

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JULY 11, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS**

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

**STAFF:** Tom Burdett, Julie Davis, Jeffrey Robinson, Nathan Crane, Jennifer Jastremsky, Chris Gilbert, Scott Langford, Chien Hwang, Bill Baranowski, and Reed Scharman.

**OTHERS:** Jim Russell, Richard Downing, Hugh Matheson, Jon Butterfield, Mike Seely, Annette Clouse, Darlene Hammond, Melissa Wood, Scott Simmons, Deana Stacy, Ken Hill, David Neal, Steve Udall, Scott Thomas, Ryan Peterson, Andrew McIntyre, Christine McIntyre, Tim Goodrich, Steve & Stephanie Hansen, Todd Barrett, Richard Schmidt, Howard Schmidt, Scott Simmons, Sherry Devenberg, Macey Buker, Jim Russell, and Neil Blosch.

\*\*\*\*\*

The briefing meeting was called to order by David Beecher.

Clarification was given for the fencing condition on Item #1B. The storage unit location can be moved for better access during business hours. The Commission may want to consider noise mitigation for the refrigeration trailer.

The applicant for Item #5 requested that the request be continued to a date uncertain. Revised conditions were distributed for Item #2, which mainly clarify the Engineering requirements. There was a discussion regarding the order for giving input for the Jordan Creek Land Use Amendment.

Items #6 and #7 were reviewed. The City had prepared a paper with options to consider what to do in certain older areas of the City with regards to the requirement for undergrounding utilities. The legal staff and City administration will review it and forward it to the City Council. There was a discussion regarding the purposes for the code to bury utilities and situations where more poles might have to be erected in order to bury the lines. Each situation is separate, and their findings should reflect the criteria.

\*\*\*\*\*

The regular meeting was called to order at 6:13 p.m.

**ITEM #1 CONSENT CALENDAR**

**A. Approve Minutes from June 6 and June 20, 2007**

**B. 27-04-426-008 SCHMIDT'S PRODUCE STAND; 9090 South 2200 West; Temporary Use Permit; RE-.5G Zone; Schmidt's Produce/Richard Schmidt (applicant) [#TUP20070004]**

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

**MOTION:** David McKinney moved that Item #1B be moved from the Consent Calendar to the Public Hearings portion of the meeting. The motion was seconded by Justin Stoker and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.

**MOTION:** David McKinney moved to approve the Consent Calendar as amended. The motion was seconded by Justin Stoker and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.

\*\*\*\*\*

**ITEM #1B. 27-04-426-008 SCHMIDT'S PRODUCE STAND; 9090 South 2200 West; Temporary Use Permit; RE-.5G Zone; Schmidt's Produce/Richard Schmidt (applicant) [#TUP20070004]**

Jennifer Jastremsky reviewed the request and presented a revision to the staff report conditions to require the 6-foot chain link fence to include sight-obscuring vinyl slats. The storage container was originally required to be

*Planning Commission Meeting Minutes*

*July 11, 2007*

*Page 2*

placed behind the fence, but the applicant would like the unit to be used as an office during business hours. Staff recommended that the condition be revised to allow the temporary office to be located to the south of the produce stand, which will provide the access while preserving the aesthetic quality along 9000 South.

Staff recommended a motion to approve of the Temporary Use Permit for Schmidt's Produce Stand located at 9090 South 2200 West based on the findings outlined above with the conditions set forth below.

1. The use shall comply with the site plan and narrative stamped and dated July 3, 2007, except as amended by the following stipulations.
2. Prior to a Business License being issued a \$2,000 refundable cash bond shall be posted with the City Treasurer to ensure proper and timely removal of the materials associated with the use.
3. One temporary sign is permitted for the Temporary Use Permit. This sign shall not exceed 32 square feet in area as permitted as per §89-6-1103(f) and may not exceed the size standards listed in §89-6-1107.
4. All temporary materials, excluding paving, associated with the use will be removed and the site returned to its original condition within 24 hours of the expiration date of the Temporary Use Permit.
5. The applicant shall obtain approvals from the Building and Safety and Fire Departments.
6. The refrigerator trailer shall be fenced off from public access for the duration of the temporary use.
7. The storage container shall be moved to the south of the property next to the refrigerated trailer and shall be fenced off from public access for the duration of the temporary use.
8. The Temporary Use permit shall commence on August 1, 2007 and shall expire on October 31, 2007.
9. The days and hours of operation shall be Monday through Saturday from 9:00 a.m. to 7:00 p.m.
10. The site shall be kept free of litter.
11. No illegal parking shall be permitted.

Richard Schmidt, applicant, 9359 Schmidt Circle, said this is their fourth year on this site. They enjoy being at this location and felt they are providing a great service for the community.

David McKinney said it had been indicated by staff that there had been complaints in the past from adjacent residents regarding the noise from the refrigeration trailer. He asked if they could move it to a different location if it is deemed to be necessary.

Richard Schmidt said this was the first indication to him that there had been a complaint. He wasn't sure where else it could be moved. He didn't want to lose customer parking stalls. He stated they wouldn't use the cooler if it were that much of a problem. However, he didn't think this would be louder than the noise from 9000 South, unless the complaints were regarding night usage.

Tom Burdett asked if it were possible to face the chiller unit towards 9000 South. He said the complaint situation was also new information for him. He thought it could remain at the current location and it could be worked out with the Schmidt's if there is a problem.

Mr. Schmidt stated that the chiller was facing 9000 South. He said they could run the unit during the day and shut it off at 10:00 p.m.

