

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 21, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS**

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

**STAFF:** Greg Mikolash, Chris Gilbert, Madeline Francisco-Galang, Battalion Chief Marc McElreath, Wendell Rigby, Tom Burdett, Ryan Carter, and Vicki Hauserman.

**OTHERS:** Bryan Embley, Calvin Lundgren, Kristen Nilssen.

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The briefing meeting was called to order.

There was a discussion regarding the minutes and whether or not additional motions were made but not included in the minutes. [The tape was reviewed, and there were no other motions made during the meeting.]

Item #1B was explained regarding procedure for the amendment. It was recommended to be pulled for discussion.

Tom Burdett explained the time extension process as it related to Items #1C and #1D. He stated that staff will also be initiating a text amendment request regarding the timelines for time extension.

An explanation was given on Item #2 as it relates to the current code. An updated handout was provided for Item #3. Staff explained that Jordan Landing is updating their sign package to reflect the West Jordan sign code.

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The regular meeting was called to order at 6:04 p.m.

**ITEM #1 CONSENT CALENDAR**

**A. APPROVE MINUTES FROM MARCH 7, 2007**

**B. TEXT AMENDMENT – AMEND THE WEST JORDAN MUNICIPAL CODE TITLE 89 CHAPTER 6 PART 12 PUBLIC IMPROVEMENT GUARANTEES; CITY-WIDE; CITY OF WEST JORDAN (APPLICANT)**

[This item was pulled from the Consent Calendar for discussion.]

**C. 21-31-127-001 LES SCHWAB TIME EXTENSION; 7829 SOUTH AIRPORT ROAD; 6-MONTH SITE PLAN TIME EXTENSION; M-1 ZONE [#SPI20040007]**

Staff recommended that the Planning Commission approve a one-time 6-month time extension set to expire June 30, 2007, for the Les Schwab Final Site Plan located at 7829 South Airport Road.

**D. 20-34-300-001 DISCOVERY PHASE 1 TIME EXTENSION; 8352 SOUTH U-111; 6-MONTH FINAL SUBDIVISION PLAT TIME EXTENSION; R-1-8C(ZC) ZONE; OQUIRRH HILLS, LC (APPLICANT) [#SDMA20050009]**

Staff recommended that the Planning Commission approve a one-time 6-month time extension set to expire on September 21, 2007, for the Discovery Phase 1 Subdivision Plat located 8352 South U-111.

**MOTION:** Justin Stoker moved to move Item #1B from the Consent Calendar to the public hearings and to approve the remaining items on the Consent Calendar with the minutes as amended in the pre-meeting. The motion was seconded by James Dupaix.

**AMENDED**

**MOTION:** James Dupaix moved to amend the motion to remove the minutes from the Consent Calendar until they have inserted in the minutes those items that were motioned on during the discussion in the last meeting. The amendment was accepted by Justin Stoker and passed 7-0 in favor.

There were none in the audience who wished to speak on the Consent Calendar items.

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**ITEM #1B. TEXT AMENDMENT – AMEND THE WEST JORDAN MUNICIPAL CODE TITLE 89 CHAPTER 6 PART 12 PUBLIC IMPROVEMENT GUARANTEES; CITY-WIDE; CITY OF WEST JORDAN (APPLICANT)**

Wendell Rigby explained that the development community had expressed concerns about the bond release process, and the City also had concerns with the quality of the public infrastructure constructed by private development. The proposed code revisions will address these concerns, which include: provide for a quicker bond release process; provide for system releases; and, separate bonds for individual process such as public landscaping, public improvements, and non-public improvements. He explained that the need for the three separate bonds is to allow each type of improvement to be released as they are completed rather than holding the entire bond since not all improvements are constructed at the same time. The proposal also allows for the City Manager rather than the City Council to release bonds. The warranty period is increased from one to two years. Staff met with the Homebuilders Association to present the code revisions. Their major concerns were the length of time to get through the bond release period and the extension of the warranty period. Since that time a survey of 24 cities was conducted that indicated that ten of the cities have a 24-month bond period, twelve have an 18-month bond period, and eleven cities have a 12-month bond period with two of those cities considering a change to 24 months.

Staff recommended the Planning Commission forward a positive recommendation to the City Council for revisions to Title 89-6-12 – Improvement Guarantees.

James Dupaix asked why the City Manager signs off on the release of the bond when it is the Mayor who initially approves it. He suggested that the same person perform both functions.

Ryan Carter explained that the City Manager usually handles these types of executive functions. He stated that the language of the text may have been the preferred method as discussed by the affected parties, but staff can research that further.

