

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 7, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS**

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

**STAFF:** Jennifer Jastremsky, Jeremy Olsen, Scott Langford, Chris Gilbert, Nate Nelson, Nathan Crane, Tom Burdett, Jeff Robinson, Reed Scharman, and Vicki Hauserman.

**OTHERS:** Randy & Rena Hatch, Nancy Dolle, Leanna Bjerregaard, Brent & Kristie Overson, Ramona & Warren Goodwin, Joe Totorla, Russ Gardner, Janet Churchtown, Justin & Hollie Pelch, Gaylean Armstrong, Craig Gailey, Sharon Gailey, Roy Dominguez, Alexandria Dominguez, Hugo Rueda, Bryan Menzel, Warren Kirk, Preston Naylor, and Gary Roberts.

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The briefing meeting was called to order by David Beecher.

Verification was given that the tank in Item #1D will be on a paved surface. A map of the well protection area was requested, and a discussion was held regarding the wells in the area. A water separator is currently in the parking lot.

Item #2 was reviewed as to the questions that had been asked by property owners in the area during the noticing period. Clarification was given regarding the fencing styles in the area for Item #3. Explanation was given regarding a condition for shared cross access with the neighboring property in Item #5. Staff stated that the building elevation for Item #6 was modified slightly regarding signage, and a new drawing will be shown.

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The regular meeting was called to order at 6:03 p.m.

**1. Consent Calendar**

**A. Approve Minutes from October 17, 2007**

**B. Clearwire Co-location #UT-SLC070; 1670 West 9000 South; Conditional Use Permit; SC-2 Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070033; parcel 27-03-251-063]**

Staff recommended the Planning Commission approve the proposed Conditional Use Permit subject to the following conditions:

1. The use of the property shall conform to the narrative, the site plan, and the elevations dated 8/8/07, as contained within the application and this staff report, except as modified by these conditions.
2. The applicant shall obtain a building permit for installation of all new equipment.
3. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
4. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required.

**C. Clearwire Co-location #UT-SLC065; 2870 West 6620 South; Conditional Use Permit; R-1-10E Zone; Clearwire US, LLC/Keven Crowther (applicant) [#CUP20070034; parcel 21-21-326-009]**

Staff recommended the Planning Commission approve the proposed Conditional Use Permit subject to the following conditions:

1. The use of the property shall conform to the narrative, the site plan, and the elevations dated 8/8/07, as contained within the application and this staff report, except as modified by these conditions.
2. The applicant shall obtain a building permit for installation of all new equipment.
3. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
4. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required.

5. Rental fee and co-location agreement negotiations underway between Clearwire, LLC, and the City of West Jordan for locating the facilities within a City park shall be completed prior to issuance of a building permit.

**D. Formco, Inc. Fuel Storage Tank; 5680 West Dannon Way; Conditional Use Permit within the Drinking Water Source Protection Overlay; M-1 Zone; Formco, Inc./Kirby Justesen (applicant) [#CUP20070032; parcel 26-02-400-008]**

Staff recommended conditional approval of the Conditional Use Permit for Formco, Inc., located at 5680 West Dannon Way within an M-1 Zoning District and Water Source Protection Area Zone 3 based on the findings noted in the staff report and the conditions of approval set forth below.

Conditions of Approval:

1. The Conditional Use Permit shall be in general conformance with this Conditional Use Permit and shall be subject to review/revocation as per §89-5-404.
2. Applicant shall comply with the Narrative information and site plan contained within the staff report.
3. The project shall comply at all times with West Jordan City Best Management Practices regarding installation and continuing use of the proposed above ground storage tank. These BMP standards are available on a CD-ROM from the Engineering Department.
4. Detailed plans for a fire and building code-compliant containment facility around the base of the proposed above-ground tank shall be provided with the building permit application.

