

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JUNE 20, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Jeffrey Robinson, Nathan Crane, Scott Langford, Chris Gilbert, Madeline Francisco-Galang, Greg Mikolash, Reed Scharman, Jennifer Jastremsky, and Julie Davis.

OTHERS: Rick Perkins, Steve Perkins, Vicky Detry, LaMar Coon, Gwen Mulks, Ken Olson, Brian Williams, Mariam J. Grisham, Julie Neerings, Bob Canestrini, Butch Grisham, Brian Sudweeks, Micah Peters, Jeff Cook, Tonya Cook, R. McOmber, Elliott Smith, Danielle, and Preston Naylor.

The briefing meeting was called to order by David Beecher. Nathan Hendricks is excused.

Item #1A was discussed. The listed hours and dates of operation were at the request of the applicant. Item #2 was briefly discussed with regards to access. Scott Langford amended a recommended condition for Item #6 to state that the listed uses are prohibited from both the permitted and conditional uses. Water supply issues were discussed on Item #3. Future development for Jordan Valley Medical Center was discussed. Item #8 will be continued to July 11, 2007.

The regular meeting was called to order at 6:05 p.m.

ITEM # 1 CONSENT CALENDAR

A. 21-31-126-002 KRYSTEE DUTSON FRUIT STAND; 4464 WEST NEW BINGHAM HIGHWAY; TEMPORARY USE PERMIT; M-1 ZONE; KRYSTEE DUTSON (APPLICANT) [#TUP20070015]

Staff recommended approval of the Temporary Use Permit for Krystee Dutson Seasonal Fruit Stand located at 4464 West New Bingham Highway based on the findings outlined above with the conditions set forth below.

1. Meet all City of West Jordan and State of Utah business licensing requirements.
2. Meet all requirements of the Building Official and Engineering Division.
3. Must comply with approved site plan, operation date and hours of June 30, 2007 to September 5, 2007 and 12:00 pm to 6:00 pm, Monday through Saturday.
4. Meet all requirements of the Fire Marshal
 - a. The stand needs to be secured against 70 mph wind.
 - b. No parking will be allowed in front of the stand. Orange cones or similar traffic control devices shall be used to block off the area from vehicular traffic.
5. The blocked off parking spaces in front of the stand shall be used for pedestrian access only and shall be marked as such.
6. A \$100 bond must be placed with the City covering the estimated cleanup costs for the site before a temporary use permit can be issued.

ITEM #8: 27-05-251-015, 005, 006 JORDAN VALLEY HOSPITAL PHASE II BED TOWER; 3580 WEST 9000 SOUTH; AMENDED FINAL SITE PLAN; P-F ZONE (APPLIED FOR); JORDAN VALLEY HOSPITAL/BRYANIE SWILLEY (APPLICANT) [#SPCO20070012]

Staff recommended that the Planning Commission continue the Amended Preliminary Site Plan for the Jordan Valley Medical Center to the July 11, 2007 Planning Commission Hearing.

MOTION: Justin Stoker moved to approve the Consent Calendar as listed in the agenda.

AMENDED

MOTION: James Dupaix moved to continue Item #8 to July 11, 2007, and move it to the Consent Calendar. The motion was accepted by Justin Stoker, seconded by David McKinney, and passed 6-0 in favor. Nathan Hendricks was absent.

There were none in attendance to speak on Item #1A.

ITEM #2: 27-02-251-011 **RIVER HOLLOW PARCEL B PROFESSIONAL OFFICE REZONE; CONTINUED FROM 6-6-07; 990 WEST 8900 SOUTH; REZONE 1.27 ACRES FROM R-1-12E (SINGLE-FAMILY 12,000 SQUARE FOOT MINIMUM LOTS) TO P-O (PROFESSIONAL OFFICE) AND GENERAL PLAN LAND USE AMENDMENT FROM LOW-DENSITY RESIDENTIAL TO PROFESSIONAL OFFICE; SUDWEEKS CONSTRUCTION/BRIAN SUDWEEKS (APPLICANT) [#ZC20070001 & GPA20070001]**

Greg Mikolash gave the overview of the request. Parcel B is a remnant of the River Hollow Subdivision. The request is for Professional Office zoning, which would be adjacent to existing professional office to the south. Because of the slope of the property the piece was destined to be something other than residential. The property is bounded by a canal to the east with a power substation. To the west exists agricultural zoning. There were positive findings of fact for each criterion.

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to rezone 1.27-acres of land located at approximately 990 West 8900 South, also known as "Parcel B" of the *River Hollow Subdivision* from R-1-12E to Professional Office (P-O).

Condition of Approval:

1. "Parcel B" shall be combined with the abutting property to the south prior to any site plan approvals to secure both access to "Parcel B" from 9000 South and to establish a second means of ingress and egress once the property is developed.

The second point of ingress and egress as noted in the recommended condition was pointed out by Fire Marshal Scharman.

