 16.7 du/ac, which is below the maximum of 18 du/ac. He reviewed the buy-up calculations. Amenities include a clubhouse, swimming pool with a lazy river, spa, trail systems and improvements, active open space, parkour course, tot lot, open space, fitness stations, tree colonnade and forecourt. They only need an 88% buy-up to reach the requested densities, but their actual buy-ups would allow for 112%. The open space will be maintained by them either privately or with the SAA. He clarified that this project was vested before the annual cap in multi-family was

implemented. The elevations provide a mix of quality materials with architectural character and consistency. The Design Review Committee gave a positive recommendation.

Gardner Crane, Uinta Land Company, stated that their goal is to make this the nicest for-rent project in Utah. He explained other benefits to West Jordan. The fees paid to the city could be $4-5 million. The property will be valued at $80 million, and West Jordan will receive a portion of that property tax. The 531 good quality households will be brought to the area and will contribute to sales tax revenues. A project this nice will draw people out of other projects, which in turn will promote an upgrade to those developments in order to retain residents.

At the request of Commissioner Jacob, Mr. Hepworth described the split rail 3-foot fence that will be located on top of the berm on the east property boundary. The height of the berm isn't set, but it is typically 3-5 feet.

Gardner Crane explained phasing. Development will be chronological and has been phased from a utility and construction standpoint according to best practices. There may be a chance that the lender will require construction of two phases at a time. They would be happy to commit in a development agreement for installing amenities, especially the clubhouse, by the end of the second phase.

Dennis Hepworth explained that Window Ranch Way will only be completed on the eastern portion with Phases 1 and 2. When the rest of the phases are complete it will only go to top of their project and will not connect to 7800 South at this time.

Gardner Crane explained the amenities in the northern park. They would like to install that as soon as possible because it is such a nice amenity.

Josh Suchoski asked if there was a concern that phases 3, 4 and 5 all share the same outlet and if that would get congested.

Gardner Crane said Window Ranch Way will eventually go through to 7800 South, which could be before phase 5 since it will take 3-4 years to build out. But if it isn't, they will meet all fire clearance and safety requirements. There will be a fair amount of people in phases 3 and 4, but overall these types of projects generate less traffic than you think compared to single family per household. A separate construction entrance will more than likely be a cobble entry drive for trucks, etc.

The parking calculations were discussed. Phase 5 has fewer stalls than what is required for that phase, but overall the requirement is met. What is lacking in phase 5 will be built during phase 4 construction. Even though some of the spaces are a distance away, each unit will have a covered stall close to the building. If they have a second car then that parking will be negotiated daily on a first come first served basis. There is a total requirement of 1160 spaces for 531 units. The applicant felt that by meeting the ordinance they are exceeding the demand and they are confident that there are plenty of stalls from a practical standpoint. There are optional garage units that are for rent, which are not considered in the total calculation.

Larry Gardner added that he reviewed the calculations for density increase within the WSPA and found that it is sufficient to meet the buy-ups as listed in the staff report. The site plan and subdivision both meet the criteria for approval.

Preliminary Development Plan

Based on the requirements listed in the Zoning Ordinance, staff recommended that the Planning Commission approve The View at 5600 Sub-area Preliminary Development Plan located at approximately 5600 West 8200 South in the MFR zone for 51 units on 6.01 acres with a residential density of 8.50 units per acre and in the HFR zone 480 units on 28.79 acres with a residential density of 16.7 units per acre subject to the following conditions:

1. The Final Development Plan shall be updated to reflect the buy up points and densities approved by the Planning Commission and City Council.
2. The Final Development Plan shall be updated to show all other requirements as approved by the Planning Commission.
3. Approval of the Preliminary Subdivision plan and Preliminary Site Plan shall be subject to City Council Approval of the Preliminary Development Plan. The project density shall be approved by the City Council as part of the Preliminary Development Plan approval.
4. Update the Final Development Plan to address all existing and future planning, engineering, fire, Design Review Committee, and all other City redline corrections pertaining to The View at 5600 Development Plan.
5. Before the final plat, site plan and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.

