

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 2, 2016 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Kelvin Green, Matt Quinney, Bill Heiner, Josh Suchoski, and Judy Hansen. David Pack was excused.

STAFF: Larry Gardner, Mark Forsythe, Nathan Nelson, Paul Brockbank, Duncan Murray, and Julie Davis

OTHERS: Amanda Darger, John W. Easterbrook, Connie Easterbrook, Zac Stringham, James Pratt, Sharlene & Jeff Hampton, Nick and Megan Meacham, Lee & Jaimi Ostergar, Beau Peck, Michael Roach, Christie Hardey, Matt & Danielle Wyllie, Kathryn Gonzales, Cecilia Jones, Skyler Andam, Melissa Hiller, Ray Letcher, Cody & Lacey Wasescha, Brad Moore, Clint Herrera, Candice Carter, Sara Klein, Jason & Jennifer Roberts, Melvin & Rhonda Skousen, Sharlene Tharp, Robert Haight, Scott Hardey, Cindy Baker, Chris Tucker, Dennis Park, Andrew Fredrickson, Wayne Tharp, Gonzales, Robert & Cathy Hawkins, Chad Lems, Steven Jones, Debbie Robinson, Mike Canning, Meghan & Brandon Andersen, Laura Fisher, Ronda Tuttle, Jamon Smith, Jen Smith, Dan Darger, Jeramey Winrow, Ashley Green, Kenny Sathre, Abbie Monson, Kaylee Whytock, Robert Strang, Tina Lyon, Rachael Zizumbo, Paul Emett, Dan Compton.

The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed and clarifying questions were answered. It was noted that several email correspondence were received for the public hearings tonight, which will be included with the official minutes of the meeting.

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

1. Consent Calendar
Approve Minutes from July 19, 2016

MOTION: Matt Quinney moved to approve the minutes as stated in the report. The motion was seconded by Josh Suchoski and passed 6-0 in favor. David Pack was absent.

2. Text Amendment – Freeway Oriented Signs and Directional Signs - Amend the 2009 West Jordan Code Section 12-3-2, regarding number and height of freeway oriented signs, and directional signs and Section 12-1-4 definition of Directional Sign; Allied Electric Sign/Eric Shinsato (applicant) [#TA20160001]

Cindy Baker, Allied Electric, stated that Foursquare Properties, developer of Jordan Landing, would like to make significant changes to their signage with a new logo, a contemporary design, improving pedestrian and way-finding and improved tenant representation along Bangerter Highway. The current signage along Bangerter Highway only allows for 25 tenants to have name recognition, but the proposed electric message unit will allow 100% of the tenants to have name recognition. Foursquare

Properties wants to keep the center a successful and vibrant regional hub for shopping, dining, and entertainment, and the proposed changes are needed to keep that success.

Dan Milich, Director of Development for Foursquare Properties, said the next agenda item is their application for an amended sign package for Jordan Landing, and this text amendment is a part of that. The way-finding signage is directional in nature and is interior to the project. The pylon sign with an electronic messaging unit will be along Bangerter Highway.

Mark Forsythe clarified that an electronic message center is already allowed as part of a sign with up to 50% of the sign copy area. The definition of directional signs doesn't allow for any advertising copy, which conflicts with another part of the code, so this amendment will bring the two code provisions in sync. He explained that the amendment for directional signs would allow for business identification when it is part of a sign development plan. The amendment will also add flexibility with the sign area and height to allow for six square feet of copy area and with an increase in height to 12 feet, if it is part of a sign development plan. This allows readable signage from vehicles while maintaining clear vision requirements. Flexibility with spacing also helps with way-finding. The code currently allows for one 72-foot tall freeway oriented sign, and the applicant's proposal is for up to two signs with one sign for every 800 feet of frontage instead of 1000 feet, which will allow Jordan Landing to have one additional freeway oriented sign. Directional signs are allowed in all zones throughout the city within a planned development. Freeway oriented signs are only allowed in the Regional Commercial zones, which includes Jordan Landing as well as a section east of the Mountain View Corridor at 9000 South.

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 to Title 12 of the 2009 City Code, as addressed in the report, relating to freeway-oriented signs and directional signs and with the change in the definition of directional signs.

Clarification was given that a billboard sign is off-premise and not associated with any specific business or development. The pylon sign with a messaging component will be on premise advertising for Jordan Landing and its businesses.

Kelvin Green expressed his concern that a 12-foot tall directional sign could be placed anywhere in the city. He also asked if the directional signs would meet the Supreme Court criteria for content neutrality.

Mark Forsythe said directional signs with that height would have to be approved by the Planning Commission with a sign development plan. He also clarified that the code does not control the times of day for an electronic messaging sign unless it is a billboard.

Duncan Murray said that nothing in this definition will control content, so there are no legal concerns.

Dan Lawes opened the public hearing.

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

Kelvin Green felt that the freeway oriented signs only apply to Jordan Landing, which is addressed in Criteria 4. He wondered if it is in the best interest of the community to have that many large signs and

the electronic portion could affect the residents to the east. He still had concerns with a 12-foot directional sign and the potential of having one on every business along Redwood Road, for example.