Further public comment was closed at this point for this item

Nola Duncan said unless there is further evidence that there are significant complaints they don't need to require it to be turned off at night and run the risk of losing produce during this short period of time. She pointed out on the map the distance from the residential areas.

Jennifer Jastremsky said it is about 400 feet from the residential to the south and 150 feet from residential to the east.

David McKinney was inclined to agree. If there are problems and complaints from the public it would be handled in the usual way.

**MOTION:** Nola Duncan moved to approve the Temporary Use Permit for Schmidt's Produce Stand; 9090 South 2200 West; Schmidt's Produce/Richard Schmidt (applicant) based on the findings in the staff report and the conditions that are set forth, amending:

6. The refrigerator trailer shall be fenced off from public access for the duration of the temporary use by a 6-foot chain link fence with sight obscuring vinyl slats.
7. The storage container shall be moved to the south side of the produce stand and shall be locked during non-business hours to prevent public access for the duration of the temporary use.

The motion was seconded by Justin Stoker and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.

\*\*\*\*\*

**ITEM #2:** 27-05-251-015-005, -006 **JORDAN VALLEY HOSPITAL PHASE II BED TOWER; Continued from 6-20-07; 3580 West 9000 South; Preliminary Site Plan; P-F Zone; Jordan Valley Hospital/Bryanie Swilley (applicant) [#SPCO20070012]**

Scott Langford gave an overview of the request for an expansion of the hospital. The rezoning and land use amendment for the site were approved last night by City Council. The campus will increase by 5.5 acres with 265 new parking spaces and an overall 97,000 square feet of additional area to the hospital. He reviewed the four basic additions to the hospital: 1) A storage area on the back of the hospital that will be level with the finish grade; 2) A 2-story lab addition at 28' in height with 12,000 square feet; 3) A 1-story expansion to the emergency room of 5,600 square feet; and, 4) A new bed tower at 60' tall at the highest point, which matches the existing height of the medical office building. Approximately 100 new beds and 78,000 square feet will be added. He reviewed the proposed phasing of the project. Phase 1 includes the recently rezoned area needed for the expansion parking. He showed a rendition of the proposed bed tower. The City had concerns with site access, fire flow, internal traffic circulation, culinary water, and storm water collection, which have been addressed in the staff report and in the Engineering memorandum. The traffic impact study gave both short and long-term remedies for the traffic. It is proposed that 3400 West will be extended to the north and will serve as a main entrance to the hospital. There will be a traffic signal at 9000 South and 3400 West. The study recommended that the connection to the hospital be a three-lane road connecting to 3400 West. Staff is confident that as they work with the applicant and as the recommended conditions of approval are met all concerns will be mitigated. He presented a memo with revised conditions of approval. It was pointed out that the condition for the waterline was an original condition in the Engineering memo.

Staff recommended approval of the Preliminary Site Plan for the Jordan Valley Medical Center located at 3580 West 9000 South, per the positive findings of fact stated in this report and with the conditions set forth below:

1. The building shall be constructed with high-quality, durable, materials that are low reflectance, subtle, neutral, or earth tone in color per §89-5-308(d)(1)&(2).
2. The building must meet all setback and height requirements as outlined within §89-3-804(a).
3. A Conditional Use Permit to allow for hospital use and building heights greater than 30 feet is required before Final Site Plan approval can be granted.
4. The Final Site Plan shall implement all short term (2007) recommendations indicated in the Traffic Impact Study and summarized in the City Traffic Engineer's memo dated July 5, 2007, which are:
  - a) It is recommended that a traffic signal at the intersection of 9000 South/3400 West be installed. Although this intersection does not currently meet the MUTCD signal warrant requirements, it is expected that conflicting left turn movements generated from Salt Lake Community College will exceed the volumes counted as part of this study. Signalization of this intersection will also greatly

reduce the delay for left turn traffic exiting the hospital site from the eastern access. The traffic signal should also be equipped with an emergency vehicle preemption system compatible with other similar devices currently in use.

- b) Improve the delineation of the existing median for use by left turns exiting from the eastern property access.
  - c) Improve the internal traffic circulation by reducing conflict points near the entrance and emergency room driveways/streets.
  - d) Provide an access road connection from the hospital entrance towards the future 3400 West connection to 9000 South. Construct this access with 3 lanes, to West Jordan City standards to the east property line.
  - e) A pedestrian crossing should be provided at the east leg of the 9000 South/3400 West intersection in conjunction with the proposed traffic signal.
  - f) Pedestrian sidewalks, built to West Jordan City standards, need to be provided along the east side of the East Entrance roadway.
  - g) In order to mitigate delay times at the 9000 South/Bangerter Highway intersection it is recommended that dual left turns be installed on the east and west approaches. This will allow more green time for thru movements. This will require coordination with the Utah Department of Transportation.
5. Final Site Plan approval shall not be granted until the City Council adopts Ordinances amending the General Plan Future Land Use map to the Public Facilities designation and the Zoning map to the Public Facilities (P-F) zoning district for the property shown on the site plan to be developed as additional parking.
  6. Screen all above ground utility enclosures over 36" in height and rooftop equipment to the highest point per §89-6-803(c).
  7. Appropriate right-of-way widths for 9000 South shall be dedicated to the City from the parcels to be used for the parking lot additions (APN 27-05-251-005; 006).
  8. The Final Site Plan shall properly address improvements to be made for the area located between 9000 South and the proposed parking lots, specifically in regard to landscaping.
  9. Final Site Plan shall comply with all landscape comments submitted by the City's Landscape Auditor on the Land Development Review Action Request form dated June 5, 2007.
  10. JVH shall coordinate with the City of West Jordan to provide a backup water system. Several alternatives are currently under review. A development agreement for cost sharing and timing will need to be entered into to establish responsibilities of the various parties. The backup waterline will need to be operational before occupancy can be granted.
  11. 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 will be required to be shown prior to submittal of the final site plans. Building permits will not be issued until all departments' requirements have been satisfied.

