

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 17, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** David Beecher, Ellen Smith, James Dupaix, Justin Stoker, Nola Duncan, and Nate Hendricks. David McKinney was excused.

**STAFF:** Tom Burdett, Ryan Carter, Richard Lewis, Madeline Francisco-Galang, Reed Scharman, and Julie Davis

**OTHERS:** Bob Canestrini, Bryanie Swilley, Scout Troop 1957, and Craig Dearing.

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The briefing meeting was called to order by David Beecher.

Nate Hendricks volunteered to serve on the architectural review committee for Amberly Condominiums.

There was some discussion regarding Item #2 and the sign code.

Richard Lewis and Ryan Carter gave a brief explanation of Item #4.

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The regular meeting was called to order at 6:01 p.m. by Chairman David Beecher

**ITEM #1 CONSENT CALENDAR**

**A: APPROVE MINUTES FROM JANUARY 3, 2007**

**MOTION:** Justin Stoker moved to approve the minutes from January 3, 2007, as listed in the Planning Commission report. The motion was seconded by James Dupaix and passed 6-0 in favor. David McKinney was absent.

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**ITEM #2:** 27-05-251-015 JORDAN VALLEY HOSPITAL ELECTRONIC MESSAGE/POLE SIGN; 3580 WEST 9000 SOUTH; CONDITIONAL USE PERMIT; P-F ZONE; JORDAN VALLEY HOSPITAL/BOB CANESTRINI (APPLICANT) [#CUP20060044]

Richard Lewis gave the overview for a pole sign with an electronic message center. Pole signs are required to obtain a conditional use permit. Maximum height and sign copy meet the code regulations. It will be located along Bangerter Highway, but it is setback 45-feet from the right-of-way and would not interfere with sight distance or utilities.

Staff recommended approval of the conditional use permit for Jordan Valley Hospital Electronic Sign located at 3580 West 9000 South based on the findings outlined above with the conditions set forth below.

Conditions of Approval:

1. The sign must meet all requirements of the West Jordan Sign Code, Title 89, Chapter 6, Part 11.
2. Obtain all required sign permits from the Utah Department of Transportation before construction begins.
3. Meet all requirements of the Building Official, Fire Marshal, and Engineering Division.

Bob Canestrini, Jordan Valley Hospital Facility Manager, stated that this sign is 45-50 feet away from Bangerter Highway and about 200 feet from 9000 South and doesn't interfere with the perpetual easement for the Jordan Aqueduct. He had a discussion this morning with UDOT regarding any possible permits needed. He said that Raymond Meldrum with UDOT indicated that Jordan Valley Hospital would not require a permit from UDOT unless there was advertising for things other than what are on the campus. However, they do not intend to do any of that. They would only have hospital advertising.

Craig Dearing, West Jordan Chamber of Commerce, said he was pleased to see this come about and felt it would be a great boon to West Jordan and the hospital.

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

Nola Duncan remembered a proposal for a changeable billboard sign at the intersection of 2700 West and 7800 South, which was denied because it was a changeable sign and because of the traffic. She asked how this proposal was any different.

Richard Lewis said the problems with the billboard were the size of the sign and the moving components and that the owner of the property had not authorized the installation of the sign. That sign was proposed to be only 10 feet from the right-of-way on 2700 West and 20 feet from 7800 South, which would be distracting to motorists stopped at the intersection. The proposed sign at the hospital is 200 feet from the intersection and setback from Bangerter Highway. He felt the impact to the driver would be different at this location.

Nola Duncan asked if staff felt that the sign wouldn't cause a distraction to the people who were driving.

Richard Lewis said that any sign will be viewed by drivers. He felt the placement at an intersection where traffic is stopped is more critical.

Nola Duncan noted that the City required a traffic review of a proposed billboard location as it related to placement near a railroad crossing. She asked if that would be needed in this case.

Madeline Francisco-Galang stated that the traffic engineer did inspect the billboard site to see if there would be issues with blocking the railroad crossing, but it was not reviewed for traffic itself. A similar inspection at this site is not needed.

Ryan Carter said the concern is whether or not the sign will create a visual block to a subsequent traffic control device or would it cause enough of a distraction to make your response time to a later traffic control device dangerous. This sign is after the traffic control device.

James Dupaix said there is also a significant grade separation, and it is a different type of sign in the code.