James Dupaix asked for clarification on the language in 89-6-1202(c) as to whether or not the developer is unable to made application for a permit until the effective date of the bond that was issued.

Ryan Carter said they could recommend removal of the words “to seek” from the proposal. James Dupaix felt that they should make that change so the developer is able to make application in order to speed up the process.

James Dupaix asked about 89-6-1204(a) and said that he noticed that some of the dedicated streets don’t seem to have been built to sufficient standard, and he wondered if different road qualities should have different warranty guarantees. For some roads 1” of asphalt overlay is inadequate with the amount of heavy equipment that travels on it.

Wendell Rigby explained that three years ago West Jordan changed the standard that they use to do pavement design. Previous to that there were minimal controls. The idea behind the 1” overlay is that in some cases someone will cut the road or the texture is defective. The bond allows the City to hold the amount required to overlay the entire road and thereby provide a decent travel service for the public. This section is not talking about the construction of the road.

James Dupaix said he would like to see the bonding institution be required to be located within the City limits, which would save staff time.

Wendell Rigby stated that the basic reason for the language that it be within 50 miles is because there are developers outside of the City who deal regularly with their own banks.

James Dupaix said electronic banking makes it easy to open these types of accounts with any institution in the country. He felt that the convenience should be geared toward the City.

James Dupaix referred to 89-6-1207(1) regarding warranty inspections. He stated that it is hard to put on the City the onus of making sure that quality work is performed. Developers should have the ability in-house to make sure their work is quality. He speculated as to the causes of why some roads deteriorate more rapidly. He felt that the Engineering Department has so much work to perform that they can't always be present when a road is being installed. He thought that the best way would be to have a document signed by the developer warranting the compliance to standards upon penalty of criminal fraud to make sure that quality control is happening.

Ryan Carter didn't know that the suggestion was advisable, because enforcement may not be plausible. Oftentimes developers who have posted the bonds will subcontract out with bid specifications to perform the required work, and to make someone with the bonds on the line criminally responsible for that is probably impossible, because it would be hard to prove the intent.

James Dupaix said that the only other thing would be to have the inspectors on-site during the construction process and to become quality control engineers.

Wendell Rigby explained the inspection process and stated that the contractors are required to provide test results that show correct densities and materials.

James Dupaix stated that the inspection process throughout the entire project is not reflected in the ordinance, but it only talks about the inspection at the conclusion.

Wendell Rigby stated that the text is specifically talking about bond releases. They had previously received approval from City Council on a document for project development construction and inspection that outlines the processes and steps that are required.

**MOTION: James Dupaix moved to amend 89-6-1202(c) by removing the words "to seek or", 89-6-1205(2) and (3) to change the words "within 50 miles of the City" to "within City limits". The motion was seconded by Nate Hendricks.**

**AMENDED**

**MOTION: David McKinney moved to clarify that the word "to" should remain on 89-6-1202(c). James Dupaix and Nate Hendricks accepted the amendment. The motion passed 7-0 in favor.**

Nola Duncan asked for clarification on the phrase that the City shall have immediate access to the proceeds of the public improvement guarantee.

Ryan Carter said the intent of the clause is to signify to the developers that there will be minimal process involved with the City foreclosing on the bonds if it is necessary, and it puts the contractor on notice.

Nola Duncan referred to a conversation she had had with developers who indicated it was so difficult to work with West Jordan because of the number of lists that are given after the developer thinks they are finished with the process. She asked if this is yet another process that the developers will question, or if the development process were getting refined enough that the developer knows what is expected right to the end.

Wendell Rigby stated that they had previously received City Council approval for a development manual. Part of the bond preparation and release process will include a packet explaining from beginning to end what is necessary.

Tom Burdett said this portion of the code is not the road map on how they conduct inspections of property. This section is the one that relates to the financial guarantee of the improvements. He suggested that Mr. Rigby explain the steps the City had gone through that will make this process more user-friendly.

Wendell Rigby explained the current bond process regarding reductions and inspections. The proposed process will call for an inspection of each system at the time it is completed, so each issue can be resolved at that time instead of having a larger list at the end of the development process. This new process will make it simpler to release the bonds while still ensuring the quality of the product.

Nola Duncan asked if this is a separate entity from the other development lists or if the developer is made aware of it from the beginning.

Tom Burdett explained that the developer knows when to post the bond, and they are given a sheet that explains the bond release process. Those systems are handled by the Office of Development Assistance on behalf of the City, which has improved communication and prompted this amendment in order to meet the needs of the industry.