Chien Hwang explained that the standards require the waterlines to be looped, because it would provide redundancy in the water system to avoid potential problems that a single water system could bring.

Nola Duncan stated that the traffic signal at 9000 South 3400 West is a condition for the hospital, yet it will benefit the college as well. She asked why the City isn't doing this or why it isn't a cooperative effort.

Bill Baranowski said the concern seems to be why the burden is being placed on the developer to fix something that would help a lot of other people. He said the City is concerned with that as well. The college entrance currently has quite a delay, and the signal would help with that. However, the traffic study also found that the two accesses to the hospital are failing during the peak periods. If the signal is built today, these driveways would have 50% less delay than today, which will be a great benefit to the hospital as well as to the college.

Nola Duncan asked why the signal isn't a cooperative effort.

Bill Baranowski said the traffic study doesn't specify who will pay for everything, but it specifies the recommendation with the hospital improvement. They can enter into a development agreement where the cost is shared. Maybe the City pays part, the college pays part, the hospital pays part, and the future South Station pays part with a four-way agreement, which would seem fair and justified. He pointed out the location for the future 3400 West. He clarified that in the short term both existing hospital accesses will remain as they currently are, but when 3400 West is installed with the new access road to the hospital the eastern access will be limited to right-in/right-out. He responded to the question of timing and said the full intersection could happen right away if the South Station development comes in. The Engineering Department is proposing a three-legged intersection with a signal temporarily, which would allow for the future north leg to be constructed. They would design it today to meet those movements, but would hold off on one pole and a set of lights facing southbound traffic, because there wouldn't be any need for the southbound direction.

David McKinney questioned the expansion with already failing accesses and the north leg isn't coming on for five years.

Mike Seely, Horrocks Engineers, stated that they did the traffic study report for the expansion. If the three-legged signal is installed there is enough gap created to allow people to come out of the existing accesses, which will reduce the delay. They are suggesting a three-way signal as part of the construction schedule, and in about 5 years the traffic will be such that they will need 3400 West. The signal will cut the delay in half even considering the additional traffic with the expansion. He explained the current delay times and how it would improve.

Clarification was given regarding the height of the bed tower in relation to the existing buildings and the rooftop screening requirements.

Jon Butterfield, Chief Operating Officer for Jordan Valley Hospital, said this is a great opportunity to expand to meet the future health care needs of the community. They are concerned with the access road connection from the hospital entrance to the future 3400 West. The main entrance to the hospital will be relocated from the south to the new bed tower expansion on the east, but their concern was with the requirement that they provide an access road connection from the entrance to the property line. However, 3400 West doesn't exist at this time, and it is the responsibility of the South Station developer to create that access. The estimate for that connection is about \$300,000 to \$400,000 of up front costs for them to do that now. They prefer to enter into an agreement to build that road to City specifications when 3400 West is built.

Scott Langford said the road design needs to be shown on the final plat.

Tom Burdett said they need it designed in order to show how it will connect. If there are other arrangements to be made on timing of that access point the Planning Commission could leave staff some flexibility.

The applicant explained that the high cost of the connection is due to the significant grade and the requirement to cross Bingham Creek.

Tom Burdett explained the differences between this access and a stub street, which would be from a public road. This access will be a private street. Staff doesn't know when 3400 West will come through, and it is in the best interest of the hospital to provide the connection to a street with a signal. At this point staff would like some flexibility in order to have dialogue with the hospital concerning timing. However, they do need to show the design of the road on the plat so staff will know how it will connect.

David Beecher said it appeared that the parking area would also need to be redesigned to accommodate that roadway.

Scott Langford stated that is also a reason to see how the access will impact the final site plan.

Jon Butterfield said the hospital is committed to building and using the road with the understanding that 3400 West may be as far as five years away, and they will enter into an agreement to build it when they are able to use it. He explained that their funding is governed by a board located elsewhere, and they are trying to improve the services to the area by using the funding to provide as many services as they can.

Suggested language to allow for flexibility was discussed.

Jon Butterfield said they were concerned with the requirement for the looped waterline. A backup water system makes sense, but it is a financial burden to have the condition that the backup system is operating before occupancy can be granted when they don't even have an idea of the cost. The hospital has been operating without the loop redundancy up until now. Also, they have no problem with splitting the cost of the traffic signal with the college, the City, and South Station developers, but to front the burden of the cost onto the hospital alone it is an up-front burden.

Nathan Crane said preliminary information had been provided on the water line, traffic study, and traffic signal. Staff anticipates that those issues will be further defined and negotiated before the time of the final approval. They have a meeting set with the Jordan Valley Water Conservancy District to discuss timing of the waterline, and by the time of final they will have more information. Tonight staff would like feedback from the Commission on the expansion and the overall plan.

Justin Stoker said it was his understanding that the hospital had been operating this whole time on a single waterline, and he asked if there were an option of providing a stub to the northeast corner of the site where it looks like there is another access point and provide it as a stub to the future 3400 West so they don't have to demolish existing improvements.