**MOTION: James Dupaix moved to approve the Conditional Use Permit for Jordan Valley Hospital Electronic Sign; 3580 West 9000 South; Jordan Valley Hospital/Bob Canestrini (applicant) based on the findings as outlined in the staff report with conditions of approval 1 through 3 in the staff report. The motion was seconded by Justin Stoker and passed 6-0 in favor. David McKinney was absent.**

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**ITEM #3: REVIEW OF PLANNING COMMISSION BY-LAWS**

The Commissioners reviewed possible changes to the Planning Commission by-laws as proposed by Commissioner Dupaix.

Agenda Format

There was a discussion regarding the addition of language on the agenda that indicated if the item were Quasi-Judicial or Quasi-Legislative, because there are different types of standards for the two hearing types. Several Commissioners and legal counsel agreed with the general principal to keep those standards in mind. There could be a note on the agenda itself so the public is aware of the type of information the Commission will be considering. It was also suggested that it be noted in the heading of the staff report. It was determined that it was not necessary to group them by category on the agenda, because the order of the agenda is set by several determining factors. It was also determined that the by-laws did not need to be amended to reflect the additional note on the agenda.

The Chair could advise the audience at the beginning of the meeting as to the different hearing types.

There was also a discussion on the suggestion to list business items at the beginning of the agenda. Because of the need for flexibility in scheduling agenda items it was determined that business items would not be specifically listed. James Dupaix withdrew his proposal for the amendments as listed in C.2.

#### Staff Reports

James Dupaix explained his suggestion for additional disclosure of applicants with regards to public office and relationships of petitions to staff, council, and others.

There was a discussion regarding the right of privacy as it related to that information. It was pointed out that the duty of conflict of interest rests with the member of the Planning Commission to seek advice in a certain situation. Another question arose as to what would happen if the applicant refused to disclose that information and whether or not the application would be barred from going forward. Also, if it were found that someone on staff had an interest in the project what would the Planning Commission then do with that information. Ryan Carter stated that he would have to research that suggestion more closely.

It was suggested that information could be added to the application itself, but it wouldn't be something that staff felt should be in the report, because those should be addressing planning items only.

There were several concerns with requiring this information as suggested in C.4. II. A.3. & 4, and it was decided to strike them from the proposal.

There was a discussion regarding the request to include financial implications and consideration to the City in the staff report. The concern was that the Planning Commission may require something of a developer that might unintentionally put a financial burden on the City. Staff said that while this type of information is listed on the City Council reports it is more difficult to calculate the figures for items that come before the Planning Commission. Staff could try to address possible financial implications.

Richard Lewis wondered why the by-laws were so specific as to staff reports to begin with. Staff wants to include as much information as possible in the staff report, but he suggested that they might change the current paragraph to include some of the information as suggested, but putting them in the report where it made sense only when applicable. He distributed a copy of his recommendation for the language in the staff report section. He stated that they could look at putting more information on the application form.

Tom Burdett said they want to avoid hearsay information in reports.

**MOTION: James Dupaix moved to strike the proposed C.4. and adopt Rick Lewis' suggested language for the staff report section. The motion was seconded by Nola Duncan and passed 6-0 in favor. David McKinney was absent.**

#### Procedure - Motions

James Dupaix explained that several commissions in Utah had adopted the rule that the Chair is not allowed to make or second motions. This allows the Chair to focus on conducting the meeting and keeping it moving.

There was a discussion regarding this suggestion and the potential it had for taking away a privilege from the Chair that the others have, which would restrict them from being a part of the business of the meeting. However, if the Chairman wanted to concentrate more on conducting the meeting, then that would be their choice. The Chair is appointed to serve the City in the same way that the other Commissioners are appointed.

**MOTION:** Nola Duncan moved to strike the proposed language for E.1., G.1., and G.3., because that would be taking away a fellow Commissioner's right to be part of the process. The motion was seconded by David Beecher.

There was a discussion of the possibility that a Chair may never get the opportunity to vote if there were no tie votes. It was suggested that there were times when a Chair may have lost track of the procedure of a meeting, and the Chair should remember that they are primarily the referee by keeping track of motions and procedure.

**VOTE:** The motion passed 6-0 in favor. David McKinney was absent.

James Dupaix explained his reason for proposing that substitute motions be eliminated. If someone makes a motion that is seconded the Commission owes that Commissioner the honor of having the motion go to a vote rather than substituting.

Nola Duncan explained that Robert's Rules of Order state the correct way to use a substitute motion is to put forth an alternate to the motion without totally destroying the other motion, and it should come forth to give debate and clarification of the first motion. She felt that if they used the substitute motion correctly it would be better.