Judy Hansen was concerned that there is only 675 feet between the two pylon signs, especially if it will be electronic. She agreed that the residential neighbors to the north and east could be affected. She asked if the existing signs would be modified with an electronic message center.

Mark Forsythe said only the new sign would have the electronic component.

Josh Suchoski felt that information regarding the need for a code change can come from many sources, so if someone can point out a needed change then it isn't necessarily playing to one entity. He said the sign ordinance currently allows for the electronic signs, and it will be facing north and south along Bangerter Highway. He felt that by updating Jordan Landing it will bring commerce, and anything they can do as a city to help businesses prosper it helps to take a tax burden off of the residents.

Kelvin Green said the 12-foot directional signs could be placed 50 feet flashing business names and he wondered what would be reasonable even within a development plan, especially when the ordinance has a blanket application on the city. He might agree with one extra freeway sign, although the ambient light could be a problem.

Bill Heiner understood that in order to ask for these directional signs it would require Planning Commission approval on an individual basis. Jordan Landing is project that probably needs to be rebranded based on the competition to the south.

Dan Lawes asked if their view would be changed if the City were making the request.

Kelvin Green said no, because it is a generic text amendment for the city and he was having a hard time knowing what a directional sign is and how it could work in other areas.

Josh Suchoski felt that an illuminated sign every 50 feet won't have much more light than a street lamp, and the road is already illuminated on Bangerter Highway, so he didn't feel that light was an issue. He felt that any business that will spend time and money to bring it before the Commission will be one who won't want to put unnecessary signs every 50 feet along the road. He understood the potential to have signs every 50 feet, but realistically he didn't see that happening.

Larry Gardner understood Commissioner Green's concern, but they will have some control over the sign plan. He gave some examples of typical directional signs, but larger developments like Jordan Landing, Family Center in Taylorsville, and the District in South Jordan that have so many businesses use this type of directional sign. He wasn't concerned that these types of signs would be used in other commercial districts, but he said they could offer suggestions on how the code might be tightened up.

Kelvin Green said he had a problem with trying to amend an unconstitutional sign ordinance. There are some things that common sense would dictate by cost, and 95% of the people are reasonable. But his concern is with the 5% who will try to push things to the maximum extent of the rule and cause a problem. He didn't see the benefit of a 12-foot tall directional sign in areas like Redwood Road where every business could have one.

Josh Suchoski said maybe 5% of the businesses in the City will want one of these signs, but the odds of 5% of the owners along Redwood Road getting together to establish and request a sign development plan that asks for a sign every 50 feet is almost nothing.

Kelvin Green said there isn't a clear definition of a sign development plan and how static or dynamic it is allowed to be. Questions of how and when it can be modified are unanswered.

Mark Forsythe said although there is not an ordinance for a sign plan, one can be enforced through the conditions of approval from the Planning Commission.

MOTION: Josh Suchoski moved based on the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council for the proposed Text Amendment to Title 12 of the 2009 City Code as addressed in the report relating to Freeway-Oriented Signs and Directional Signs. The motion was seconded by Dan Lawes and passed 5-1 in favor with Kelvin Green casting the negative vote. David Pack was absent.

3. Jordan Landing Amended Sign Plan; 7000 South/7800 South Bangerter Highway; SC-3 Zone; Allied Electric Sign (applicant) [#SRP20160003; parcel 21-29-177-007]

Dan Milich, Foursquare Properties, said that Jordan Landing was developed in the late 1990's and is in need of a facelift with signage and building exteriors, etc. They are spending \$40 million to upgrade the Entertainment Village as part of the facelift and creating 125,000 square feet of new commercial area with new tenants with entertainment, food and beverage, etc. This will add new signage opportunities for them, which is why they thought it was appropriate to make these changes at this time. He said that the new logo will be updated on all of the signs so it is consistent, and only the new pylon sign will have the electronic message board.

Mark Forsythe said when this property was developed there were a number of separate sign plans approved based on phases. In 2007 Foursquare Properties amended and combined all of the sign plans into one comprehensive sign plan for Jordan Landing. The proposal is to amend and update the signs to a more contemporary style and adding new signage. They are proposing one additional freeway oriented sign near Joe's Crab Shack and four pylon signs near the Entertainment Village. Four new monument signs will be at key intersections with four existing monuments that will be updated. There are 30 directional signs proposed for way-finding. One tower sign was previously approved and they propose one additional. Subject to approval, the new freeway oriented sign will be 72-feet high and will include an electronic messaging center. Total static sign area is 815 square feet and the electronic messaging center is 508 square feet, which meets the 50% maximum requirement. He reviewed the placement. The directional signs are 12-feet tall with an 8-foot clearance for clear vision requirements. The Zoning Administrator will determine whether any future modification to the sign plan is major or minor.

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant approval for the Jordan Landing Amended Sign Package located at 7000 South – 7800 South Bangerter Highway in an SC-3 zoning district, with the Conditions of Approval as listed below.