Tom Burdett said there have been a couple of options presented. The City owes the hospital some cost figures for the different options, and he would like to have that process continue in order to let staff research the alternatives, and the stub could be one of those options. They could either provide the waterline or provide for an agreement.

Nathan Crane suggested that they could add language to state, "or as determined by the City Engineer."

Further public comment was closed at this point for this item

There was a discussion regarding changes to the conditions in order to provide flexibility and to clarify the requirements for design of the access road. The Commission also discussed removing the language that specified when the waterline needs to be installed.

Jeff Robinson wanted to be sure that the condition for the timing of the road could be open, but that the road will be provided at some future date and at least by the time 3400 West is built.

**MOTION:** David McKinney moved to approve the Preliminary Site Plan for Jordan Valley Medical Center; 3580 West 9000 South; Jordan Valley Hospital/Bryanie Swilley (applicant) subject to the 11 revised conditions of approval recommended by staff, additionally amending:  
4a) A traffic signal shall be installed at the intersection of 9000 South 3400 West. A development agreement for cost sharing and timing shall be enter into to establish responsibilities of the various parties for costs related to this traffic signal.

- 4d) Provide an access road connection from the hospital entrance to the future 3400 West connection to 9000 South to be construction substantially contemporaneously with the construction of 3400 West. This access shall be constructed with 3 lanes according to West Jordan standards to the east property line. The final site plan shall show the plan and grade for the access road.
- 10. Jordan Valley Hospital shall coordinate with the City of West Jordan to provide a backup water system as determined by the City Engineer. A development agreement for cost sharing and timing shall be entered into to establish responsibilities of the various parties.

The motion was seconded by Nathan Hendricks and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.

\*\*\*\*\*

**ITEM #3: 20-25-300-026 (38 PARCELS) JORDAN CREEK LAND USE AMENDMENT; Continued from 6-6-07; 7010 S – 7752 S 5490 West; Amend the General Plan Land Use Map for approximately 155.38 acres from Very Low Density Residential and Neighborhood Commercial to Neighborhood Commercial, Mixed Use, High Density Residential, Medium Density Residential and Low Density Residential; Millstream Land LC (applicant) [#GPA20070004]**

Scott Langford said the purpose of the meeting was to complete the public hearing and provide the applicant with input from the Commission. The applicant will then provide one option; the meeting will be renoticed and scheduled for a future public hearing.

Staff recommended that the Planning Commission take the following steps for tonight's meeting:

- 1) Ask for public comment for only those who did not speak at the June 6, 2007 meeting.
- 2) Allow the applicant ten minutes for rebuttal.
- 3) Close the public hearing.
- 4) Discuss the application and provide input.

Richard Downing, West Jordan resident, was concerned that this application had been made several times by Peterson Development and had been denied. At the last request the Council said a small neighborhood commercial area might be a possibility, but nothing was approved. This proposal is now for a larger portion of commercial. He anticipated a quiet neighborhood when he purchased in the area being told the property behind them was zoned for half-acre lots. He questioned the wording of the agenda item with regards to the existing zoning and location. He asked that the country-quiet atmosphere be preserved with 1/3 to 1/2-acre lots.

Ken Hill, West Jordan resident of eight years, stated that the 300 [foot] boundary notice was not large enough when the area impacted is much larger. His biggest concern was the lack of necessary infrastructure for this amount of development. He would prefer a development that would support the bedroom community he desired when building here. The schools are overloaded and the City and the school district need to work together to solve the problem. He asked that the density range be between 1/2 to 1-acre lots. He didn't think there needed to be any more commercial property in the area, because there is some designated south of 7800 South.

Scott Simmons, West Jordan resident, stated that a comment was made at the previous meeting that concessions were made by the people to the east when his development was built. However, their concession was for the continuation of the same or larger lots than existed. This is the same thing many in the area are asking for now with the same or larger lots. In three years there have been no improvements to the traffic, intersections, etc., and those items should be addressed before any additional changes are made to land use. He also asked that planning be far enough ahead so that when people buy their property they know how the adjacent property is designated.

*Planning Commission Meeting Minutes*

*July 11, 2007*

*Page 8*

Tim Goodrich, West Jordan resident, reiterated the concern from the previous meeting regarding the potential connection of the subject property to their existing street, because the road is narrow, and traffic, speeds, and danger will increase.

David Beecher acknowledged letters that were received by Ronald Jensen who was against the change and Andy Bird who requested it be an equestrian park.

Sherry Devenberg, Jordan School District, gave student figures for several areas in that vicinity. She noted that the rooftop figures were taken from Google Earth, which is not up-to-date. The area between 6600 South and 7000 South and from 4800 West to Grizzly Way has 391 students, which equals about 83 students per 100 rooftops, which is higher than the District average. The area from 7000 South to 7800 South and from 4800 West to Grizzly Way has 699 students in about 684 rooftops, which equals about 101 students per 100 rooftops. So when the developer stated there would be 252 single-family homes and using an average of the two samples it would be about 92 students per 100 rooftops equaling 232 students. These numbers change all the time, and the rooftop count is not accurate. She stated that she provided the student counts that the developer used, and the rooftop numbers were very close.