James Dupaix said the way he had seen it handled is to do away with the original motion altogether. Instead they should open discussion and allow a seconded motion the honor to be voted on. If someone strongly objected to the motion that could be stated in the discussion before the vote is taken. At that time they could explain that should the vote fail they would offer a different motion for stated reasons. He knew some previous Commissioners who had felt that they had been slapped in the face when a substitute motion replaced their motion without a vote.

Nola Duncan gave the example of the power substation motion where she wished she had known about the power of the substitute motion, because it went in a different direction from where she thought it was going.

James Dupaix stated that even in that situation during the discussion of the motion someone could have stated that they would make another motion should the one on the table fail. Again, he felt that the Commissioner should be granted the honor of having a vote on a motion that has been seconded.

Ryan Carter said the objective of the Commission is to vote their conscience regardless of which motion comes first. He pointed out that Robert's Rules of Order has not been adopted by the Planning Commission. If they plan to adopt them they need to be prepared to be immersed in a huge volume of rules where only a percentage might apply to a body as small as the Planning Commission. In the current Commission by-laws it states that a substitute motion replaces the original motion.

James Dupaix stated that the Commission had consistently amended motions in order to get to the true intent, but he felt that the substitute motion had been abused and needed to be eliminated.

Nate Hendricks felt that it is a matter of respect, and he felt that a substitute motion is a hostile way to shut someone out when a motion should have the chance to be voted on.

**MOTION:** James Dupaix moved to change the Commission by-laws in E.7. to eliminate the substitute motion. The motion was seconded by Nate Hendricks.

Nola Duncan said if the motion should fail she would make the motion to leave substitute motions in but to clarify and use it properly.

**VOTE: The motion passed 4-2 in favor with Justin Stoker and Nola Duncan casting the negative votes. David McKinney was absent.**

Commissioners in Training

There was a discussion regarding this proposal. Previous to the seven-member Commission West Jordan had five commissioners with one alternate, but it was changed to seven with the idea that even with 5 Commissioners in attendance they could still conduct business. There were questions that arose regarding what would be expected of these Commissioners in training as far as training, participation, attendance, etc. Staff didn't know what the feeling of the City Council would be.

James Dupaix felt there were too many complications with this type of recommendation. The most deleterious effect of not having Commissioners in training would be the lack of background in what the Commission is trying to accomplish, such as with the West Side Plan ordinance.

**MOTION: Justin Stoker moved to strike the recommendation for two Commissioners in training. The motion was seconded by Ellen Smith and passed 6-0 in favor. David McKinney was absent.**

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**ITEM #4: REVIEW OF CONDITIONAL USES**

Richard Lewis explained that the City of West Jordan has established, in Section 89-5-404 (e) a list of criteria that must be met in order to receive approval of a permit for a Conditional Use. The list is comprehensive and, in most cases, reasonable conditions can be required to mitigate any detrimental impact. However, the zoning code may have conditional uses listed in the land use tables that are no longer desirable even if mitigation measures can be applied. Staff suggested that the Planning Commission members review the various land use tables and list all those conditional uses that are questionable as to their applicability in specific zones. In some cases, it may be desirable to establish additional specific mitigating conditions for some of the listed conditional uses. Once the list has been compiled, this issue can be discussed in a workshop at a future meeting.

There was a discussion regarding imposing more specific criteria for certain uses.

Staff will bring forward a table with all conditional uses for the Commission to review and discuss at a later date. Some changes might be made as staff is also making miscellaneous corrections and clarifications to the zoning code.

Ellen Smith noted that there are some conditional uses in the Water Protection Overlay that didn't make sense to her.

Reed Scharman wanted to point out that the zoning codes go to health, safety, and welfare with what and where something should be allowed. However, the Fire Code doesn't prevent something but addresses how they deal with something if it is approved.

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A brief discussion was held regarding the implementation of density-based zoning for the entire City, which is a major undertaking. The City Council would like to add certain things to the existing zoning areas to increase standards for development, but it is not a high priority and would be more strategic.

Tom Burdett gave an update on the City Council Strategic Planning Session. The Council decided that the General Plan Committee would meet only when there is a major update to the Plan, which may be in 2008. The Downtown Revitalization Committee was eliminated as their tasks had been accomplished. However, there will be a design review committee to be used for the Downtown area and perhaps other areas in the City.

There was a brief discussion on the progress of the redevelopment of the Briarwood area. UTA is actively working out strategies to complete all five rail lines as quickly as possible.

**MOTION: James Dupaix moved to adjourn. The motion was seconded by David Beecher.**

The meeting adjourned at 8:00 p.m.

David Beecher  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007