**MOTION: Justin Stoker moved to approve the Consent Calendar as listed in the Planning Commission packet. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.**

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**2. Dixie Valley Rezone; 6200 -7000 South Bangerter Highway – 3800 West; Rezone approximately 162 acres from R-1-8A (single-family residential 8,000 square foot minimum lots) to R-1-6A (single-family residential 6,000 square foot minimum lots) Zone; Nancy Dolle (applicant) [#ZC20070008]**

Jeremy Olsen gave an overview of the request to rezone the Dixie Valley Subdivision. The Dixie Valley area was platted under the jurisdiction of Salt Lake County before being annexed into the City of West Jordan. As a result, the lot sizes did not match the designated R-1-10 zone, which was the smallest zoning district at that time. In the early 1980's the R-1-8 zone was established, and the subdivision was rezoned. R-1-6 zones were introduced to West Jordan in 2000. The average lot size in Dixie Valley is 7,600 square feet, which does not meet the current minimum of the R-1-8 zone. There are a total of 663 residential lots and two non-residential lots within the development, all of which are developed. Mr. Olsen explained the differences in the two zoning districts, which mainly deal with the minimum lot size and the front and rear setback requirements. The land use designation would remain the same for either zone. A petition had been submitted by the applicant, which contained signatures of 410 occupants being almost 2/3 of the subdivision.

Staff recommended the Planning Commission forward a positive recommendation to the City Council to rezone 162 acres of land located between approximately 6200 South on the north, the Bangerter Highway to the east, 7000 South to the south, and the Utah Lake Irrigation Canal to the west (3800 West), which area is also known as the Dixie Valley Subdivision, from R-1-8A to R-1-6A.

David McKinney pointed out that the maximum building lot coverage in the R-1-6 zone is 40% while R-1-8 is 35%. He understood that the request would simply make the zoning conform to what exists in the area.

Jeremy Olsen stated that the smallest lot in the Dixie Valley Subdivision is 6300 square feet, which would comply with the requested zone.

Nancy Dolle, 3895 West Owensboro Drive, applicant, explained that she had noticed that 95% of the properties in the area were under the 8,000 square foot requirement and felt that something should be done about it. The change would also benefit the entire subdivision in regards to building expansions and home improvements. The rezoning process had taken about a year, and most of the people she'd talked to seemed to like the idea of the rezone.

Russ Gardner, West Jordan resident, wondered why Dixie Valley wasn't automatically rezoned to R-1-6 in 2000 when the ordinance allowed it instead of wasting tax dollars to hold the meeting now.

David Beecher stated that Mr. Gardner should direct the question to staff after the meeting.

Nancy Dolle submitted pictures of homes in the neighborhood that don't conform to the current zoning regulations with regards to home placement.

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 the Dixie Valley Rezone located between approximately 6200 South on the north, Bangerter Highway to the east, 7000 South to the south, and the Utah Lake Irrigation Canal to the west (3800 West), which is also known as the Dixie Valley Subdivision; Nancy Dolle (applicant) to rezone 162 acres of land from R-1-8A to R-1-6A based upon the positive findings of fact received in the hearing. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.**

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**3. Three Forks Phase 1 Amended Condition; 8200 South 6000 West; Amended Subdivision Condition Regarding Exterior Development Fencing; R-1-10E Zone; Peterson Development/Warren Kirk (applicant) [#APP20070004; parcels 20-35-300-010, 20-35-300-017, 20-35-300-016, 20-35-300-027]**

Jennifer Jastremsky gave the history of the fencing requirements for the subdivision. The condition was to match the fencing on 8200 South. At the time of approval the only existing fencing was a white vinyl fence. She stated that Three Forks Phase 2 is under construction and is approved with a six-foot white vinyl fence. There are also developments in the vicinity that have masonry fencing. She pointed out that the subject fence does not connect to any fencing in the Oaks, and it is separated by a park. Some of the properties have since installed matching tan side yard fencing as well as landscaping. She reviewed questions to consider in the matter.

Staff recommended that the Planning Commission discuss the merits of each option, solicit public testimony and select the best option that meets the intent of the conditions of approval and the Zoning Ordinance.