Scott Thomas, Jordan School District, Staff Assistant for Auxiliary Services, stated that the Jordan School District is always actively researching and acquiring properties in the surrounding areas. Millstream Development indicated there will be a dedication of space used for land purchase and acquisition that will help with land acquisition in the surrounding areas, which would offset the impact on existing schools. The dedication of 5 to 6 lots will provide revenue of \$600,000 to \$700,000 that would be used to continue to acquire property in surrounding areas and throughout West Jordan.

Hugh Matheson asked if a resident from the surrounding neighborhood who spoke at the last meeting could again address the Commission as he had taken a leadership role during the month that had passed.

Macey Buker, West Jordan resident, stated that the neighborhood met and outlined their concerns and presented them to the developer. Not all concerns had been alleviated, but mitigating measures were proposed, which they hoped the Commission would take into consideration. The developer is willing to exchange some of their proposed open land for lots that would help to facilitate a school in the area. Water pressure is an issue, and they want assurances that the water pressure will not drop below what they have with the idea that the two areas are on separate loops. High density is a big concern to everyone. The developer committed to not have any apartments, and they have agreed to maximum densities for the condominiums and townhomes, and all of those units will be dedicated to senior housing in order to mitigate school issues. The developer agreed to keep the connector road to the existing neighborhood closed as long as the City agreed. If that is an issue they agreed to connect it with turf block for emergency vehicle access. Another issue is to eliminate the connector path to Bridle Creek. All homes on the east side of 5490 West will maintain the same lot sizes as the existing neighborhood on the south end at a minimum of 10,000 square feet and west of 5490 West would go to 8,000 square feet minimum. They agree to complete a masonry wall along the entire length of project on the east boundary in order to protect the animal rights. Also, any lot larger than 22,000 square feet would have animal rights. The residents prefer that there be no neighborhood commercial, but if there is going to be, the majority of the residents would like it to be a walkable neighborhood commercial similar to what is in front of South Jordan city hall, which the developer agreed to. Ideally this area would remain as it is, but they understand reality of development, and there needs to be give-and-take. The residents asked that as the land use amendment and rezone change go forward that these conditions become part of the approvals so they are held to the standard no matter who develops.

Hugh Matheson, applicant, said he had a copy of the list of demands from the neighbors, and he said they can work with them. He showed a slightly amended proposal that reflect the discussions with the residents. The map showed the properties of those who have chosen not to participate. Another major change is the

configuration of the high density, which is limited to 6 units per acre and will be designated for seniors. The very high density will be used for condominiums, and Peterson Development has agreed to a 55 years and older development. There is a 300-foot buffer between Mr. Downing's property and the neighborhood commercial area. He showed photos from the Draper Peaks development, which this would be modeled after. With the student counts provided by the District and with the actual rooftops they looked at the area west of Grizzly Way and east of the proposed development from 7000 South to 7800 South to arrive at the numbers provided in their handout, which gives .77 elementary students per home, .45 secondary students for 1.22 students per home. Using this average for their proposed development it arrives at 190 elementary students and 111 secondary students, which will be phased in over the build-out of the single-family. The school district had been good to work with, and they want to continue to work with them to get property for a school in the nearby area. Neighborhood commercial is designed to be helpful to the community. Mr. Matheson said they are proposing that with the feedback from the Commission and the concessions as listed by the residents they bring back a proposal for the land use amendment as well as the zoning application so the zoning conditions will be attached to the approvals. In this way they will have to be followed no matter whom develops the property.

The layout was reviewed regarding the existing homes that will remain with subdividing possibilities in the future. The properties that are shown as not participating at this time could change at a later time and be included.

The streetscape was discussed for 5600 West. There will be about a 15-foot width of berm in addition to the City's design for the parkstrip and sidewalk. If there is a wall it would be in addition to these items.

There was a brief discussion regarding the style of condominiums, which could be multi-level or not.

Nathan Hendricks said there are still a lot of students being added to the area. He was also hoping to see more information relating to the traffic issues.

Hugh Matheson said it would be part of the complete submission when they come back for a recommendation. Regarding the senior housing, he stated that would be locked in with CC&R's and zoning conditions.

Nathan Hendricks said he was glad to see that the developer had been working with the neighbors.

Reed Scharman pointed out that a lot of what they are hearing is what goes on between the neighbors and the developer. There have been several specifics mentioned, but when an application actually comes forward it will come to various departments to review for compliance with the law and policies. He was concerned with expectations that certain features are being included when they may not be allowed within the law or policies.

Further public comment was closed at this point for this item

Justin Stoker said the wisest thing to do at this point is to go with the compromise of the neighbors and the developer.

Nathan Hendricks felt the same way, but he was still concerned with schools and roads. He wanted to see something solid on traffic counts and what is proposed for expanding the current roadways. This development will affect the entire west side and not just the people in this development. The developer should continue working with the school district to get some sort of approval from them. He liked the revised concept, because the neighbors helped to put it together.

David Beecher agreed. Eventually there has to be a transition zone at some point or there would be no commercial or industrial uses. The traffic is getting worse, and something has to be done, but he didn't know what. He thought the school district is behind the eight ball and playing catch-up because of the way the

legislature has set things up by not allowing for impact fees. Until that is changed they will continue to deal with this situation.

David McKinney said he liked the revised concept better than the previous options for the most part. However, he preferred the alternative on a previous plan for three roundabouts along the mile-long through street. He was concerned with how this development can proceed in view of the parcels in the middle that are not included. The Planning Commission needs to look at how this will affect the parcels with different uses that are left out, and he would like to see more detail on how the concept will be compatible with the lower density uses. Finally, in reality the connecting road to the existing adjacent subdivision may be required for emergency access. He didn't think that a connecting road would draw a lot of traffic into the existing development.