David McKinney asked for clarification on the different bonds that are required, because the code section doesn't refer to bonds for irrigation, landscaping, and street lighting.

Wendell Rigby stated that those bonds are included in the Land Disturbance process. There are no changes proposed to that section.

James Dupaix stated that the word "manager" should be capitalized in Section 89-6-1202(c).

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

**MOTION:** James Dupaix moved to forward a positive recommendation to the City Council for the revisions to Title 89 Chapter 6 Part 12 – Improvement Guarantees with the changes that were made by motion during the discussion. The motion was seconded by Nate Hendricks and passed 7-0 in favor.

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**ITEM #2: TEXT AMENDMENT – FREEWAY ORIENTED SIGNS; §89-6-1107; TEXT AMENDMENT; FOURSQUARE PROPERTIES/MARTY BILJANIC (APPLICANT) [#TA20070001]**

Chris Gilbert presented an overview of the request from Foursquare Properties to amend the code regarding Freeway Oriented Signs in order to permit additional sign copy area to their existing pylon signs adjacent to Bangerter Highway, which he pointed out. The current sign code allows for a maximum area of 400 square feet with one sign being allowed for 980 square feet. After calculating the actual square footage of the existing signs they were found to be in excess of the code, and this proposal seeks to fix that issue. The amendment would add less than 100 square feet of sign area, and the perimeter of the sign does not change. He reviewed the proposed

language of the amendment. The purpose of the proposal is to be able to add additional sign area to allow more tenants to advertise without actually changing the size of the sign.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend Sections 89-6-1107 of the Zoning Ordinance as shown on the legislative copy attached to this staff report, with the findings outlined below:

1. The text amendment enhances the Zoning Ordinance.
2. The text amendment complies with Goal 2 of the Urban Design section of the General Plan, which reads: "To strengthen the identity and image of the City of West Jordan."
3. The text amendment complies with Goal 3 of the Economic Development section of the General Plan, which reads: "Promote West Jordan as an ideal area for business investment and expansion."

David McKinney asked if it were accurate to say that the initial approval of the existing signs was not in conformance with the sign standards at that time but was an oversight.

Chris Gilbert said that the signs were approved with the overall development process and conformed at the time they were built, but the current zoning ordinance was adopted in 2003 with a section added to address these signs, but the areas didn't match what existed.

Tom Burdett thought that the existing signs were allowed through a sign development plan through Jordan Landing.

David McKinney wanted to know if the existing signs were legally built.

Chris Gilbert stated that there is no evidence that the signs violated the City code in place at that time. When later text amendments to the sign code came about these signs were not accounted for.

Tom Burdett indicated that we do not know the details of how that occurred, but ever since the Auto Mall was proposed staff had been attempting to require Jordan Landing to make text amendments to bring the signs into conformance with the code. It is true that the sign code had undergone various amendments, and it could have been 70 feet at one time.

Nate Hendricks asked if this amendment is coming forward only because Jordan Landing is seeking to expand their signs.

Tom Burdett said that is correct. There was an attempt with the approval of the Auto Mall to provide for additional signage at that time. However, the City could not guarantee increased signage in a development agreement, but an amendment would have to be approved. The City Council eventually approved the amendment. At that time we thought we were adding into the code the standards that worked for the ultimate build out of Jordan Landing plus the Auto Mall. At this point we don't know if the existing signs became non-conforming by a subsequent change in the sign code after the approval of the Auto Mall or if there were a mistake made with measuring the signs. The question for the Planning Commission is if they want to bring the signs into conformance or to leave them as they are and not allow any additional square footage on the signs.

Nate Hendricks said he didn't have an issue with the existing signs, but he was concerned with the precedent that they are changing code to fix a mistake.

Tom Burdett explained that at this time we don't know that it was a mistake. Further research would have to be done regarding the sign code from 1999 to the present time.

Nate Hendricks said his issue is that this code amendment will apply to other developments in the future that will be located along similar highways.

Tom Burdett stated that there are no commercial designations on the West Side Plan that have a mile of frontage along the Mountain View Corridor.

Nate Hendricks stated that the Jordan Landing area probably wasn't initially designated either, but he was concerned that they are changing the code now and opening it up to a future possibility that can affect the City forever, which is a bad precedent.

Tom Burdett stated that the Commission should be considering how much signage is appropriate for a development such as Jordan Landing along a limited access expressway, and whether or not West Jordan will see another development like this.