1. Deny the request to modify the condition of approval. This would result in the developer replacing the existing tan fence with a white fence.
2. Approve the request to modify the condition of approval with a requirement that all fencing in the Three Forks development match the design in phase 1. This would result in a consistent fencing theme throughout the Three Forks development but would require the developer to replace the fence under construction in phase 2.
3. Approve the request to modify the condition as requested by the applicant. This would result in no change to the existing or planned fencing.

Jennifer Jastremsky pointed out the phasing of Three Forks on the overhead map as well as the current fencing requirements. At the request of Commissioner Dupaix she explained that the issue came forward during a routine bond inspection for Phase 1 when staff noticed that a different fencing type had been installed. Staff determined that an amended condition would have to be heard by the Planning Commission in order to make a change in the requirement. The subdivision bond is still in place.

Warren Kirk, Peterson Development, 225 South 200 East, stated that when this was approved the intention was to continue the theme. However, between that time and development the LDS Church developed, Bloomfield Estates to the east began development, and the theme had changed. They were also given a condition to increase the size of the park-strip that goes around the corner of 8200 South and 6000 West, which is a bigger buffer and changes the look. Because of that, he didn't feel that it would be as obvious that it was a different theme. He pointed out that the tan color is more expensive, so they weren't trying to save money, but they were trying to blend it in. He stated that in the 25 years that Peterson Development had been developing in West Jordan they, for the most part, had tried to be conscientious about their development. Although they are not always perfect, they are trying to do what is best. He felt the language of the condition was vague, which is why they made the choice they did. They were trying to blend in with the earth tone colors that are being used in the construction. He stated that over 50 notices were sent out for the hearing, and he didn't see that anyone was here to speak against it. He went over the questions posed by staff to the Commission, and felt that based upon the information they have it shows the intent of the change was pure in nature to create a design that blended in.

Ellen Smith asked why Peterson Development didn't ask for a clarification on the color of the fence prior to installing it if the condition was vague.

Warren Kirk thought that the wording of the condition was to use the same materials used in the Oaks, meaning masonry columns with 6-foot high privacy fencing. He said they are not trying to shortchange or cut corners. He felt that the tan vinyl is more aesthetically pleasing and blends in with the colors and landscaping. There aren't any other white fences that currently or that will touch this fence.

Ellen Smith stated that a single phone call could have avoided this confusion.

Warren Kirk said that they felt they were developing the fence in accordance with the condition. He said that staff reviewed it, but it took them ten days to tell him that they couldn't give approval for the change and that he would have to make application to the Commission.

David McKinney read from the staff report of January 19, 2005, on page 2 that said, "*Normally a masonry fence is required, however staff recommends that the planning commission approve continuing a theme and color of a residential right-of-way fence to match an adjoining fence that was previously approved as per Section 89-6-803 (g)(1)(a). Jordan Hills Villages has provided a 6-foot white vinyl fence with masonry pillars at 20-foot intervals along 8200 South and staff recommends that the same fencing be provided in Three Forks Phase 1.*" He felt that the requirement was pretty clear, and that if something different comes up they should ask a question.

Warren Kirk said that was in 2005, and they saw that other fencing type being installed had changed, and also they could have pulled other language from the file. He said that it's clear that a mistake was made, and that is why they are here tonight. They are willing to change the fence, but he felt that the existing fence is aesthetically pleasing. The condition speaks of an adjacent fence, but there is not one. He said the report was written with the intention to provide something that would look good. What changed between staff's report, the Planning Commission approval, and development were several development phases from other developers with different walls and themes. He was hoping that now they can just provide something that is aesthetically pleasing.

David McKinney didn't think that just building a good looking fence satisfies the condition of approval.

Warren Kirk restated that they made a mistake, but he didn't think tearing it out was an option, because people have designed and built their homes around it. Planning staff cannot change the condition of the Planning Commission, and that is why they are before them tonight.

David McKinney asked about the fencing for Phase 2, which is white, and asked if it connects with the Jordan Hills fencing.

Warren Kirk said there is currently an undeveloped piece between them.