Nola Duncan asked if the four outlets onto 5600 West would be allowed as shown.

Scott Langford said that will be reviewed in detail at a later point.

Nola Duncan said proposals for this property had come in many times before, and she thought this proposal was generally a good idea. She hoped the developer would be sensitive to trying to match lot sizes with those that back the existing larger lots. She liked the style of commercial development. She is pleased with the removal of the high density on the northwest corner of the property, because it wasn't consistent with the surrounding uses.

Justin Stoker liked the idea for multiple roundabouts, which will help to keep traffic lights out of the area. There is a misconception that a connector street would bring more traffic cutting into the existing neighborhood, but he felt it would go the other way around with residents from the existing neighborhood using it to get to 5600 West. It was his understanding that this development is on a different water pressure zone, so that shouldn't be a problem.

**David Beecher closed the item.**

**MOTION: David Beecher moved to take a break at 8:38 p.m.**

The meeting reconvened at 8:49 p.m.

\*\*\*\*\*

**ITEM #4: 27-03-327-007, -008 9120 SOUTH REDWOOD REZONE; 9120 South Redwood Road; Rezone approximately 3 acres from R-1-10 (Single-Family Residential 10,000 Square Foot Lots) to SC-2 (Community Shopping Center); Jim Russell (applicant) [#ZC20070007]**

Chris Gilbert gave the overview of the item by reviewing the surrounding zoning and land uses. Engineering Department comments are listed in the staff report and are not pertinent to the zone change. The applicant approached the adjacent property owners to see if they wanted to participate in the zone change, but they did not care to. A concept plan was submitted only to show how the property might be developed. Two office buildings were shown on the concept plan, and it was pointed out that general office uses are permitted in the SC-2 zone.

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 approximately 3 acres of property located at 9120 South Redwood Road from R-1-10B (Single Family Residential) to SC-2 (Community Shopping Center).

Jim Russell, representative of the Schmidt family, stated there is a pending sale for the property. They desire to build something similar to what was noted on the concept plan. He noted that the owner to the north of the Schmidt property wanted to be included in the application, but those to the south did not.

Howard Schmidt, Draper resident and representative of an adjacent Schmidt property to the south, stated they don't have a problem with the zoning. However, when the future site plan comes in they want to be involved with how it will tie in to their property. He encouraged a positive vote.

Further public comment was closed at this point for this item

**MOTION:** Justin Stoker moved to accept the findings contained in the staff report and forward a positive recommendation to the City Council for 9120 South Redwood Road Rezone; 9120 South Redwood Road; Jim Russell (applicant) to rezone approximately 3.04 acres of land from R-1-10B to SC-2. The motion was seconded by David McKinney and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.

\*\*\*\*\*

**ITEM #5:** 21-23-302-033, 034,035 CANAL SUBDIVISION (2 lots); 6775 South 2200 West; Preliminary and Final Subdivision Plat; .792 acres; R-1-10 Zone; Steve Glezos (applicant) [#SDMA20070020]

**MOTION:** David McKinney moved to reschedule to a date uncertain the Preliminary and Final Subdivision Plat for Canal Subdivision; 6775 South 2200 West; Steve Glezos (applicant) based upon the applicant's request. The motion was seconded by Nathan Hendricks and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.

\*\*\*\*\*

**ITEM #6:** 26-11-200-027 SME CORPORATE OFFICES; 5789 West Wells Park Road; Waiver of requirement to underground utilities; Onyx Construction/Neil Blosch (applicant) [#SPI20070012]

Scott Langford gave an overview of the request for waiver of the requirement for undergrounding utilities. There is approximately 735 feet of frontage on Wells Park Road with 460 feet of that with overhead utilities. He showed the area and surrounding properties on the map. Utilities have not been undergrounded in the areas of Wells Park Road, Hawley Park Road, Feulner Park Road, Wells Circle, and Bagley Park Road. The applicant contacted Rocky Mountain Power and discovered there are natural gas, telephone and data lines that would have to be realigned to allow for the burial, and this would cause multiple and prolonged outages to the businesses to the west. The main reason for the requirement to underground utilities is aesthetics, but there are other situations such as influence of external weather conditions. Existing landscaping with lawn and mature conifers that runs the length of the property would have to be removed, and it could be argued that the existing landscaping provides better aesthetics than the undergrounding. The existing conditions do make the undergrounding of utilities unreasonable and impractical.

Staff recommended that the Planning Commission approve the Utility Waiver to underground existing utility lines for SME Steel located at 5789 West Wells Park Road based on the findings.

The Bagley Industrial Park was completed in 1975, and many of those uses have been in place for a long time. Tom Burdett said the requirement came in place in the subdivision code in 1974 and around 1980 in the zoning code.

It was pointed out that the review of the site had been triggered by an application for a 29,000 square foot corporate office building on the existing site. There are currently five poles on the site, and one pole on each end would have to remain.

Tom Burdett explained that Boise Cascade was the original occupant on the site, which was probably built close to the time the code came into place.

Neil Blosch, Project Manager for Onyx Construction, said there are two overhead power lines that go across the street. He stated that all the power lines to the east are aboveground.

Further public comment was closed at this point for this item

David McKinney said the issue for the Commission to decide is whether or not the factual conditions upon which a waiver can be granted are satisfied in this situation. If they review the list, topography is not an issue, existing landscaping with the mature trees and landscaping exist, but it doesn't make it impossible to do. However, the other utilities in the same corridor that would have to be rerouted could be problematic. Most adjacent properties are developed with overhead lines, particularly to the east. He felt the Commission could conclude it impractical or unreasonable, but the opposite conclusion could also be held.