Conditions of Approval:

1. All signs within the commercial district of Jordan Landing, as specified in the attached site plan, shall wholly conform to the design, dimensions, materials, and lighting specified in this sign plan. Signs with minor deviations from this sign plan may be approved by the Zoning Administrator and Foursquare Properties. Signs constituting a major deviation from this sign plan shall require an amendment to said plan through the West Jordan Planning Commission and authorization from Foursquare Properties.
2. Approval of the P(72)M freeway-oriented sign and all directional signs specified in this sign plan shall not be valid unless an ordinance amendment, concerning directional signs and freeway-oriented signs, is ratified by the West Jordan City Council.
3. All signs shall comply with clear vision requirements.
4. The T(X) tower sign area shall be included with any current or future wall sign area calculations for the building upon which the wall signs are installed.
5. M(24) monument signs or directional signs may be installed at the south and west corners of the intersection of Campus View Drive and Plaza Center Drive, but not both sign types.
6. All signs shall be kept in good repair and maintained in a safe and attractive condition, as per Section 12-3-1B of the West Jordan Municipal Code.
7. All signs, including the directional signs specified in this sign plan, shall obtain a Building Permit prior to construction. Changes in sign copy only shall obtain a Change of Copy Permit.
8. All businesses shall possess or apply for a Business License prior to approval of any Building Permit for a sign.
9. All temporary signs placed within Jordan Landing shall be subject to all pertinent requirements in Title 12 of the West Jordan Municipal Code.

Dan Lawes opened the public hearing.

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

Kelvin Green wanted the Commission to be put on notice before the applicant could proceed with any deviations with the plan because of what happened with the Jordan Valley TOD garage modifications.

Mark Forsythe gave examples of the differences between minor and major deviations. For example, if the sign area met requirements of the city code but the shape changed slightly or a different material in the base was used it would be minor. If the design changed completely then it would be a major change.

There was a discussion on how it would be determined and how often the deviations occur, which is regularly. The previous zoning administrator required that the individual applicants get approval from Jordan Landing to allow any deviations. It was suggested that a minor deviations go to the Design Review Committee as another set of eyes.

MOTION: Josh Suchoski moved based on the positive findings set forth in the staff report and information received during the meeting to approve the Jordan Landing Amended Sign Package; 7000 South/7800 South Bangerter Highway; Allied Electric Sign (applicant) with the conditions 1 through 9 set forth in the staff report, amending:

1. All signs within the commercial district of Jordan Landing, as specified in the attached site plan, shall wholly conform to the design, dimensions, materials, and lighting specified in this sign plan. Signs with minor deviations from this sign plan may be approved by the Zoning Administrator and the Design Review Committee with Foursquare Properties. Signs constituting a major deviation from this sign plan shall require an amendment to said plan through the West Jordan Planning Commission and authorization from Foursquare Properties.

The motion was seconded by Judy Hansen and passed 6-0 in favor. David Pack was absent.

4. **Bella Estates; 7481 South 5490 West; Preliminary Subdivision Plat (10 lots on 5.01 acres); Bowler Properties LC/Randy Bowler (applicant) [#SDMA20160002; parcel 20-25-300-026]**

Randy Bowler, Bowler Properties, stated that he agreed with the recommendations from staff and was available for questions. He said timing with contracts on the properties was the primary reason Bella Estates and Winner's Circle Estates subdivisions weren't connected.

Larry Gardner said zoning was changed in 2015, which triggered the sewer line upgrade in order to develop. The proposal is to create 10 lots with an average lot size of 17,000 square feet. The development will connect to 7350 South across a landscaped area to the east, which his owned, dedicated, and maintained by the city. At one time they required a stub to the Timm property to the south, but instead Mr. Bowler chose to make a straight cul-de-sac.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Plat for Bella Estates located at approximately 7481 South 5490 West subject to the following conditions:

1. All lots must comply with the applicable requirements of Title 13, Zoning Regulations and Title 14, Subdivision Regulations including, but not limited to lot area, width and frontage requirements.
2. All applicable city departmental requirements must be met prior to recordation of the final plat.
3. Update the Final Bella Estates Subdivision Plat to address all existing and future planning, engineering, fire and all other City redline corrections pertaining to the Bella Estates Subdivision Plat. Before the final plat are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
4. All homes constructed within the Bella Estates subdivision shall comply with the requirements of the zoning ordinance.
5. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. 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.
6. All street lights installed shall be the LED variety.

Kelvin Green asked if the layout meets the ordinance for connectivity.

Larry Gardner said it does. They are both cul-de-sacs. When the property was rezoned, the neighborhood didn't want a stub to 5490 West. They are required to stub to undeveloped property to the north, but the property to the south is also being developed now as a cul-de-sac. There are a lot of cul-de-sacs in the area already. Years ago 5490 West was approved as a private street and these two properties are mid-block. They are requiring dedication of this portion of 5490 West, but the length to the south wasn't dedicated when Bridle Vistas Circle was developed and the city can't require that now.

Dan Lawes opened the public hearing.