James Dupaix asked if there were currently water rights to this parcel.

Brian Sudweeks, applicant, said he has water shares because of the development he does, but West Jordan doesn't require them. He had been working with the developer to the south regarding the secondary access across the canal, and they had contacted the canal company.

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 River Hollow Parcel B; approximately 990 West 8900 South; Sudweeks Construction (applicant) to amend the Future Land Use Map from Low-Density Residential to Professional Office for 1.27 acres of land. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

MOTION: James Dupaix moved to forward a positive recommendation to the City Council for River Hollow Parcel B; approximately 990 West 8900 South; Sudweeks Construction (applicant) to rezone 1.27 acres from R-1-12E to Professional Office. The motion was seconded by David McKinney and passed 6-0 in favor. Nathan Hendricks was absent.

Jeff Robinson recused himself from the item as he had represented people who were once involved in this project.

ITEM #3: 26-10-226-001; 200-002, 26-03-400-002 CADYN MEADOWS SUBDIVISION (160 LOTS); 6400 WEST NEW BINGHAM HIGHWAY; PRELIMINARY SUBDIVISION PLAT; SC-1, M-1, R-1-8, R-1-10, R-3-16 ZONES; GAYLE EVANS (APPLICANT) [C. GILBERT #SDMA20060022]

Chris Gilbert gave an overview of the proposal. He reviewed the six different zoning districts in the project. He indicated the new 6400 West road and stated that staff felt the road needed to be part of Phase 1 as it could serve as the primary access to the subdivision. A portion of 6400 West and the roundabout are shown on an adjacent property, but there is currently no agreement for right-of-way access, so the roundabout will have to be moved to the west to be off of the property. UDOT will need to make the ultimate decision regarding the connection to New Bingham Highway, which could affect the placement of the roundabout. The subdivision layout has long stretches of straight road, but no traffic speed reduction measures are shown. These items will need to be addressed and submitted to the Traffic Engineer. All lots meet the minimum square footage requirements. He read the engineering issues. The water pressure zone boundary is east of this property, so additional improvements by Jordan Valley Water will be required for the subject land. Water service is not currently available for this property, and Jordan Valley Water Conservancy District hopes the new tank will be ready by 2008. The project does not meet the engineering standard requirements, but the Engineering Department had worked out a method by which the project can proceed.

Staff recommended that the Planning Commission grant conditional Preliminary Subdivision Plat approval for Cadyn Meadows, located at 6501 West New Bingham Highway, with the conditions as set forth below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval.

Requirements by those departments must be met and site changes or additions may be required.

1. 6400 West and the roundabout shown at 6400 West and Dannon Way to be relocated to be entirely upon applicant's property.
2. Building envelopes must be shown on the Final Subdivision Plat.
3. Meet all streetscape requirements for trees as described in §89-6-706(2) of the Zoning Ordinance.
4. All open space parcels, including the detention basins, are to be maintained by a Property Owner's Association created by the developer. A note reflecting this is currently included on the plat drawings. Provide Restrictive Covenants and By-Laws for City review with any Final Plat submittal. This requirement does not include the Barney's Wash parcel that is proposed to be dedicated to the City.
5. Streetscape masonry fencing is required on the north and south sides of the subdivision abutting New Bingham Highway and Wells Park Road. This will be a masonry wall or as approved by the Planning Commission per §89-6-803(g) of the Zoning Ordinance. A streetscape fence is also required along the east boundary of the residential zones where abutting 6400 West or a non-residential zone. A wall detail drawing must be included on the civil drawings with the Final Subdivision application.
6. Show the zone boundary lines as a thick, bold black line. This is for review purposes only and shall not be included on the Mylar.
7. Modify the typical building envelope drawing for a three street frontage lot. One of the three sides will be considered a front yard and has a required setback of 30 feet. All sides on this typical drawing show 20 feet currently.
8. The primary connection to the subdivision and for future development of the area will be through 6400 West Street. Include this street along with the connection to Dannon Way as part of Phase 1 rather than as Phase 2.
9. Show the lot width at the required setback depth for all lots that are in a knuckle curve or cul-de-sac, or curves where the lot tapers as it abuts the road. This must be shown on the Final Subdivision Plat drawings (not to be included on the Mylar).

10. All lots created within the subdivision must be numbered. This includes those lots that will be created by this subdivision, regardless of the underlying zoning. Currently the multiple family and commercial properties are not included.
11. The developer shall propose appropriate traffic speed-reducing measures throughout the subdivision for review and approval by the City Traffic Engineer with any Final Plat submittal.
12. Provide documentation or other form of proof that there are no downstream users for the Public Utility and Drainage Easement.
13. The Pressure Reducing Valve (PRV) and new water tank must be completed by the Jordan Valley Water Conservancy District to adequately provide water for this development. Building permits shall not be issued until after these two improvements to the water system are complete.
14. The developer shall extend utilities along the property frontage of New Bingham Hwy.
15. An oil water separator is required to address storm water quality.
16. The developer shall comply with the signed letter between Gayle Evans and Engineering Manager for Development Nate Nelson (dated May 29, 2007) regarding off-site water.
17. The developer shall submit CBR test results with an appropriate road cross section design and a construction traffic route.
18. The developer shall address all Engineering Department redlines on the second preliminary redline submittal plans.
19. All Final Plat submittals for Cadyn Meadows are to be returned to the Planning Commission for review and approval.