Ryan Carter said the statement is being made that we are perhaps trying to fix the code for something that is now non-conforming, and whether or not that is a bad precedent from a policy purview is part of the equation for the City Council to solve. He said the question that the Planning Commission should ask themselves is that there is a sign standard for a particular situation, and they need to ask themselves if they like it or not. If they are comfortable with it their recommendation should be positive, but if they are not it should be a negative recommendation, and the signs will remain as a legal non-conforming use.

David Beecher said that the signs are clearly non-conforming at this point.

David McKinney pointed out that the Pylon B sign has a height of 72 feet, which suggests that the proposed amendment won't solve the problem with respect to that sign.

Chris Gilbert said that the staff report should be corrected to read 72'.

Greg Mikolash suggested that they could leave one sign non-conforming as to the height, because it is the copy area that is being amended.

Chris Gilbert stated that a cleaner fix would be to modify the height limits, because non-conforming signs are not allowed to be modified in any way, so they wouldn't be able to add the extra signboard.

Justin Stoker stated that the City Council probably approved the original sign package, so it must be okay. He said that some cities allow for a waiver of standards in certain circumstances instead of doing a text amendment.

Ryan Carter said that he would never recommend something like that, because that is circumnavigating the possibility of getting a variance, which has very strict standards that are in place by statute.

Tom Burdett stated that our Board of Adjustment is available to hear those types of issues, but there are five very specific criteria that he didn't know this situation would qualify for.

Justin Stoker felt that if they are going to allow the extra tenant space they should also amend the height to reflect what exists.

There was a brief discussion regarding the definition and proper use of the terms 'freeway' and 'highway'.

Marty Biljanic, Foursquare properties, 3751 West Center Park Drive, stated that they are not looking to change the dimensions or height of the signs, but they want to add an additional tenant space. They felt that this extra space was needed as they had added retail property to the overall development. He explained the history of the

sign approvals. He stated that the sign package clearly stated the sign was 70 feet, but when a sign company measured it after the fact it showed 72 feet. He said the sign program was approved with the overall approval of Jordan Landing in 1998.

Nola Duncan thought that the issue was a matter of public relations with the tenants of the shopping center. Since the Auto Mall didn't come in as planned there are more retail tenants that require signage, which she didn't have a problem with. She said in the future there may be a development such as this that will also need these types of signs, and she wasn't concerned about that either. She asked for the heights of the other signs.

Marty Biljanic explained that Pylon A, C, and D are 50 feet, B is 72 feet. The pylons on 7800 South are about 30 feet or less.

Calvin Lundgren, West Jordan resident, agreed with Commissioner Hendricks that it is not good to have code designed for one development. He asked why they just don't rename this portion of the code the 'Jordan Landing Ordinance'. He asked if the extra 2 feet spoken of also requires a code amendment to increase the maximum sign area.

Chris Gilbert said it would not affect that.

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

James Dupaix felt that the amendment to the code is appropriate for any development of this type in our City should the market allow for another such development.

**MOTION: James Dupaix moved to forward a positive recommendation to the City Council to amend Section 89-6-1107 of the Zoning Ordinance as shown on the legislative copy with the change from 70' to 72' in the appropriate place, with the findings 1, 2, and 3 as listed in the staff report. The motion was seconded by Justin Stoker and passed 7-0 in favor.**

**MOTION: David Beecher moved to take a break at 7:31 p.m.**

The meeting reconvened at 7:46 p.m.

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**ITEM #3: 21-29-177-007 JORDAN LANDING AMENDED SIGN REVIEW; 7000 – 7400 SOUTH BANGERTER; AMENDED SIGN REVIEW; SC-3 ZONE; FOURSQUARE PROPERTIES/MARTY BILJANIC (APPLICANT) [#STP20070001]**

Chris Gilbert gave the staff recommendations for the request for approval of the overall sign package for Jordan Landing. The overall development had been built in phases, which created several phase-based sign programs that made it difficult to research the approvals. Staff had requested that an overall sign plan be submitted, which also includes modifications to increase signage area on the pylon signs and removal of a section that prohibited or restricted temporary banner and A-frame signs, which are now allowed by West Jordan. He showed slides of the development and a map showing all freestanding signage. He distributed a handout of the updated sign program.

Staff recommended that the Planning Commission approve the sign development plan update for the entire Jordan Landing Retail Area, with the conditions as set forth below.

1. All signs will be maintained in a safe and attractive condition per §89-6-1105(b) of the West Jordan Municipal Code.
2. All signs required to obtain a building permit shall do so per §89-6-1102(a) of the West Jordan Municipal Code.