Cody Wasescha, West Jordan resident, said they live south of the outlet of the subdivision. Their main concern was with the stub road to the north that will connect future development. They have a quiet community right now and that would add more and more traffic.

Lacey Wasescha, West Jordan resident, didn't understand why this subdivision isn't being connected to Winner's Circle Estates because there are only 2 ½ houses that separate the roads, and one of them is their home. She thought it will significantly affect their home and their entire neighborhood. She felt that 5490 West to 7800 South will eventually become a main road and she wondered why that isn't being considered at this time.

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

Larry Gardner said both of the subdivisions are at the limit for a four-minute fire response, but anything to the north will have to find a more direct response for emergency vehicles, which would be via 5490 West. He didn't like putting roadways into people's driveways, so maybe the two subdivision should be stubbed together. However, the applicant has chosen to create two cul-de-sacs, which does meet the code. Although he doesn't like the design, he has to review it based on the code.

MOTION: Dan Lawes moved to approve the Preliminary Subdivision Plat for Bella Estates; 7481 South 5490 West; Bowler Properties LC/Randy Bowler (applicant) subject to conditions 1 through 6 as listed in the staff report. The motion was seconded by Matt Quinney.

Kelvin Green said he didn't like three streets coming onto the street within a close proximity.

VOTE: The motion passed 4-2 in favor with Bill Heiner and Kelvin Green casting the negative votes. David Pack was absent.

5. Winner's Circle Estates; 7551 South 5490 West; Preliminary Subdivision Plat (12 lots on 5.01 acres); R-1-12F Zone; Bowler Properties LC/Randy Bowler (applicant) [#10526; parcel 20-25-300-010]

Randy Bowler, Bowler Properties, applicant, agreed with the staff report and was available for questions.

Larry Gardner said this subdivision has 12 single-family lots on a straight cul-de-sac. The average lot size is 15,000 square feet with F-sized homes.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Plat for Winner's Circle Estates located at approximately 7551 South 5490 West subject to the following conditions:

1. All lots must comply with the applicable requirements of Title 13, Zoning Regulations and Title 14, Subdivision Regulations including, but not limited to lot area, width and frontage requirements.
2. All applicable city departmental requirements must be met prior to recordation of the final plat.
3. Update the Final Winner's Circle Estates Subdivision Plat to address all existing and future planning, engineering, fire and all other City redline corrections pertaining to the Winner's Circle Estates Subdivision Plat. Before the final plat are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
4. All homes constructed within the Winner's Circle Estates subdivision shall comply with the requirements of the zoning ordinance.
5. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. 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.
6. All street lights installed shall be the LED variety.

Dan Lawes opened the public hearing.

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

MOTION: Dan Lawes moved to approve the Preliminary Subdivision Plat for Winner's Circle Estates; 7551 South 5490 West; Bowler Properties/Randy Bowler (applicant) subject to the conditions 1 through 6 as listed in the staff report. The motion was seconded by Josh Suchoski and passed 4-2 in favor with Bill Heiner and Kelvin Green casting the negative votes. David Pack was absent.

6. **City Surplus Property (Airport area) Rezone and General Plan Amendment; 4652 West 7800 South; Future Land Use Map Amendment for approximately 23.6 acres from Business Research Park to Medium Density Residential and Rezone approximately 23.6 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) Zone; City of West Jordan (applicant) [#ZC 10594 and GPA 10595; parcel 21-30-300-029]**

Larry Gardner gave an overview of the request to rezone surplus city property to a residential use. The conceptual plan shows 79 single-family lots with an E-sized home.

Future Land Use Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend approximately 23.6 acres of the

Future Land Use map from Research Park to Medium Density Residential on property located at 4652 West 7800 South.

Zoning Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone approximately 23.6 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, "E" size homes) zone on property located at 4652 West 7800 South.

Bill Heiner said an E-sized home would crowd the lot and he asked if there was any consideration for 10,000 or 12,000 square foot lots.

Larry Gardner didn't know the answer to the question, but the City Manager requested 8,000 square foot lots. The City Council has required at least an E-sized home on recent rezonings.

Josh Suchoski said the current designation as office is a buffer between M-1 and residential uses. He asked if there are concerns with health and quality of life to have residential next to the rail line and industrial zone.

Larry Gardner didn't think it was a large freight line anymore. They have the same situation to the south where the rail line has turned into a switching yard, which can be noisy.

Dan Lawes opened the public hearing.

Paul Emett, West Jordan resident, referenced an email that he provided to the Commission. He corrected the staff report stating that the City Council failed to approve Resolution 15-229 in December, which would have declared the property surplus, but the Council reconsidered the item on January 13, 2016, and approved Resolution 15-229 with no public hearing. The staff report pointed out a conflict of interest in staff's role of advising the Planning Commission, and the residents also perceive the conflict of interest wherein the city is the applicant and the advisor. This is an effort to maximize potential return from the sale of property. In an effort to provide what they feel is unbiased advice to the Commission they will present their findings. They want to establish the original intended purpose of how the city came to own the land as buffer between industrial and residential uses as stated in the development agreements. A Salt Lake Tribune article was presented that represents industrial hazards on the adjacent rail line.