David McKinney asked for clarification on condition #1 regarding which properties are not owned by the applicant but are needed for the roadway access.

Chris Gilbert said it is the property to the south of Dannon Way. The placement of 6400 West was realigned to allow the industrial property to be separated from the residential properties to make more of a buffer zone. A streetscape wall will also be required along the east of the residential subdivision. The plan also shows a future potential rerouting of New Bingham Highway if parts of it are closed in the future.

Madeline Francisco-Galang stated that UDOT is doing a study of that area along with the Mountain View Corridor, and this is only a possible alignment.

Tom Burdett said that the master plan shows Dannon Way connecting. The City is jointly engaged with UDOT on a long range project regarding New Bingham Highway, but UDOT hasn't determined what they want to do with it yet. The City would like to know UDOT's long range plan, but until then the City has to keep all options open.

Justin Stoker asked if there are any other engineering standards that are not being met other than water availability.

Chris Gilbert said the primary issue was with water availability. The issue with 6400 West is being handled between the property owners.

James Dupaix pointed out traffic calming measures that are shown on the plat and asked if more information needed to be supplied.

Chris Gilbert said they need to be shown in more detail and reviewed and approved by the Traffic Engineer.

Ken Olson, applicant, stated that Gayle Evans was also present. He said the City had a water study done last summer that indicated there was plenty of water to tie in across New Bingham, but City Council voted to not let them do that. After that the City Attorney drafted an agreement that was approved by the City Council that

allows them to move forward. He stated that 6400 West originally went straight, but the large manufacturer to the east didn't want residential adjacent, so the road was moved in order to provide manufacturing uses next to that. He addressed the road system within the subdivision. A-Tran did a traffic study that said there would probably be no cut-through traffic, and there is good traffic flow. The traffic engineer gave some redlines on the traffic calming measures that will be resubmitted with the final submittal. The walls will be of a nice masonry. The biggest issue is about 6400 West, Dannon Way, and the roundabout. He said that the portion of 6400 West north of New Bingham Highway had already been installed, so it needs to line up. UDOT requires 150 foot tangent for stacking before a curve can be introduced. There is an issue with LaMar Coon regarding the location of the roundabout. He explained that the proposed location is pushed west as far as possible, and he stated that Bill Baranowski agreed. This is the only possible location unless they want to eliminate it, because the intersection already exists. There is only a small piece of property that would affect Mr. Coon's property. There is an agreement with Mr. Coon, and they will continue to work it out. They intend to pay for any land that they need. He recommended that the Commission change condition #1 in order to give some flexibility to work with LaMar Coon, because the roundabout has to be there. He suggested that the condition be based on approval of the Engineering Department.

James Dupaix stated that if they purchased the property from Mr. Coon they would be in compliance with condition #1.

Ken Olson said there may be issues with deeding, signing of plats, etc. with the current wording.

David McKinney said that he also felt it would be better moved to the east and south and asked if the property owner would sell additional property to move it.

Ken Olson said the property owner is against giving any property, but the Commission could ask Mr. Coon.

LaMar Coon, West Jordan property owner, showed where the roundabout would fall on his property, and he doesn't like the idea of a roundabout in that area. He didn't like the 160 lots with only one road. He sold a piece to Wayne Harper and Jay Bowcutt that was a detention pond. He said there is so much traffic on Prosperity Road, New Bingham Highway, and Dannon Way that he felt that there should be another road further to the west onto New Bingham Highway. He wondered if the Fire Marshal agreed with the single access. He discussed the history of subdividing his property in order to get the 3rd Dimension business, and it didn't work out to his best interest. He gave examples of some roundabouts that he felt were problematic, and he said that there needed to be more roads connecting in order to move the additional traffic.

David McKinney asked Mr. Coon if he were willing to sell a portion of property to make this layout work, otherwise it will have to be changed.

LaMar Coon said the roundabout would also need a wide visual area, and he didn't think the developer would be able to afford the cost of the property. He said he was not willing to sell the property, because he didn't see the need for the roundabout. However, he felt that they needed another road in the area. He said that this proposal would cost him a lot of good property. He distributed a map of the lots he is trying to subdivide. He said he gave Harper and Bowcutt \$100,000 off of the cost of the property to put in the road, and he hadn't been refunded one dime. He said he would like the applicant to be able to do the project, but it needed more streets.