Preliminary Subdivision Plat

Based on the required findings listed in the Subdivision Ordinance, staff recommended that the Planning Commission approve The View at 5600 Preliminary Subdivision Plat for property located at approximately 8200 South 5600 West, subject to the following conditions:

1. All areas not maintained under the terms of the Highlands Assessment Area must be owned and maintained in perpetuity by the property owner.
2. Landscape and irrigation plans shall be submitted detailing installation and maintenance responsibilities of all landscaping and irrigation systems.
3. The Final Subdivision Plat shall address all engineering requirements.
4. Preliminary subdivision plat approval shall be valid for one year until September 1, 2016 per City Code, Section 14-3-8.
5. Before the final plat, site plan and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
6. Right of way will be preserved for a round-a-bout on 5600 West and Window Ranch way.
7. The applicant will work with the City on establishing a safe route to school and construct a "HAWK" signal on 5600 West if required by the City.

Preliminary Site Plan

Based on the required findings listed in the Zoning Ordinance, staff recommended that the Planning Commission approve The View at 5600 Preliminary Site Plan for property located at approximately 8200 South 5600 West, subject to the following conditions:

1. All areas not maintained under the terms of the Highlands Assessment Area must be owned and maintained in perpetuity by the property owner.

2. Before the final plat, site plan and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
3. Preliminary site plan approval shall be valid for one year until September 1, 2016 per City Code, Section 13-7B-5.

Zach Jacob asked how the completion of this buildout coincides with the widening of 5600 West.

Nathan Nelson didn't have the exact timeframe but they are working on it, so probably within the next three to four years.

Justin Peterson spoke from the audience and said he thought it was next summer.

Nathan Nelson said it might not be that soon, but he could find out.

Kelvin Green asked how they make sure the property is set aside for the future roundabout.

Larry Gardner said it will be part of the final subdivision plat.

Kelvin Green said the three-story buildings are taller than 40 feet and the Planning Commission needs to establish the approved height according to the staff report. He asked if that is an extra condition or if it is part of the report.

Larry Gardner said it is part of the development plan. Approval of the development plan includes the materials, exteriors, heights, etc.

Dan Lawes opened the public hearing.

Eric Hanna, West Jordan resident, said it seems that there aren't facilities in the area for this type of growth. The height of the buildings is greater than the Boulder Canyon Apartments and they are on a higher plane, which is imposing to his neighborhood. Another concern is safe access to schools. Children have died on this road because of traffic congestion. They tried to establish safe walking routes and couldn't. There is no access to Fox Hollow or to the middle or high schools and the project may bring another 2,000 students to schools that are at maximum capacity. This doesn't seem like the right place. Smith's was probably promised rooftops, but Smith's was probably hoping for single-family residents who will spend their food budget there.

Don Moss, West Jordan resident, was concerned with another high density project in West Jordan. The parking in a nearby apartment complex spills onto the street impacting homeowners. He appreciates that the presentation depicts a high quality project and hopes the city will make sure it is. He asked if options such as a greater buffer zone will help the property owners who are more vested in the city with a long-term view. He understood it is a difficult job to decide when they have to weigh in the parties and those who have worked on the plan, but they also have a stewardship to the city in protecting those with a long-term view as opposed to individuals who are in the short-term, transient population. He understood that the zoning is in place but asked for monitoring and buffers.

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

Dan Lawes said it was mentioned in the pre-meeting that the school district is considering boundary changes.

Larry Gardner said he has made contact with the school district, and they are considering a boundary change to Fox Hollow rather than Hayden Peak across 5600 West. The commission is fully aware that we have no control over schools, and the legislature has repeatedly told cities that they cannot condition development on the availability of schools.

Gardner Crane said the citizens who spoke are concerned with the impact. He said they have tried to carefully plan and locate projects where they can minimize the impact. On this project there is a stretch that is in proximity to single-family and that will be bermed and landscaped. The distance is more than 50 feet from the sidewalk, then the width of 5600 West, and most of the homes that back 5600 West have 6-foot fences. The concern is legitimate, and it is natural to fear change. He was confident that their future good friends will be people who live in this project.

David Pack said he was glad to see this as part of the Design Review Committee and wanted to follow up on two issues to see if there were any questions. The durability of vinyl fencing was one. They also had a good discussion regarding how to handle the carport coverings. Should they be a prominent point with more of an A-frame or as the developer had pointed out that sometimes it's nice to minimize the view of the carport in order to focus on the design of the main building. He replied to Mr. Hanna's concerns with schools and said that the planning commission is aware.