Nola Duncan said there is a process currently underway where the waiver would be automatic in certain older areas. However, it will take some time for this process to get going. As she looks at these types of requests there are parts in the older areas where it doesn't make sense to underground, but it made sense in the newer areas. She felt that the common sense for this area in this case is to leave the lines alone, because of the realignment of the other utilities. She also thought that some day when the City is built out some quality work such as this can be done.

**MOTION:** Nola Duncan moved to grant a Utility Waiver for the undergrounding of the utility lines for SME Steel; 5789 West Wells Park Road; Onyx Construction (applicant) based on the staff report information. The motion was seconded by Nathan Hendricks and passed 4-1 in favor with David McKinney casting the negative vote. Ellen Smith and James Dupaix were absent.

\*\*\*\*\*

**ITEM #7:** 26-02-400-047 **PROINDUSTRIAL OFFICE REQUEST OF WAIVER TO UNDERGROUND UTILITIES; 5647 West Dannon Way; ProIndustrial/Todd Barrett (applicant) [#APP20070002]**

Chris Gilbert gave the overview of the request for a waiver for utility undergrounding. He pointed out the property and stated that a similar request last year on an adjacent property to the west was denied. The memo from Rocky Mountain Power indicates that three poles would be removed and they would get four in return because of the layout of the lines. Existing power lines along Hawley Park have not been required to underground. In this general vicinity there has been both a denial and an approval for the waiver. This applicant had stated that the cost to underground is the same as the cost of the lot itself. There is an existing swale on Dannon Way that would not conflict with the undergrounding. He noted that small additions to the surrounding properties would not trigger undergrounding requirements, so it could be a considerable length of time before they saw any improvement in the percentage of undergrounded lines. New development on Dannon Way had been required to underground the lines. There are no engineering reasons not to bury the power lines.

Staff recommended that the Planning Commission conduct a public hearing, consider the facts, and determine if the findings required to grant a waiver have been met. The Commission may approve the waiver, approve the waiver with conditions, approve a partial waiver, or deny the waiver.

Exhibit maps showing potential sites for undergrounding were reviewed.

David McKinney asked if there were any existing landscaping features or other utilities in the ground that would affect the undergrounding.

Chris Gilbert said the telephone lines are aboveground, and he wasn't sure about the gas and data lines. He said it would take additional study to determine if the easement is wide enough to accommodate undergrounding

without affecting the existing utilities. The Rocky Mountain Power memo doesn't make reference to existing utilities.

Nathan Crane said the site plan shows an existing gas line on Hawley Park Road but not on Dannon Way. The existing utility easements were pointed out.

Nathan Hendricks referred to the last denial on the property to the west where the attorney said that economics isn't a consideration, but he had a hard time accepting that position.

Jeffrey Robinson said the criteria listed prior to the broad statement of 'other conditions' for the waiver are not based on economics, which is probably how the attorney arrived at the conclusion that economics was not a factor for consideration. That term is not a real measurable standard, so there may be problems relying on that term alone in recommending that economics alone would warrant the waiver.

Todd Barrett, owner of ProIndustrial, clarified that five poles would be taken down and four new ones would be installed. He pointed out the existing three-phase pole-mounted power transformer that feeds the fire station that will have to be replaced with a ground-mounted transformer. Two switch gear pieces of equipment would have to be installed at the corner in order to satisfy the four-way crossing. The minimum cost is \$200,000, which equals what he paid for the property. There is a 14" waterline along Hawley Park, and there is natural gas, waterline, and telephone along the corridor. He referred to a document that discussed the waiver for Arrow Rock and Stone on May 16 in which the Commission finding for the waiver was that there were no other properties in the subdivision that had to meet the requirements. He said that there are power lines in all four directions from their property as far as the eye can see. The code wasn't being enacted until 2003, and since that time there has been one property owner that built on a property that was never required to underground. He felt that the criteria of 'other conditions' or 'unreasonable request' includes economics and being isolated in the requirement.

Further public comment was closed at this point for this item

Nathan Hendricks said he felt the 'other conditions' statement was left vague on purpose to accommodate these situations. He felt that the cost made this very unreasonable and impractical. It is a high cost to place on a property owner when there are at least ten that have already been built without having the requirement. There could also be others who use the feeder line that will be affected if it is underground. He felt that the waiver should be approved.

Justin Stoker said with the extensive development along Hawley Park he didn't think it was reasonable to underground. If the 3-phase transformer were to be left aboveground on the pole it would save a lot of money as would the pole with the switch gear at the intersection. With the availability of vacant ground on Dannon Way and the potential to underground to the west he would be in favor of undergrounding on Dannon Way.

David McKinney wanted to clarify that the requirement applies to both Dannon Way and Hawley Park. He said in this situation on Dannon Way they may possibly see the completion of undergrounding. There are fewer existing underground utilities on Dannon Way at this site that would interfere with burying the lines. He felt it would be reasonable to bury lines on Dannon Way and grant the waiver on Hawley Park.

Nola Duncan said when they considered the waiver for the property to the west she was convinced that there would be more opportunity to underground in this area as they went further west. She agreed with the idea to waive the requirement for Hawley Park only.