Brian Williams, investor and part owner of the property, pointed out the Copperfield Subdivision where 6400 West was installed and stated that the professional staff with the City showed them where their road needs to be placed. They have been working with the project since 2005, and he is happy it is moving forward. He said the portion of property they need from Mr. Coon is very small.

Ken Olson stated that the traffic study said they could do most of the project on two accesses, but three would be a lot for this size of development. UDOT doesn't want too many access points onto New Bingham Highway.

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

James Dupaix explained the history of this rezone application and the concerns with the needed buffering from manufacturing uses. Sysco was not happy with the proximity of residential units until there was the mitigation of a road. He personally didn't want to see any residential uses south of New Bingham Highway. However, it was rezoned, and now there is a subdivision application. He asked why there needed to be a roundabout at this location, because he didn't see the need for traffic mitigation.

Madeline Francisco-Galang said roundabouts are sometimes substitutions for signals in order for the traffic to be free-flowing. They could research the traffic study to see what was warranted.

James Dupaix said it could be that they were looking at the master transportation plan that showed the road connecting at the dotted line, which would make that a major intersection. In that case a roundabout would be necessary. He said that roundabouts are made to let traffic flow more freely, and they can handle higher volumes of traffic. He didn't think one was necessary for this application unless the possible road goes through. He said the effect of continuing development in an area with already failing intersections was an issue that hadn't been addressed. One of the things they talked about with City Council was extending the scope of the traffic studies to show their effect on failing intersections, although that requirement hadn't been approved. He was hesitant in proceeding until they get some conclusion on the correction of the failing intersections. He also asked about the status of the road widening at the railroad tracks.

Tom Burdett said it takes 18 months to get a permit from the railroad.

Reed Scharman responded to the question of fire access. There are two accesses from the east from Prosperity Road, and Prosperity Road can be accessed from multiple directions. There are two accesses to the west, which may be used more than from the industrial side once it builds out. Also, 6400 West is wider than a typical subdivision road, and it meets the fire code for access.

David McKinney agreed that he is in favor of roundabouts where they are necessary. At this point a roundabout had been designed, which can be beneficial at this location. They can slow traffic leaving New Bingham Highway entering into a developed area. The question of whether or not to have one is not a question for the Commission. The plat shows one and the traffic engineers are satisfied that it meets their requirements. The two major issues are that the applicant doesn't have all the property needed for the roundabout, and the other is with water. The recommendation from staff is to approve the application contingent upon the developer meeting several conditions. If the developer can meet the long list of conditions he would be inclined to approve the application changing condition #1 to say the applicant has to settle property issues with respect to street locations.

Ellen Smith said that her concerns are also with traffic issues and with the ingress and egress, which are all to the east. She was concerned with mixing the residential traffic with the industrial traffic. She is also concerned with the poor condition of the roads in the industrial area, and the amount of traffic that could be placed on that street at one time.

Justin Stoker agreed with the concern of mixing residential and industrial traffic. There are a lot of ways to resolve the issue with the roundabout, so he was okay with the project making condition #1 more flexible by stating that the applicant is to coordinate with adjacent property owners for the construction of the 6400 West roundabout, pending engineering approval. Also adding a condition that a connection to New Bingham Highway be made.

David Beecher liked the roundabout in the situation of having to come off of New Bingham perpendicular and the curvature of the road. He also felt that the roundabout would slow traffic coming out of the subdivision before they get to the curve in the road. He felt that would be the primary entrance to the neighborhood with the industrial route being secondary.

There was clarification of the zoning on the remnant piece of property created north of the roundabout, which is M-1.

David Beecher said he wouldn't want a lot of access points onto New Bingham Highway.

It was pointed out that there currently are no applications pending for the undeveloped property to the west.

MOTION: Justin Stoker moved to approve the Preliminary Subdivision Plat for Cadyn Meadows Subdivision; 6501 West New Bingham Highway; Gayle Evans (applicant) with the conditions set forth in the Planning Commission Packet, modifying condition #1 to add, "or the applicant to coordinate with the adjacent property owner for the construction of the 6400 West roundabout at Dannon Way, subject to Engineering approval." And modifying condition #8 to read, "The primary connection to the subdivision and for future development of the area will be through 6400 West Street. Include this street connection to New Bingham Highway along with the connection to Dannon Way as part of Phase 1 rather than as Phase 2." The motion was seconded by James Dupaix and passed 6-0 in favor. Nathan Hendricks was absent.

ITEM #4: 26-02-100-019 COPPERFIELD SUBDIVISION PHASE 2; 9000 SOUTH 6400 WEST; PRELIMINARY SUBDIVISION PLAT; R-1-10E(ZC) ZONE; D.R. HORTON/MICAH PETERS (APPLICANT) [#SDMA20060019]

Chris Gilbert gave the overview of the request. The wall will match the height and style as in Phase 1. The plat generally conforms to the codes and standards.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for Copperfield Subdivision Phase 2, located at 9000 South 6400 West, with the conditions as set forth below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and plat changes or additions may be required. Building permits will not be issued until all departments' requirements have been satisfied.