Tina Lyon, West Jordan resident, spoke about Finding A for the land use map amendment. The general plan says medium density residential is preferred for infill development that is well buffered from commercial and industrial uses. It says that manufacturing uses should be sufficiently buffered from incompatible land uses, especially residential areas. They felt that the most appropriate land use for the property was open space, which is the same designation as the city-owned parcel to the north. This application removes an existing buffer and the proposed amendment is not consistent with the goals and policies in the general plan. She also felt that the entrances into the proposed property would add a lot of traffic to the existing neighborhood and the intersection at 4680 West would be difficult to access.

Kenny Sathre, West Jordan resident, said the staff report doesn't address Finding B for optional sites; there are other options for medium density residential on the land use plan. Finding C is not met, because the other findings have shown that medium density residential is not appropriate for the property due to the proximity to the rail line and industrial uses. Just because the land use pattern appears in other areas it doesn't make it compatible.

Emily Hernandez, West Jordan resident, said Finding D for the land use map amendment doesn't address whether medium density residential constitutes an overall improvement over the Business Research Park designation or if it is for the sole good of the City. The staff report does not address public safety facilities that would be required in the case of an industrial accident or chemical release on the railway. More infrastructure improvements will be needed to access the property in case of such accidents. This amendment will significantly affect the residents by altering accessible land use patterns and requiring larger and more expensive public infrastructure improvements including roads, water, and waste water that would otherwise not be needed if the property is not changed.

Chris Tucker, West Jordan resident, said the residents found that Criteria 1 had not been met and is not consistent with the purposes, goals and objectives of the general plan, and Criteria 2 didn't address if the proposal adversely affects adjacent properties. This will create an incompatible land use relationship and will adversely affect adjacent properties. He was also concerned with the amount of traffic that comes out toward Bangerter Highway in the morning, which will just get worse with the development occurring to the west.

Greg Leeb, West Jordan resident, addressed Criteria 3. The resident report said the potential residents are placed mere feet from the transport of hazardous chemicals such as hydrofluoric acid and yards from the storage of hazardous material at the National Guard facility. The amendment does not further the public health, safety, and general welfare of the citizens. Regarding Criteria 4 and public services, they find that the proposal will unduly impact adequacy of public services that would otherwise not be needed without the change. The future land use map amendment and zoning map amendment is not compatible with adjoining land uses, it does not further the public safety, is not consistent with purposes, goals and objectives, and policies of the City's general plan, and adversely affects adjacent properties. The residents recommend that they forward a negative recommendation to the city council.

Col. Smith, Construction and Facility Officer for Utah National Guard, the National Guard works hard to be a good neighbor, but they have to strike a balance between training readiness and the impact to the community. Their West Jordan aviation support facility has 19 Apache helicopters, 13 Blackhawks, and 2 Lakota with 40-60 flights each week operating 7 days a week. The subject parcel is in the flight path of the helicopters. They try to stay at about 1,000 feet when flying over homes, but they would have to drop down to about 200 feet above homes on the subject parcel, which would affect the quality of life for those people. Building height would be a safety consideration as well. He encouraged them to take these things into account when making a decision.

Andrew Fredrickson, UDOT Maintenance Supervisor at the 4632 West 7800 South location, said they have heavy equipment coming in and out all day during the winter, which will create problems for the city and his department when there are citizen complaints. They can be called out at any time of day. He recommended against the amendment.

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

Josh Suchoski commended the citizens for an organized presentation and he agreed with what was said.

Kelvin Green also like their organized approach. He wanted to declare that he used to work for UDOT, and he is also a member of the Utah National Guard but doesn't see a conflict. He agreed with the comments from the public. He said the city doesn't need any more R-1-8 lots in West Jordan and it wouldn't be good to put 80 homes in the helicopter flight path. He thought it needs to remain a buffer and would vote against it.

Judy Hansen didn't think it met Criteria 2 because it affects adjacent properties. She wouldn't want the helicopters 200 feet above her. Criteria 3 also isn't met because of potential hazardous materials on the rail line next to residential properties. She would prefer it remain a buffer zone.

Dan Lawes asked if there is a recommended buffer by the National Fire Protection Association regarding rail lines and residential.

Paul Brockbank said not until they get into building structures as part of the railway. He isn't aware of any requirement regarding homes next to railways.

Dan Lawes asked if the development agreement is still binding or if it had been modified.

Duncan Murray briefly reviewed the agreement and said it was between the city and the developer at that time. Paragraph 2 and subparagraphs thereunder is what the developer is bound to do, including an open space buffering and land dedication. Paragraph 5 is the city's obligation, which was to maintain the public improvements. Paragraph 12 states that if the parties change, the obligations don't necessarily change. The city required the developer to provide the open space buffering in exchange for providing public improvements. Without further reading, his legal opinion was that the open space buffering isn't a limitation upon the city government itself.

Kelvin Green said the original intent of the property was for some type of buffering, and he asked if the open space requirement is binding on successor developers.

