

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 20, 2024 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Ammon Allen, Tom Hollingsworth, John Roberts, Trish Hatch, and Jay Thomas.
George Winn and Emily Gonzalez were excused.

STAFF: Scott Langford, Larry Gardner, Ray McCandless, Duncan Murray, Julie Davis, Paul Brockbank

- 1. Text Amendment – Overlay Zoning Districts; Amend the 2009 West Jordan Municipal Code regarding Changing or Removing the Senior Housing Overlay District (SHO) Designation or any other Overlay Zoning District Designation; Amending Development Plan Requirements Sections 13-6H-12A and adding 13-6H-12D; Amending Authorized applicant Council Work Session and Quarterly Map Meeting Section 13-7D-4C2 and adding 13-7D-4C3; Amending Criteria to Recommend Approval adding Section 13-7D-6A6; Variations from Approved Plans and Development Standards adding Section 13-7I-5B4; City-wide applicability; City of West Jordan (applicant)**

Scott Langford said the proposed text amendment is a result of several meetings the City Council held after the Senior Housing Overlay was removed from a development. This is an effort to help the process for similar requests to be less awkward in the future.

Larry Gardner explained that one change is that the review and vote to rezone a property to the base zone would come first and separate from consideration of the overlay.

Duncan Murray said the next change would require an applicant to come to a council work session prior to starting the process to remove an overlay district. The council will then decide if the applicant should move forward through the public hearing process. Another provision states that if even one lot is sold to someone who is not a financial institution, builder, developer, etc. then removal of the overlay is not allowed.

Larry Gardner explained that the work session is a less formal way for the applicant to describe their request prior to the public hearing process. Additional criteria for the planning commission were added, including a determination that the change will not create or exacerbate a nonconforming situation. The other criterion addresses design and that the change cannot significantly negatively affect the properties or structures within the existing overlay zoning district. Any changes to the development plan would also have to be approved by the city council.

Based on the analysis and findings contained in the staff report and upon evidence received at the public hearing, staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the Text Amendment regarding Overlay Zoning Districts.

Ammon Allen supported the change, but he also understood that in certain market conditions it could be a hardship to own a property with a senior housing overlay. He asked if it could be removed if all property owners wanted the change.

Larry Gardner said that would be a legislative decision for the city council.

Trish Hatch thought that the SHO imposes restrictions that do not benefit the city long-term, because it is too confining, and it does not serve the future. She had hoped that the SHO would be removed from the code.

Larry Gardner stated that the amendment does not prohibit the city from eliminating the senior housing overlay, but it applies to those that exist. The market was in a different situation 5 to 10 years ago when an older home could be sold with enough equity to purchase a new one. Other communities are also dealing with this situation.

Jay Thomas felt much the same as Commissioner Hatch and asked if the commission could propose to the city council elimination of the senior overlay.

Ammon Allen understood the proposed code to say that even if the developer were to buy back the lots that had been sold, removal of the overlay still would not be allowed.

Duncan Murray said that is how a strict interpretation would read, but that point could be argued.

Ammon Allen opened the public hearing.

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

Additional discussion was held concerning a recommendation to the city council to eliminate the SHO. That discussion would be placed on a future agenda and any action or recommendation would take place in a public hearing. At the time of discussion, staff should provide a listing of where current SHO zoning exists and if removal of the overlay would create a non-conforming use situation.

Commissioner Roberts said that the proposed amendment helps to resolve the negatives of the SHO, because any benefit that the developer gets that makes it nonconforming also binds them to it. Otherwise, the developer will have to build something conforming from the beginning if they want a chance to have the overlay removed later.

Duncan Murray said that it would be more realistic to lock the SHO from additional locations in a similar way to how the WSPA area is defined, but the zoning and regulations for it still exist.

Larry Gardner said he will place this discussion on the next meeting and staff will provide the current SHO locations and if there are any current applications.

MOTION: Jay Thomas moved, based on the information and findings of the required criteria set forth in the staff report and upon the evidence and explanations received today, to forward a recommendation of approval to the City Council for the Text Amendment regarding Overlay Zoning Districts finding that an affirmative determination has been made for the criteria found in 13-7D-6B; 1 through 4. The motion was seconded by John Roberts and passed 5-0 in favor. George Winn and Emily Gonzalez were absent.