1. Meet all streetscape requirements for trees as described in §89-6-706(2) of the Zoning Ordinance.
2. Streetscape fencing is required on the north and south sides of the subdivision (9000 South and the Trail). Provide a masonry wall or as approved by the Planning Commission per §89-6-803(g) of the Zoning Ordinance for both boundaries. A wall / fence detail drawing must be included on the civil drawings with the Final Subdivision application.
3. A Home Owner's Association (H.O.A.) will maintain the detention pond area. A note reflecting this shall be provided on the plat drawings. Submit restrictive covenants and by-laws.
4. The developer shall meet with the City's Traffic Engineer to determine what traffic calming measures may be necessary along Swan Ridge Way within the subdivision.
5. The developer shall address all outstanding Engineering Department redlines.
6. Engineered drawings boundaries shall match the plat boundary.
7. Place monument coordinates at all intersections per Engineering requirements.
8. Verify lot addressing for accuracy.
9. Plat boundary shall match boundaries of all surrounding subdivisions.
10. Meet all conditions of zoning approval as required by Ordinance 07-04.

There was discussion regarding the accesses to the detention basin, which are between Lots 212 and 213 as well as from the trail on Phase 3. The basin is currently not landscaped, but they normally have a drought tolerant seed mix.

There was also a discussion regarding the status of developing a consistent fencing requirement along the trail as discussed in a previous application [Three Forks #3]. That issue will go to the Parks and Open Lands Committee for recommendations before coming to the Commission.

Micah Peters, Vice President, DR Horton, said they had been required to give substantial improvements along Barney's Wash already. The plan for fencing along the wash is consistent with the Phase 1, which is steel infused high-quality vinyl in order to provide privacy from those accessing the wash. This is a re-preliminary approval for Phase 2 since it was rezoned to R-1-10 to accommodate the required dedication for the wash. He briefly addressed the detention pond. The annual cost for the homeowners will be fairly insignificant. They plan to fence the entire pond with six-foot vinyl with an access gate from the trail.

James Dupaix suggested that amenities could be included in the detention area that could encourage the owners in Phase 1 to take part in the HOA.

Micah Peters said he would look into that, but 9000 South is a very large road, and he didn't know if they would cross the street to use any amenities. He was glad to see other subdivisions coming into the area. He reiterated that they don't want a non-privacy fence along the rear of the properties; it would be the same as what they are placing for Phase 3. He was asked about the fencing and shape of Lot 116, which they would address.

Chris Gilbert said one concern with screening the entire detention basin with opaque fencing deals with security and activities that could be conducted out of sight in that area.

Micah Peters said they are trying to maintain continuity of fencing and materials. They could put a split rail or three rail vinyl fence on the sides that need to be open.

Nathan Crane said with limited knowledge regarding the basin landscaping and fencing the Commission could stipulate that the applicant work with staff on the appropriate design prior to final plat approval.

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

Justin Stoker was in favor of the project with the addition of conditions that they coordinate with the City's Parks and Trails Department regarding standard fencing along the wash and to coordinate with staff regarding fencing and landscaping of the detention area.

David McKinney thought that was the same condition they made for Phase 3, and he felt it was appropriate.

David Beecher said for better access to trails and security issues he would prefer to see more trails laid out the way it is shown on the west end of this plat where the street is fronting the trail instead of the backs of the homes.

MOTION: Justin Stoker moved to approve the Preliminary Subdivision Plat for Copperfield Subdivision Phase 2; 6302 West New Bingham Highway; DR Horton (applicant) with the conditions set forth in the Planning Commission report 1 through 10, adding:

11. Coordinate with the City's Parks and Trails Department regarding a fencing standard along the wash.
12. Coordinate with staff regarding the fencing and landscaping of the detention area as a potential amenity.

The motion was seconded by James Dupaix and passed 6-0 in favor. Nathan Hendricks was absent.

Ellen Smith agreed with the motion but wanted to bring up the prior issue of visibility along the trails so the homeowners could see what was going on, and then if they chose to put in a solid fence they could.

Tom Burdett said they will get the information to the Parks and Open Lands Committee as soon as possible.

MOTION: David Beecher moved to take a five-minute break.

The meeting reconvened at 8:15 p.m.