Larry Gardner pointed out that the subject property is not open space on the future land use map. It has a business research park land use and was probably intended to be an office type of buffer between the residential and industrial uses. However, the property to the north has an open space land use.

Duncan Murray said the agreement was with the city and the developer at that time. If the city chooses to no longer make that requirement on a successor developer it doesn't have to. Any two parties can come to an agreement and if those two parties are no longer at issue then the other party can relinquish the agreement. He didn't think that the city is currently bound based on the 20-year old development agreement.

Kelvin Green didn't disagree with that opinion, but he thought the city has a moral and ethical obligation to do appropriate master planning. If the city promised to have open space buffering, then why is there an urgent need for residential land. The signed agreement was more evidence that we wanted a buffer.

MOTION: Kelvin Green moved based on the reading of the staff report and all the evidence provided by the neighbors tonight and further explanations and discussions received in this meeting today to forward a negative recommendation to the City Council for City Surplus Property (Airport area); 4652 West 7800 South; City of West Jordan (applicant) to amend the Future Land Use Map for 23.6 acres from Business Research Park to Medium Density Residential because Criteria A, B, C, D, and E have not been met. The motion was seconded by Josh Suchoski and passed 6-0 in favor. David Pack was absent.

MOTION: Kelvin Green moved based on the reading of the staff report and the new evidence and further explanations and discussions received in the meeting tonight to forward a negative recommendation to the City Council for City Surplus Property (Airport area); 4652 West 7800 South; City of West Jordan (applicant) to rezone 23.6 acres from A-20 Zone to R-1-8E Zone specifically finding that Criteria 2, 3, and 4 for a zoning map amendment have not been met. The motion was seconded by Bill Heiner.

Josh Suchoski also felt that it doesn't meet Criteria 1 based on the explanation listed in the Resident Report.

Dan Lawes didn't feel that the motion needed to be amended since it is included in the discussion.

VOTE: The motion passed 6-0 in favor of a negative recommendation. David Pack was absent.

MOTION: Kelvin Green moved to take a 5-minute break.

The meeting reconvened at 8:06 p.m.

7. City Surplus Property (Maples area) Rezone and General Plan Amendment; 6543 West 7400 South; Future Land Use Map Amendment for approximately 9.68 acres from Future Park to Medium Density Residential and Rezone approximately 9.68 acres from A-20 (Agricultural 20 acre minimum lot size) to R-1-10E (Single-family Residential 10,000 square foot lots, "E" size homes) Zone; City of West Jordan (applicant) [#ZC 10592 and GPA 10593; parcels 20-27-427-012, 20-27-427-011]

Larry Gardner gave an overview of the request. The future park property was located closer to 7800 South at one time and was moved to the extreme north of the Maples area and connects to a larger piece of master planned open space property. The concept plan shows approximately 26 single-family residential lots.

Future Land Use Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend approximately 9.68 acres from

Future Park to Medium Density Residential on property located at approximately 6543 West 7400 South.

Zoning Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone approximately 9.68 acres from A-20 (Agricultural; 20 acre minimum lot size) to R-1-10E (Single-family Residential 10,000 square foot lots, "E" size homes) zone on property located at approximately 6543 West 7400 South.

Dan Lawes opened the public hearing. He said that emails were received from residents Brandon Andersen, Matthew Smith, Monika Rodriguez, John Pulver, Jodi Fountaine, Lorin Paddock, Zac Stringham, Marie Cummings, and Tina Smith.

Zac Stringham, West Jordan resident, was against the item. In 2004 the city property was planned and zoned for a future elementary school, but when the School District didn't want to build a school, the city swapped the property with the developer for the property to the north. Residents in the neighborhood have been looking forward to a park. The park was also in consideration of allowing the developer to build The Maples at a higher density. In 2004 the residents voted on a bond to buy and preserve open space, and by selling this property it will go against that vote. Homeowners in the area made their purchases based on the location of the park, so it would be dishonest to change that now. The master plan shows a future park to the north of this, but the city could choose to change that later as well. They would like to have a park for their neighborhood without the need to cross major roads.

Amada Jones, West Jordan resident, said her biggest concern was that there is already a lot of new construction and the schools are overcrowded with a year-round schedule. They were promised a park and she would like to have this larger park without going such a far distance.

Steven Jones, West Jordan resident, was concerned that the park space was transferred in the first place. The property is too steep. They want to have a park they can walk to. By keeping the park it will also be a benefit to the future growth to the north.

Sharlene Hampton, West Jordan resident, was excited to move to this area to be part of a family community with a park where they could gather and build their sense of community. This change would take away from that ability.

Wayne Tharp, West Jordan resident, said they liked the area for its sense of community and paid extra for their lot for the view of and proximity to the park. There was also supposed to be a neighborhood connection to the park, which he didn't see in the design. He wanted to know why there is such a rush for more housing.

Sharlene Tharp, West Jordan resident, said living on the beautiful west bench they've seen hundreds of acres gobbled up with residential and business and this is an opportunity for the city to provide some green space. There is a trail nearby with the Mountain View Corridor that leads to this area. The city should take pride in this large amount of promised green space. They were told by the city that this property would remain green space. Also, the residents of Maple Hills have to pay \$30 a month to preserve their parks and green space.