Kelvin Green said his vote will be based on what the city ordinance allows. The city council has heard the concerns of the citizens regarding the amount of high density and established a cap and grade. Unfortunately this one was presented before the cap and grade and has been grandfathered. His biggest concern was the height of the buildings along 5600 West. He disagreed with criteria 2 of the preliminary site plan that says it won't negatively impact the neighbors to the east. He felt that those buildings could be moved somewhere else.

Larry Gardner said the West Side Planning Area code requires buildings to front arterial streets rather than to have parking lots face the street, and that is what has driven this design.

Kelvin Green said they could swap buildings so some of the green space or additional green space could border 5600 West.

Larry Gardner said that could cause concerns with the playing fields and green space being that close to an arterial and he would have to look at that more closely. The distance away from the neighborhood is great enough that even a 43-foot building, although it is tall, is not overpowering because it will be 160 feet to the closest house.

Zach Jacob was concerned that the street doesn't connect to anything. Subdivision Criteria 2 requires adequate access to public streets to carry the type and quantity of traffic generated. The traffic study is more than a year old and he wondered if it is still correct now that 5600 West is complete and widened. His concern was that none of this traffic will be funneled onto 7800 South. He also thought that 7800 South should be widened to four lanes between the existing roundabout and Mountain View Corridor. He wasn't sure that this meets the intent of the MFR zone that is supposed to act as a transitional

buffer, because it is really just an apartment complex in the medium density zone. The development as a whole is high density.

Josh Suchoski told the citizens that he, among other commissioners, lives in the area, and he wants to see the same things they do; that the city develops in a way that makes sense and is responsible. One objective is to bring things in that will spur the economy. He said the commission does take the citizens' opinions and weighs them carefully; they are not making decisions idly.

Zach Jacob understood that 7800 South is not part of this development, but he asked what can be done about connecting Window Ranch Way to the roundabout on 7800 South.

Larry Gardner said the city is actively working on acquiring property for widening, but he didn't know if they are working on the design yet. They can't require an improvement outside of the boundaries of the development. However, Maverik will be on the corner and maybe something could be worked out when that is developed to connect it. And by that time the other commercial corner might be developed.

Kelvin Green also had a hard time believing that this fits the medium density use.

Larry Gardner said it is a permitted use.

Dan Lawes asked Commissioner Green what part of phase 1 does not meet the criteria for medium density residential in the WSPA. Being a judicial item it requires findings of fact to refute the criteria.

Kelvin Green said this looks like high density to him, although based on the units per acre it meets the requirement.

Josh Suchoski said it does look like high density but the developers have taken into account and have added high quality finishes that in his opinion are not an eyesore.

Zach Jacob agreed that they will be nice looking buildings, but they will look like apartments. He spoke about the land use map and that the medium density in that area was to carry across the street to the single-family homes. The technical definition of the goals had been met, but the intent of the goals and policies of the general plan haven't been met. Is the intent to allow for amenities in an apartment complex or to allow for the same style of use that exists in the neighborhood?

Josh Suchoski said the charter school took a large portion of the MFR area, so if they were to put in medium density in the MRF section it would look out of place compared to the rest of the development.

Larry Gardner said the Highlands development plan between 5600 West and Mountain View Corridor was planned to be a buffer between the single-family density and the future freeway. The general plan states to buffer the lower intensity uses from the Mountain View Corridor, and that is what the Peterson's have tried to do with the Highlands development plan.

Scott Langford said he was encouraged to hear the commission talk about our general plan, which is an important advisory document. They need to look at the development in different levels. The general

plan is a guiding document and the Highlands development plan is a little more regulatory. The die has been cast and set by ordinance and by our city council. He hoped that in their discussions and as they weigh the criteria they will also put a lot of stock in the approved master development plan.

David Pack said he was fortunate enough to be on the general plan committee for three years and there was a lot of public input. Whenever there is a staff report he always reviews it against the general plan.

MOTION: **David Pack moved based on the findings in the staff report and the design shown in The View at 5600 subarea Preliminary Development Plan and upon the evidence and explanations this evening to approve The View at 5600 subarea Preliminary Development Plan; 5600 West 8200 South; The View at 5600, LLC/Uinta Land Company (applicant) in the MFR Zone for 51 units on 6.01 acres with a residential density of 8.50 units per acre and in the HFR Zone for 480 units on 28.79 acres with a residential density of 16.7 units per acre subject to the conditions 1 through 5 in the staff report, and adding:**

6. The development shall be designed according to City Standards and shall have the approval of the City Engineer before final approval is granted; notwithstanding the design concepts as shown in the preliminary development plan.