ITEM #5: 26-01-100-015 ARCTIC CIRCLE; 5600 WEST NEW BINGHAM HIGHWAY; PRELIMINARY SITE PLAN AND CONDITIONAL USE PERMIT; P-C ZONE; NFM REAL ESTATE/PRESTON NAYLOR (APPLICANT) [#SPCO20060033]

Scott Langford gave the overview of the request for a fast-food restaurant. This property is part of the West Jordan Marketplace master plan that was approved in 2001 and is subject to additional requirements. UDOT is not allowing any access points from this property to New Bingham Highway. There will be a 30-foot wide cross-access agreement that goes to the Granite Credit Union parcel to the east. They have worked with the applicant to provide a sidewalk that connects to the sidewalk along New Bingham Highway from the high school to accommodate the anticipated business from the students. Ordinance #01-18 requires that an architectural review committee review all developments within the master plan, which will occur between the preliminary and final site plan approvals. Final site plan is also required to come back to the Planning Commission. The conditional use permit allows for the operation of fast-food restaurants in the P-C zone. He explained that 5600 West had to be realigned to correctly meet at New Bingham Highway, which was originally handled with a transportation easement. However, staff was asking that the land be dedicated as public street right-of-way to 5600 West. The applicant had made many changes recommended by staff in order to improve the driveway and sight visibility for traffic.

Preliminary Site Plan:

Staff recommended that the Planning Commission grant Preliminary Site Plan approval of an Arctic Circle fast food restaurant located on the southeast corner of 5600 West New Bingham Highway in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

Conditions of Approval:

1. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time of this approval.
2. An Architectural Review Committee meeting shall be scheduled by the Planning Staff prior to the Final Site Plan being submitted per Ordinance 01-18.
3. The Planning Commission shall review Final Site Plan approval per Ordinance 01-18.
4. Obtain Conditional Use Permit approval by the Planning Commission to permit a fast food restaurant in a P-C zoning district.
5. Meet all the requirements of Ordinance 01-18 rezoning the subject property to the P-C district and establishing the West Jordan Marketplace Development.
6. The Applicant shall be required to dedicate 5600 West right-of-way via a warrantee deed prior to being placed on a Planning Commission agenda for Final Site Plan approval.
7. The Applicant shall construct all improvements to 5600 West per the City Engineer's approval before final Certificate of Occupancy is granted by the City.
8. The Applicant shall obtain all necessary approvals and permits to work within UDOT right-of-way along New Bingham Highway.

9. The Applicant shall record all City required easements prior to Final Site Plan approval.
10. Preliminary Site Plan approval shall remain valid for one year following the date of this approval [89-5-304(a)].

Conditional Use Permit:

Staff recommended that the Planning Commission grant approval of a Conditional Use Permit to allow an Arctic Circle fast food restaurant located on the southeast corner of 5600 West New Bingham Highway in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

Conditions of Approval:

1. Meet all the Preliminary Site Plan conditions of approval.

Clarification was given regarding curb and gutter both existing and proposed in the area.

David Beecher asked if the access into the site could have a greater radius in order to prevent either driving over the curb or stopping in traffic to be able to turn in.

Madeline Francisco-Galang stated that the maximum driveway width is 30 feet, but they could provide some radiuses at the driveway so the angle isn't so sharp.

There was additional discussion regarding the alignment of the entrance, which is perpendicular. The traffic impact study and the traffic engineer for this design felt that the current alignment is best, because there is a fence at the condominium complex that makes it difficult to see otherwise.

Preston Naylor, NFM Real Estate, 22 East 100 South, said he was happy to finally be at this stage after 12 months of work. He had been involved with the West Jordan Marketplace project from the beginning, and this is the last piece to develop, which can be difficult. They worked with the staff on the sight distance, they are 40% landscaped, the elevations were designed for minimal impact on the Copperhills Condominiums development, and they had spent an inordinate amount of time getting this right in order to bring it forward tonight. He noted that Arctic Circle representatives were also in attendance.

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

Justin Stoker said he would be in favor of a 15-foot back of curb radius minimum on the drive entrance and asked that they look into that. Ideally it would be 25-foot back of curb radius and 15 out.

David McKinney preferred the proposed access alignment rather than a skewed access.

James Dupaix asked if the standing Design Review Committee could be used for this project.

Tom Burdett said this project had a specific makeup required in the development agreement, but the DRC could be a viable alternative depending on how soon it could be formed.

David Beecher said it would be good to have a curb cut at the very south end on the sidewalk in order to access the dumpster.

MOTION: James Dupaix moved to approve the Preliminary Site Plan for Arctic Circle; 5600 West New Bingham Highway; NFM Real Estate (applicant) with the conditions of approval listed in the staff report based upon the criterion and findings. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

Justin Stoker asked if they should mention the drive access in the motion.

Scott Langford indicated that the item would come back to the Planning Commission for final approval, and he would rather have the applicant and staff review the traffic study requirements so there isn't a contradictory condition placed.