James Pratt, West Jordan resident, said he moved here three months ago with the understanding that it would be a park. Fox Hollow elementary school is overcrowded and there is more growth with young families moving to the area already. According to West Jordan data it is one of the best places for families and to take away the park in that area will be a detriment. He didn't think that kids should have to cross 6700 West by themselves to get to a park.

Michael Roach, West Jordan resident, said he bought his home about 12 years ago with the understanding that the property would be a park. He gave a history of the area and how each time there was a concern with new increased density in the area they were reminded of the future planned park. That park has also been part of the calculations in determining the amount of green space versus density of the neighborhood. He noted the location of their current parks and the hazards of nearby traffic.

Robert Hawkins, West Jordan resident, said they researched the area before purchasing and the park was part of their decision to buy. They enjoy walking and biking and you have to cross major roads to get to the other parks. The traffic is only going to get busier. He didn't see the need for more homes.

Cathy Hawkins, West Jordan resident, said they were promised the park, and young kids need to have a place they can go to safely on their own. It isn't right to take this away.

Jamon Smith, West Jordan resident, said as a paramedic he was concerned with the added traffic and he would not have his kids crossing 6700 West to get to the nearest park. It would be in the best interest of the residents to follow through with the park.

Amanda Darger, West Jordan resident, said they recently moved to this area and one of the reasons was because of the future park. They like to go to the park but usually have to drive. The schools are crowded, and she was concerned with the extra traffic. She loves West Jordan and it would be sad to have made the effort to come here and not have the family space.

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

Kelvin Green felt it is bad public policy to rezone this property and sell it as surplus property since one of the goals and policies for the city is to have open space and parks. There were also some promises made to the residents. He thought that maybe the City Council should reconsider the decision to surplus this property.

Josh Suchoski agreed that the communities in Jordan Hills Villages have gotten the short end of the stick on some things that were supposed to happen, so when the city decides this is surplus property it adds to that feeling. He reviewed the findings of fact. Regarding Finding C, it was planned to have a park. Although medium density residential is compatible, it is not compatible with the idea of having a park. Finding D talked about an overall improvement not solely for the good or benefit of a particular person or entity. He disagreed by saying the particular entity is West Jordan's bottom line. He felt that in Finding E it will adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns by requiring larger and more extensive public infrastructure improvements. Also, when you densify an area you are obligated to provide open space that was taken from the lots. Regarding the zoning map amendment he didn't think that Criteria 2 had been met

because people paid a land premium to be next to a park. Criteria 3 is not met because it will provide a more dense area with no place for the children to play without crossing a major road.

There was a brief discussion about the open space bond and the additional park maintenance fee spoken of.

MOTION: Kelvin Green moved based on the reading of the staff report and the evidence they've heard and explanations and discussions received in this meeting to forward a negative recommendation to the City Council for the City Surplus Property (Maples area); 6543 West 7400 South; City of West Jordan (applicant) to amend the Future Land Use Map for 9.68 acres of property from Future Park to Medium Density Residential specifically finding that Criteria C, D, and E for a future land use amendment have not been met. The motion was seconded by Josh Suchoski and passed 6-0 in favor of a negative recommendation.

MOTION: Kelvin Green moved based on the reading of the staff report and the new evidence and explanations and discussion received tonight to forward a negative recommendation to the City Council for the City Surplus Property (Maples area); 6543 West 7400 South; City of West Jordan (applicant) to rezone 9.68 acres from A-20 Zone to R-1-10E Zone specifically finding that the Findings 2 and 3 for a zoning map amendment have not been met. The motion was seconded by Josh Suchoski and passed 6-0 in favor of a negative recommendation. David Pack was absent.

8. City Surplus Property (Sycamores area) Rezone and General Plan Amendment; 7049 West 7800 South; Future Land Use Map Amendment for approximately 6.5 acres from Parks and Open Land to Medium Density Residential and Rezone approximately 6.5 acres from P-C (Planned Community) to R-1-9E (Single-family Residential 9,000 square foot lots, "E" size homes) Zone; City of West Jordan (applicant) [#ZC 10586 and GPA 10590; parcel 20-34-101-001]

Larry Gardner gave an overview of the request to change the land use designation and zoning for surplus property in the Sycamores area. He showed a conceptual layout of a 23-lot residential subdivision.

Future Land Use Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend approximately 6.5 acres from Parks and Open Land to Medium Density Residential on property located at approximately 7049 West 7800 South.

Zoning Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone approximately 6.5 acres from PC (Planned Community) to R-1-9E (Single-family Residential 9,000 square foot lots, "E" size homes) zone on property located at approximately 7049 West 7800 South.

Dan Lawes opened the public hearing. He stated that an email was received by residents Michael and Kathryn Daut.