7. A HAWK signal shall be required at the location where the trail crosses 5600 West to protect the health, safety and welfare of residents.

The motion was seconded by Dan Lawes and passed 6-1 in favor with Kelvin Green casting the negative.

MOTION: **David Pack moved based on the findings set forth in the staff report and upon the evidence and explanations received today to approve the Preliminary Subdivision Plat for The View at 5600; 5600 West 8200 South; The View at 5600, LLC/Uinta Land Company (applicant) subject to conditions 1 through 5 as listed in the staff report. The motion was seconded by Dan Lawes and passed 5-2 in favor with Kelvin Green and Zach Jacob casting the negative votes.**

MOTION: **David Pack moved based on the findings set forth in the staff report and upon the evidence and explanations received today to approve the Preliminary Site Plan for The View at 5600; 5600 West 8200 South; The View at 5600, LLC/Uinta Land Company (applicant) subject to the conditions 1 through 3 in the staff report. The motion was seconded by Dan Lawes.**

Kelvin Green asked how they will enforce maintenance by the property owner in perpetuity of the areas not within the terms of the Highlands Special Assessment Area.

Larry Gardner said it would be through the development agreement.

VOTE: **The motion passed 5-2 in favor with Kelvin Green and Zach Jacob casting the negative votes.**

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3. Utah Natural Milk; 7482 South 5490 West; Conditional Use Permit for Dairy operations; A-1 Zone; Bowler Livestock L.C./Randy Bowler (applicant) [Ray McCandless #CUP20150011; parcel 20-25-300-057]

Randy Bowler, applicant, appreciated the favorable recommendation from staff, but he was concerned with the condition that limits the number of cows on the property at any given time to no more than 20. He said that this request would not work for them with that condition because in addition to their milking cows they have dry cows and baby calves. He thought the real factor should just be prudent business practices. They have operated in the city of a number of years and it has been successful and viable in the neighborhood. His recommendation was that they be reviewed periodically, which is part of condition #3. He said they recognize that if they are ever out of line or causing issues they would be reviewed and be subject to revocation. They will also be regulated by State and Federal dairy regulations, which are very stringent.

Zach Jacob asked for an explanation of the differences between having cows and having a dairy operation.

Shane Bowler, applicant, said the real difference is in the State regulations. Dairy cows have to meet a Grade A milk requirement, so they need to have a milk parlor that keeps the cows clean and milk safe for consumers. As far as waste from the cows or any other factors there isn't really any difference between beef cows and dairy cows. They don't expect to have any additional head of cows on the property other than to convert them from beef to dairy cows. The only change would be a small building for the milk parlor. They will have a barn where the cows will walk in to be milked. The water requirement is the same, but there will probably have to be a septic system that is just wash water waste, which is more of a health department issue.

Kelvin Green asked if there was a difference in noise or smell with a dairy operation.

Shane Bowler said there is no difference. They won't be any processing milk. They will milk the cows and that milk will be contained as normal in a bulk tank within the milk parlor. They don’t expect any additional impact to neighboring properties.

David Pack asked how many cows they currently have.

Shane Bowler said today they have ten. However, it changes seasonally and depends on how much water we get and availability of grass. Their operation is rotational grazing because they currently do pasture organic beef. In the summer the beef cows are at the ranch for grazing and in the winter there are more cows.

David Pack asked how many they would need to have a good operation.

Shane Bowler said in discussions with Ray they mentioned milking 20 cows. But if they are counted by noses they have cows that are milking, cows that are dry, and every cow has to have a calf to be able to give milk. By limiting it to a maximum number of head isn't seeing the whole picture. Also, a maximum number doesn’t account for times when twins are born. If they had to work within a limit they could discuss that, but from a common sense point of view it doesn't benefit their business to have

a congestion of cows (customers wouldn't buy the milk and the neighbors would complain). If he had to give a number they could limit cows in milk to 20.

Ray McCandless said the property was rezoned earlier this year to an agricultural district. There is an unlimited number of animals permitted in the zoning, but the conditional use permit is for the dairy operations. They can choose to limit the number or not; staff wouldn't be opposed either way, but they were just considering the residents.

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 dairy operations for property located at 7482 South 5490 West in an A-1 zoning district, with the conditions of approval as listed below.