MOTION: James Dupaix moved to approve the Conditional Use Permit for Arctic Circle; 5600 West New Bingham Highway; NFM Real Estate (applicant) with the condition of approval listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

ITEM #6: 21-32-106-002, 003, 004 NOBLE HEIGHTS #1 LAND USE AMENDMENT AND REZONE; 7850, 7836, 7824 SOUTH 3800 WEST; GENERAL PLAN LAND USE AMENDMENT FOR APPROXIMATELY 1.94 ACRES FROM HIGH DENSITY RESIDENTIAL TO PROFESSIONAL OFFICE AND REZONE FROM RR-.5D (RURAL RESIDENTIAL HALF-ACRE MINIMUM LOTS) TO P-O (PROFESSIONAL OFFICE) ZONE; EXIT REALTY UNLIMITED/JULIE NEERINGS (APPLICANT) [S. LANGFORD/C. HWANG #GPA20070002 & ZC20070005]

Scott Langford gave the overview of the request to rezone three parcels from Rural Residential to Professional Office. This is a very busy area of the City. In 2006 the City Council directed staff to conduct a study of the area regarding impacts that professional office could have to this area, and a copy of the findings from the study were attached to the staff report. He reviewed the General Plan as it pertains to the purposes of the Professional Office designation, which is an effective buffer between residential and commercial uses. If this were approved the application for a development would have to come through the public hearing process. Specific conditions of approval were placed upon adjacent professional office zones, and similar conditions were recommended for this site.

Future Land Use Map Amendment Motion:

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to amend the General Plan Land Use Map from High Density Residential to Professional Office for 1.92 acres of land located at 7850 to 7824 South 3800 West.

Rezone Motion:

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to rezone 1.92 acres of land located at 7850 to 7824 South 3800 West, from Rural Residential (RR-.5D) to Profession Office (P-O), with the following conditions of approval:

1. The following uses are prohibited:
 - Bail Bonds
 - Restaurant, fast food
2. The rezone will require an 8-foot high wall and a 20-foot deep planting buffer with trees that will grow to a tall height between the subject property and neighbors on the south side.
3. The maximum building height shall be 35 feet.

Julie Neerings, Exit Real Estate, 448 East Winchester, representing the Grishams and Cooks, asked that the property owners be allowed to address the Commission.

Butch Grisham, West Jordan resident and applicant, said most of the information was covered by the staff report. There is a canal behind the homes between them and the office buildings, and he said there could be the potential to bridge the canal in order to provide another access point for the existing office buildings. He felt that

this property is more suited for an office building than for a residence because of the proximity to the major commercial area.

Jeff Cook, West Jordan resident and applicant, had the same concerns with the problems that the surrounding commercial zoning brings with traffic turning in the driveways and the bright lights.

Robert McOmber, West Jordan property owner and applicant, stated that his house faces 7800 South, and he described the difficulties in parking, with being able to cross the road, and with safety issues regarding the current design.

Steve Perkins, West Jordan resident, didn't agree with the proposal, because there is already enough business and commercial in the area. This would only add more traffic and more lights in the backyard.

Rick Perkins, West Jordan resident, presented a letter from his neighbors Johnny & Louise Shepherd who were opposed to the development. Mr. Perkins said he disagreed with the submittal. He understood the concerns of the applicants, but the same issues will only be moved down the road, and he will be the first house next to the commercial. If some of the properties are changed, the entire street should be changed.

The applicant had nothing further to address.

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

There was a discussion regarding what kind of access these parcels would have. Madeline Francisco-Galang said there hadn't been a traffic impact study to determine where the access would be. 7800 South is a UDOT road, so any access to that road would require permission.

Justin Stoker said they should avoid professional office traffic in the residential area.

Madeline Francisco-Galang said 3800 West is probably a 50-foot right-of-way, which wouldn't be adequate for the amount of traffic generated by a professional office building, but a traffic study would need to be completed. She indicated that the minimum distance for an entrance in the area would be 150 feet from the intersection.

David McKinney said the proposed rezone appears to be generally consistent with the pace of development in the area. The P-O Zone is generally a lower-intensity use than those at Jordan Landing. While the professional office is more intense than the existing residential, it is viewed as a buffer between the commercial and residential uses. The adjacent property owners have legitimate concerns, but overall the request is appropriate for the area given its historical development.

David Beecher said this clearly portrays how what you do with your own property does affect those around you. He asked just how far south they would go with the rezoning and whether or not it would stop at this point.

Tom Burdett said the staff was directed by the City Council to connect the two P-O zoning districts. It all started with the parcels that had direct access on 7800 South. It had been their experience that many neighborhoods would prefer the P-O zone as a transition from commercial rather than multi-family as long as mitigation is provided with buffers, restrictive uses, lighting design, etc. This proposal is about as far south as the Council recommended.

James Dupaix said Jordan Landing had tremendously changed the nature of the area, and even with the recommendation of the study it might not be the last application in this area. He felt that this was an appropriate use for mitigation of the effects of Jordan Landing if the professional office is properly developed.

MOTION: James Dupaix moved to forward a positive recommendation to the City Council for Noble Heights #1 Rezone; 7850, 7836, 7824 South 3800 West; Exit Realty Unlimited (applicant) to rezone 1.92 acres from Rural Residential to Professional Office with three conditions:

1. The following uses are prohibited:
Bail Bonds
Restaurant, fast food
2. The rezone will require an 8-foot high wall and a 20-foot deep planting buffer with trees that will grow to a tall height between the subject property and neighbors on the south.
3. The maximum building height shall be 35 feet.