Robert Haight, West Jordan resident, said this land was given to the city in exchange for higher density in the Sycamores subdivision and it didn't make sense that they are now trying to sell it to another developer. Finding F talks about the requirement for open space for Jordan Hills Villages and that taking out the 6.5 acres wouldn't affect that. However, West Jordan requires that in order for open space to be valid it needs to have slopes less than 25%. This wash is very steep and if they exclude the steep slopes it might not even meet the current open space requirement let alone taking out the flattest portion of the open space.

Jennifer Roberts, West Jordan resident, said this area is behind her home and the slopes are very steep. Last year Rio Tinto gave her notice of an arsenic spill in that location. There is also a quarry to the north of that and it wouldn't be a good idea to have homes so close to where they are crushing rocks all day. She said that the view is amazing.

Jason Roberts, West Jordan resident, reiterated his concerns for the impact to homes that would be so close to the quarry.

Dennis Park, West Jordan resident, has watched the area grow and has seen the developers try to change things in the area, which makes them upset. He bought a premium lot knowing that the area was going to be open space and a park. If this area goes away then the city may not stop with that, and that isn't what they were told. To put homes in the area would be sad for him and so many other people.

Amy Crawford, West Jordan resident, addressed Criteria 3 by stating that the proposal doesn't further the public health, safety, and general welfare of the citizens of the city. As stated, Rio Tinto informed them in 2014 to discuss an arsenic spill and for 8 weeks they were working with heavy equipment trying to clean it up. Although Rio Tinto said it is cleaned up she is worried that it is not. She asked them to think about future residents that would be building on the property that is possibly still contaminated or whether or not another one could occur.

Scott Hardey, West Jordan resident, read from Finding A and stated that this land is designated as open space and it should be preserved in its natural state for future generations. Regarding Finding D, he didn't know how changing open space to more residential would constitute an overall improvement to an already growing city. Criteria 2 does adversely affect the residents, because people love this neighborhood that feels like it is in the middle of nowhere when it really isn't. By putting R-1-8 lots at the entrance of the subdivision it would take away the view of the open space and rolling hills. Also, the people who back up to the open space paid a premium for their lots. He asked for a negative recommendation based on Criteria A, C, D, Criteria 2, and Finding F.

Jennifer Tolbert, West Jordan resident, also has a premium lot. She came from Iowa where there was a lot of county side and this area is in the city without being out of the city where there is open space, like there was in Iowa. She loves her neighborhood, open space, and views that it provides and it would be a negative impact for this to go forward.

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

Kelvin Green said based on the map, this open space was clearly designed to be a buffer and he didn't know if it could legally be rezoned, because it was part of a planned community with an approved master plan. He didn't think that adding housing was an overall improvement to the land use plan. He didn't think it met Findings A, C, D, or E on the future land use amendment findings or Criteria 1, 2, and 3 in the zoning map amendment findings.

Josh Suchoski said the Sycamores community has great people, and when he originally built out there they were told that the open space on the east side of 7800 South and New Sycamore drive would have a tot lot and that the detention pond would have an area for kids to play, which didn't happen. They have very few amenities out there, but *this* is their amenity and it would be a severe detriment to the community if it is taken away. He would like to add Finding F regarding the 25% slope area that doesn't count as open space. He felt that this would affect adjacent properties and people who paid premiums. The arsenic spill was caused by a winter storm and they were told to avoid that entire area, so it wouldn't be within the health and welfare of anyone to build a home any closer to the gully than is already there.

Dan Lawes said Criteria F jumped out to him regarding consistency with other adopted plans. This was dedicated open space as part of an adopted Planned Community plan.

Larry Gardner said it was part of the Jordan Hills Villages plan, which expired last year. However, it was put in there with the intent that it would always be open space, and the residential density was based on the open space.

Matt Quinney asked if there was a breakdown of how much of the area had a slope greater than 25%.

Larry Gardner didn't have that information, but looking at the wash he agreed that the majority of the property has a very steep slope and is undevelopable. The code says that if it isn't a developable piece of property it is not suitable for a recreational property. It can be open space, but not usable open space.

MOTION: Josh Suchoski moved based on the reading of the staff report and/or the evidence, further explanations and discussions received in this meeting today to forward a negative recommendation to the City Council for City Surplus Property (Sycamores area); 7049 West 7800 South; City of West Jordan (applicant) for a Future Land Use Map Amendment for 6.5 acres from Parks and Open Land to Medium Density Residential specifically finding that Criteria A, D, C, E, and F for a future land use map amendment have not been met. The motion was seconded by Matt Quinney and passed 6-0 in favor of a negative recommendation. David Pack was absent.

MOTION: Josh Suchoski moved based on the findings set forth in the staff report and/or new evidence and further explanations and discussion received in this meeting today to forward a negative recommendation to the City Council for City Surplus Property (Sycamores area); 7049 West 7800 South; City of West Jordan (applicant) to rezone 6.5 acres from P-C Zone to R-1-9E Zone specifically finding that Criteria 1,

2, 3, and 4 for a zoning map amendment have not been met. The motion was seconded by Matt Quinney and passed 6-0 in favor of a negative recommendation. David Pack was absent.

MOTION: Matt Quinney moved to adjourn.

The meeting adjourned at 9:00 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2016