1. No more than 20 cows be allowed on the property at any given time.
2. The proposed use shall meet all applicable Zoning, Building, Engineering, and Fire Department's requirements.
3. The Conditional Use Permit shall be subject to review/revocation as per section 13.7E.10.

Zach Jacob asked if the nuisance ordinance still applies in the agricultural zone.

Darien Alcorn said yes.

Dan Lawes recalled a change in the nuisance law regarding agricultural zones.

Scott Langford read from the Municipal Code Section 5-3-2 that states the following activities are exempt from the definition of nuisance and will not be subject to the city's enforcement action:

B. Preexisting Farms And Ranches: The definition of a "nuisance" shall not apply to those properties and portions of properties engaged in active agricultural/ranch operations continuously dating from before the surrounding land was developed into the current residential or commercial uses. "Active agricultural/ranch operations" includes, but is not limited to, sights, sounds, odors, and dust inherent to raising crops, livestock, and livestock products.

There was a brief discussion regarding whether or not these operations were considered preexisting.

Dan Lawes opened the public hearing.

Lynn Heward, attorney for property owners at 7374 South 5490 West, said the property was vacant prior to the Bowlers purchasing it, so the operations are not preexisting. His client may ask for his property to be zoned agricultural as well if that is how the city is proceeding, but as he still lives there he doesn't want the conditions degraded too much. In a previous hearing a someone mentioned that they lived near a dairy and was surprised at the number of flies. When this property was being rezoned the Bowlers were asked if the property would be used for pigs, and they said no, but he didn't know why a dairy use would be any better than having pigs. He read from ordinances across the country regarding number of cows, spacing, minimum acreage, etc. and said there are reasons that these rules are established. He asked that it be denied.

Charles Eric Pemberton, West Jordan resident, stated that he is a customer of Utah Natural Meats and had been to other dairy operations, and this site is very clean and you can't smell the animals when you are in the store (barn) even though the animals are all around. The scent and flies aren't noticeable. There are two semi-truck trailers where grass is grown to feed his cattle and chickens. People from other countries even go there to see the operations. He saw a growing need for raw milk service, and he was in favor.

Karen Hyatt, West Jordan resident, said she was happy that staff gave a favorable recommendation. She loves the farm and currently has to drive an hour round trip to get these services. She understood the concerns, but this service is what people want. She and her neighbors spend hundreds a year in Salt Lake for raw milk, and it would be nice to have it nearby. She understood that changes may need to happen in the future, which is part of growth and being in a community. But the Bowlers run the farm very responsibly and she supported it.

Kristin Whitaker, West Jordan resident, said she is familiar with the farm and helps there twice a week. She understood the concerns with dairies. On a recent drive through Nebraska they passed a dairy farm and the smell was very acrid. But the smell isn't an issue here on such a small scale and because of the way it is operated with an appreciation and awareness for the land and respect for the animals. She can't smell the cows from her house, and even when she is milking one she has to be under the cow to have any impact with smell. Also, cows are quiet. There is an operating goat dairy in West Jordan, which is noisy. She is more concerned with the noise from neighborhood dogs than the cows. She appreciated the support from the city for the viability of the business. She said development is occurring all around and it is a gem to have a resource like this within the city, and she would even consider it an amenity.

Joshua Stockwell, Sandy resident, said he and a lot of patients are customers of Utah Natural Meats. He represented mammals as a whole on this planet. He explained that once milk is out of the animal and processed it becomes a different product. The pasteurized milk in the store is very dirty not only with dirt and pus, but it has a lot of drugs and antibiotics that are needed because the operations are so dirty. That is not what the Bowlers are applying for. The availability of raw milk in Utah is low and is a prized commodity. The nutritional quality compared to what is in the store is unheard of. If the community in the area knew of the value of the foods there then there would be no question but to support it.

Bree Cornell, West Jordan resident, said she is a beekeeper and moved to West Jordan in order to be in an agricultural and rural area. She fully supported this request and in going forward with having a mix of agricultural, families living in high density areas, and commercial development like Smith's. She was raised on a farm and it is true that the density of animals and how they are handled can make a big difference on the nuisance that can be introduced or avoided.

Albert Smith, West Jordan resident, said he doesn't live near the area, but he heard about the meeting and wondered why they had to get permission to have a farm in an agricultural area. He didn't think the city should be able to decide which business to condemn and which to support. People seemed to support the business, so he agreed with the people.