The motion was seconded by Justin Stoker.

David Beecher said he would like to see whoever develops this property work with the City to somehow mitigate the traffic from going beyond this property into the residential area.

Tom Burdett said that they could propose traffic calming measures that would be a deterrent to traffic. The suggestion of the bridge across the canal is possible. It would be an additional cost, but there may be enough gain for both properties.

VOTE: The motion passed 6-0 in favor. Nathan Hendricks was absent.

MOTION: James Dupaix moved to forward a positive recommendation to the City Council for Noble Heights #1 Land Use Amendment; 7850, 7836, 7824 South 3800 West; Exit Realty Unlimited (applicant) to amend the general plan land use map from High Density Residential to Professional Office based on the findings of fact found in the staff report. The motion was seconded by Justin Stoker and passed 6-0 in favor. Nathan Hendricks was absent.

ITEM #7: 27-05-251-015, 005, 006 JORDAN VALLEY HOSPITAL LAND USE AMENDMENT AND REZONE; 3580 WEST 9000 SOUTH; GENERAL PLAN LAND USE AMENDMENT FOR APPROXIMATELY 6.64 ACRES FROM TRANSIT ORIENTED DEVELOPMENT TO PUBLIC FACILITIES AND REZONE FROM P-C (ZC) (PLANNED COMMUNITY) TO P-F (PUBLIC FACILITIES) ZONE; P-F ZONE; JORDAN VALLEY HOSPITAL/BRYANIE SWILLEY (APPLICANT) [#ZC20070006]

Scott Langford gave an overview of the request. These amendments are to facilitate the expansion of the Jordan Valley Medical Center. The site plan will come forward as a separate item on July 11, 2007.

Future Land Use Map Amendment Motion:

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to amend the General Plan Land Use Map from Transit Oriented Development to Public Facilities for 5.5 acres of land located at approximately 3400 West 9000 South.

Rezone Motion:

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to rezone 5.5 acres of land located at approximately 3400 West 9000 South, from Planned Community (P-C) to Public Facilities (P-F).

Bob Canestrini, Jordan Valley Hospital, stated they purchased the section of land with plans to double their bed capacity, which created the need to increase the parking and infrastructure.

Scott Langford pointed out the proposed road to the South Station development, which is not part of this proposal.

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

MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for Jordan Valley Hospital Land Use Amendment; 3580 West 9000 South; Jordan Valley Hospital (applicant) to amend the General Plan Land Use Map from Transit Oriented Development to Public Facilities based on the positive findings of fact. The motion was seconded by James Dupaix and passed 6-0 in favor. Nathan Hendricks was absent.

MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for Jordan Valley Hospital Rezone; 3580 West 9000 South; Jordan Valley Hospital (applicant) for the rezone from P-C to P-F based on the positive findings of fact. The motion was seconded by James Dupaix and passed 6-0 in favor. Nathan Hendricks was absent.

ITEM #8: 27-05-251-015, 005, 006 **JORDAN VALLEY HOSPITAL PHASE II BED TOWER; 3580 WEST 9000 SOUTH; AMENDED FINAL SITE PLAN; P-F ZONE (APPLIED FOR); JORDAN VALLEY HOSPITAL/BRYANIE SWILLEY (APPLICANT) [#SPCO20070012]**

[This item was moved to the Consent Calendar and postponed to July 11, 2007.]

Tom Burdett gave an update on the City Council actions. Siera Estates Rezone was approved and the Stone Creek (Ivory) property was approved for 3.22 units per acre.

Nola Duncan discussed the order of procedures at the previous meeting regarding an item that was scheduled for discussion but turned out to be a public hearing. She was also concerned that the applicant was allowed to go on for an hour.

Tom Burdett apologized that it wasn't clear that there would be public comment. The next time they talk about the Jordan Creek project he suggested that those in the audience who didn't already speak be allowed to give their thoughts then the applicant be given a limited time to rebut. The Commission could then give feedback to the applicant who will bring the proposal back for decision in August.

Jeffrey Robinson said the rebuttal by the applicant should only focus on one or two of the primary concerns from the public and not review the entire project again.

Nathan Crane said the Commission should focus on giving the applicant suggestions on how the plan could be revised.

Tom Burdett said there will be a representative from the Jordan School District in attendance at the next meeting to clarify the school generation statistics.

It was suggested that stricter time limits could be kept in order to control the meeting.

Tom Burdett reviewed the progress of the Bingham ditch cleanup where Kennecott is taking the lead under the direction of the EPA.

Regarding new training for the Commission, Jeffrey Robinson stated that he had a disk available from the Utah League of Cities and Towns on open public meetings that the Commissioners could borrow.

MOTION: David McKinney moved to adjourn.

The meeting adjourned at 9:37 p.m.

David L. Beecher
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2007