Nathan Hendricks said this is an industrial area with aboveground power lines, and it isn't the same type of situation as it would be for a residential neighborhood or commercial complex. He didn't think it was

reasonable to ask one property owner to do this, and he didn't think it hurt the aesthetics of an industrial area to have a power line in front of the building. He asked the Commission to consider all of the surrounding properties that have power lines and will always have them unless the entire area is redeveloped. He felt that the same criteria that were found in the previously heard item on the agenda should apply here.

David McKinney said concern of power outages is not such a substantial issue, because the power company is able to deal with that. However, the facts as he saw them were that the opportunity for undergrounding along Hawley Park Road is small, and the existence of other underground utilities complicates the burial along Hawley Park Road, but there is more opportunity to develop and fewer underground utility conflicts along Dannon Way.

David Beecher said he really liked this ordinance. Looking only at the ordinance it is up to the property owner or the person buying the property to research what ordinances pertain to development of the property. On the other hand, this is an industrial area. These are tough decisions. He didn't feel that economics was a consideration in the waiver. What would make it fairer is an impact fee on development that would be used to underground areas one portion at a time. However, that is not the way the code is written at this time.

**MOTION: David McKinney moved based upon the findings of fact in the staff report given the conditions at the site to deny the request to waive the requirement to underground existing power lines along Dannon Way for property located at 5647 West Dannon Way and based upon the facts stated by the Commission regarding opportunities for undergrounding existing utilities and other factors to grant the request to waive the requirement to underground existing utility lines along Hawley Park Drive for the property located at 5647 West Dannon Way for ProIndustrial; Todd Barrett (applicant). The motion was seconded by David Beecher.**

Justin Stoker said if the motion failed he would make a motion granting the waiver based upon the fact that it is in a completely industrial area and there are already properties to the west that have aboveground lines, and it would cause a seesaw effect down the street.

**ROLL CALL VOTE:**

**Commissioner Beecher – yes  
Commissioner Duncan – yes  
Commissioner Stoker – no  
Commissioner McKinney – yes  
Commissioner Hendricks – no  
Commissioner Dupaix – absent  
Commissioner Smith – absent**

**The motion passed 3-2 in favor of denial for Dannon Way and approval for Hawley Park Drive.**

\*\*\*\*\*

**ITEM #8: 21-28-403-026, 027 PAIGE MEADOWS SUBDIVISION MODIFICATION OF DESIGN STANDARDS; 7480 South 2540 West; R-1-10B Zone; DWS, LLC/David Neal & Wayne Harper (applicant) [#SDMA20070002]**

Chris Gilbert gave the overview of the request to grant a modification of engineering standards for a reduced right-of-way. The Planning Commission approved the Preliminary Subdivision Plat with the condition that the applicant apply for the modification. The Commission recommendation was for a 10-foot HOA maintained buffer strip on the south and allowing elimination of the parkstrip on the north. He reviewed the recommended conditions and added a condition #4 to address the reduction in the right-of-way for the turnaround from 100 feet to an 86 feet, which includes a full width paved asphalt section with curb and gutter and a six-foot sidewalk wrapping around.

Staff recommended that the Planning Commission recommend approval of this waiver of engineering standards application for the Paige Meadows Subdivision, located at approximately 7480 South and 2540 West, with the following conditions:

1. A 10-foot wide private Home Owner's Association-maintained fully landscaped buffer shall be installed along the south side of both project cul-de-sacs to protect the rear yards of the adjacent existing lots to the south.
2. The minimum right of way should be 36 feet to consist of a 30-foot wide road section including curbing and guttering, and a 6-foot wide sidewalk directly abutting the roadway along the north, west, and east sides of the cul-de-sacs.
3. The parkstrips to be removed along the north, west, and east sides of the cul-de-sacs.

Nola Duncan asked if the added condition would still satisfy the Fire Code.

Reed Scharman said the Fire Department looks at the asphalt road width and the diameter of the circle, which the proposal meets.

Chris Gilbert showed the standard and proposed cross sections.

David Neal, 6716 Nottingham Drive, reminded the Commission that they heard the preliminary plat a month ago and provided feedback that became the basis for this request to modify design standards. This approval will help to preserve the nature of the infill development. There won't be through traffic or a lot of foot traffic, and they felt the request made sense in this case.

David Beecher said he voted against this at the last meeting, but it wasn't against the development itself. He felt that the 10-foot buffer is a farce and that they are still double-fronting lots. He would just prefer to see a 6' sidewalk on the south and have a parkstrip on the north side. However, he understood that there are issues with infill developments.

Mr. Neal stated that there had been no negative comments from neighbors, except that they didn't want to have mansion homes.

Further public comment was closed at this point for this item

**MOTION: David McKinney moved to recommend approval of the Modification of Design Standards for Paige Meadows Subdivision; 7480 South 2540 West; DWS, LLC (applicant) with the 3 conditions outlined in the staff report, adding:**

4. **The roadway cross section in the cul-de-sac areas is to include an 80' curb-to-curb roadway width in the cul-de-sac with a six-foot sidewalk on the north and east or west side respectively.**

**The motion was seconded by Justin Stoker and passed 5-0 in favor. Ellen Smith and James Dupaix were absent.**

\*\*\*\*\*

Tom Burdett stated that the TSOD areas were approved removing the south side of Sugar Factory Road from the 2700 West Station. They also denied the text amendment for bail bonds in the Redwood Road Overlay.

**MOTION: Commissioner Stoker moved to adjourn.**

The meeting adjourned at 10:30 p.m.

David L. Beecher  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

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