John Webster, Draper City resident, said he had been a customer of the Bowlers since they started operating. He agreed that they run a clean operation and they are very conscientious about the products

they put out. He goes there regularly to spend his money in West Jordan. It is an asset to West Jordan in a growing industry and more and more people want clean, healthy, local food.

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

Josh Suchoski said the commission needs to look not only at the public sentiment, but in providing a sustainable environment for the future of West Jordan. From the comments, he felt that the Bowlers have provided not only an alternative setting to buy meat and potentially dairy products, but growth for West Jordan in a sustainable way in an efficient manner, which should be commended. He thought that this is a valuable operation for West Jordan and the citizens.

David Pack felt the same way. He had been by the operations a few times and could detect no odorous odor and it is the cleanest farm he had seen.

Kelvin Green thought that they needed to consider that West Jordan has historically been farms. His own property originally had pheasants. They need to foster an environment where agriculture can coexist with an urbanized area. Also, he couldn't see the difference between having cows on the property and having dairy operations. The other ordinances Mr. Heward spoke of earlier do not apply to West Jordan. He supported the request.

Zach Jacob echoed the comments. He said in reality there probably won't be a farm here in ten or twenty years because the city is growing rapidly. But right now there is a farm that is allowed to have cows, and the subject of this question is whether or not he can milk the cows. He felt that the impacts on the neighborhood and business have not changed.

MOTION: Dan Lawes moved to approve the Conditional Use Permit to allow for dairy operations for Utah Natural Milk; 7482 South 5490 West; Bowler Livestock LC/Randy Bowler (applicant) with conditions 2 and 3 and striking condition 1. The motion was seconded by Zach Jacob and passed 7-0 in favor.

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4. Farmers Insurance Rezone; 8732 South Redwood Road; Rezone approximately 0.3 acres from RR-1A (Rural Residential 1-acre lots) Zone to SC-1 (Neighborhood Commercial) and approximately 0.7 acres from RR-1A to R-1-10D (Single-family residential 10,000 square foot minimum lots) Zone; Kit Erickson (applicant) [#ZC20150007]

Kit Erickson, applicant, said the property is currently zoned residentially. All of the properties to the north that face Redwood Road are zoned commercially without application and fit the land use map. His property also fits the future land use map and should have been converted to commercial at the same time. His plan is to convert the existing home into a business office. There will be minimal difference as far as neighbors will see with minimal traffic at maybe four or five cars on a busy day. Signage will be on the property, but since it is on Redwood Road with the existing traffic and light, it fits.

Kelvin Green asked if he had started business already, and if yes, why without it being zoned.

Kit Erickson said yes he is, because he lost the lease at his previous location.

Zach Jacob asked if he lived there and if his business license is for a regular business and not a home occupation.

Kit Erickson said he does not live there and it is a regular business license.

Ray McCandless said there was a rezoning years ago that approved the zoning on the properties to the north, so it wasn't just zoned that way, and this property is a remnant. The property is within the Redwood Road Corridor overlay and was designed with this type of property in mind to allow people to convert older homes to office space. So even under that Overlay it would be a permitted use to convert the home to an office. This request will change the zoning to fit the land use map and match the properties to the north.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council to rezone the property located at approximately 8732 South Redwood Road from a RR-1A (Rural Residential) zone to the SC-1 (Neighborhood Commercial) and R-1-10D zoning districts.

Zach Jacob asked if insurance office is permitted in the SC-1 zone.

Ray McCandless said yes.

Dan Lawes opened the public hearing.

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

MOTION: Zach Jacob moved based on the findings in the staff report and the discussion this evening to forward a positive recommendation to the City Council for Farmers Insurance Rezone; 8732 South Redwood Road; Kit Erickson (applicant) to rezone the property from RR-1A to SC-1 and R-1-10D zoning districts. The motion was seconded by Matt Quinney.

Kelvin Green said for the record he will vote no for the sole purpose that the planning commission is ratifying something that he thought should have been applied for beforehand. The sign is already up and the business has been in business in violation of Chapter 13 of the ordinance.

Dan Lawes asked for clarification if it is within the purview of the planning commission to enforce city code outside of reviewing conditional use permits.

Scott Langford said no.

VOTE: The motion passed 6-1 in favor with Kelvin Green casting the negative vote.

MOTION: Kelvin Green moved to adjourn.

The meeting adjourned at 7:57 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2015