3. All businesses must submit for a business license prior to approval of a building permit for individual signs per §22-2-102(a) of the West Jordan Municipal Code.
4. All signs shall submit a change of copy permit for changes in sign copy for new businesses per §89-6-1102(a).
5. All temporary signs used on-site must obtain a temporary sign permit per §89-6-1102(a).
6. No new signage shall be located on public property per §89-6-1104(b).
7. All signage shall be installed in such a manner and constructed with materials as to wholly conform to the approved amended Sign Development Plan for Jordan Landing.
8. The text amendment to Freeway-Oriented Sign bulk regulations moving concurrently through the public hearing process with this application shall be approved before the modifications to the 4 Bangerter pylon signs can be included in this Sign Program. If the amendment is not approved, the updated Sign Program shall reflect the existing pylon signage without the modifications applied.

It was noted that all existing signs conform to today's code with the possible exception of spacing in some instances, such as near the theater.

Marty Biljanic, 3751 West Center Park Drive, thanked Mr. Gilbert for working so diligently on this code amendment. He stated that the handout labeled March 7, 2007, is the original 1998 sign program adding the signs on the exterior. He pointed out the signage that is specified in the program, which had not yet been installed. Other than those this is mostly to create an inventory of the signage. They took out the prohibition for the temporary banners and A-frames. They also made one adjustment to the section regarding exposed conduit and raceways of neon signs and took it out, because the entire Plaza is lit with neon. The goal was to consolidate all sign packages, with the exception of the Wal-Mart area and the Airport Center.

David Beecher asked if the professional office component were included.

Marty Biljanic stated that they have their own sign program, which is more detailed and strict.

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

**MOTION: James Dupaix moved to approve the Jordan Landing Sign Development Plan; 7000 – 7400 South Bangerter Highway; Foursquare Properties (applicant) with the conditions 1 through 8 as specified in the staff report. The motion was seconded by Ellen Smith.**

**AMENDED**

**MOTION: Justin Stoker moved to specify the Sign Program dated March 7, 2007. James Dupaix accepted the amendment. The motion passed 7-0 in favor.**

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**ITEM #4: REVIEW OF THE WEST JORDAN MUNICIPAL CODE CONDITIONAL USES**

Tom Burdett explained that the Commission had requested that an evaluation of the conditional uses throughout the City be conducted to see if they were in the appropriate zones.

Greg Mikolash distributed a listing of the current conditional uses and suggested the item be scheduled for a future meeting. He felt that the current code had been working well, because there aren't many enforcement cases that are opened for conditional use permits. He also stated that the administrative conditional use process had been very successful, and they could consider changing some of the uses to administrative conditional uses. He asked the Commission to give comments to him that could be scheduled for discussion at a future meeting.

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James Dupaix suggested that churches and schools K-12 should be removed from conditional and changed to either permitted or administrative conditional use, because any negative impacts could be mitigated. He stated that he didn't want sexually oriented businesses anywhere in the code.

Tom Burdett said that they need to provide for them somewhere. The City is being as restrictive as possible while still meeting State Law.

Greg Mikolash suggested that they leave schools and churches as a conditional use so the Planning Commission can review the applications for things such as lighting.

James Dupaix recommended that they be listed as administrative, which gives the option of letting staff decide if it needs to go to the Planning Commission.

Greg Mikolash asked that the Commissioners bring their comments to the meeting on April 18, 2007.

Tom Burdett gave an update of City Council actions and with the sparked interest in the Briarwood area.

Nola Duncan updated the Commission on the approval that the City Council gave for an RFP for a professional fundraiser for the Sugar Factory. She explained that they met with the CEO of an interested group and presented highlights of West Jordan. Compliments were later given that West Jordan was one of the most progressive, forward-looking cities they had worked with.

Tom Burdett noted that the Veteran's Memorial Park had become a very popular area, and its popularity will only increase once the Sugar Factory properties and arts facilities are developed.

Justin Stoker gave an update on the progress of the 9000 South extension, which should be open to traffic the first part of April.

Tom Burdett stated that there will be a joint meeting of the City Council and the Planning Commission on April 24, 2007, at 6:00 p.m. He asked for any topics of discussion to be submitted to him. Possible topics include the process of appeals and undergrounding of utilities.

The Commission asked that a tour of the KraftMaid facility be scheduled for April 25, 2007, at 6:00 p.m.

**MOTION: James Dupaix moved to adjourn. The motion passed unanimously.**

The meeting adjourned at 8:45 p.m.

Justin Stoker  
Vice Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

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