Jennifer Jastremsky pointed out the property and said that is Phase 16 of the Oaks, and it will eventually be developed, and the fencing will match up with Three Forks Phase 2.

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

James Dupaix said he lives in the Oaks and drives by the fencing daily. He said a mistake was made, and he was glad, because the existing fencing is much more harmonious with the fencing on 8200 South. He thought that Peterson should have addressed their desire to change the condition early on. He was in favor of changing the condition, and he felt that the decision should also weigh very heavily on the fact that the residents have already incurred expense by installing matching fencing.

Justin Stoker agreed that a white vinyl fence with masonry pillars is ugly and does not blend well. The staff report stated that the fence should be white, but there is a final report issued after the approval that did not list the color of the fence, so he understood where it could have been misinterpreted. They can't hold the developer to a staff report, but it should be to the conditions of approval. He agreed that the tan fencing should be allowed to remain and that it was installed with the idea that it was more harmonious with the neighborhood.

David McKinney said that even if the Commission grants the applicant's request for the change, this sort of approach could represent the applicant just getting lucky. Through their sloppiness they got something different, which looks fine, but it doesn't comply with the requirements. The only saving grace is that the fence does not connect to the other fencing. It wouldn't work to change the color of the fence in Phase 2, because it will connect to the Oaks fencing, but that fencing is in compliance.

**MOTION: James Dupaix moved to approve the modification of the condition as requested by the applicant, based upon the findings of fact that were made that it is harmonious to the subdivision, that it does not need to connect to the same theme as the Villages, and is more harmonious with the fencing on the east and north. The motion was seconded by Nathan Hendricks.**

**AMENDED**

**MOTION: David McKinney moved to have the motion state specifically that the approval applies only to Three Forks Phase 1. The amendment was accepted by James Dupaix and Nathan Hendricks and the motion passed 6-0 in favor. Nola Duncan was absent.**

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**4. Michelsen Subdivision (2 lots); 8376 South Old Bingham Highway; Preliminary Subdivision Plat; .59 Acres; R-1-8A; Kurt Michelsen (applicant) [#SDMA20070021; parcel 21-32-408-008]**

Scott Langford gave an overview of the request for a 2-lot subdivision. A home had been built on the property in 2005. Both lots will meet the minimum square footage, and Lot 1 will be accessed with a private drive with a permanent easement recorded. Access to the existing home will remain on Old Bingham Highway.

Staff recommended that the Planning Commission approve the Preliminary Subdivision Plat for the Michelsen Subdivision, located at 8376 South Old Bingham Highway in an R-1-8A zoning district.

1. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance, and the requirements of the R-1-8A zoning district.
2. The Michelsen Subdivision shall conform to the subdivision plat date stamped October 17, 2007 as part of this application, except as modified by these conditions.

3. The final plat shall be amended to show a more detailed description of the required Clear Area around the private street. In addition a note shall be added to the final plat stating: "Clear Area shall be free from bushes, trees, and/or other structures."
4. The approved Preliminary Plat shall remain valid for one year following the date of approval [Section 87-3-108(a)].
5. 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.
6. The Private street shall be owned and maintained by the owner of Lot #1 and shall be kept free of parking to maintain the required emergency vehicle access to the property.

David McKinney asked how they can make sure maintenance occurs for the private street.

Scott Langford said that the mechanism for maintenance has not been established. Due to the small size of the subdivision a homeowners' association is not feasible.

Reed Scharman commented on the question from Commissioner McKinney regarding acceptance of the street by the Fire Department stating that it is within the 150-foot distance.

David Beecher asked if private drives have the same setback requirements as typical lots.

Scott Langford said the setbacks would be handled as a cul-de-sac.

David Beecher said the existing home appeared to encroach on the setback.

Scott Langford stated that staff went to the site to verify the setbacks and potential impacts. The applicant had gone through many iterations of the plan. There is a small area designed to allow vehicles to turn around, but a full turnaround was not required.

The applicant was not in attendance.

Justin Pelch, West Jordan resident, pointed out his property and stated that the snow plows currently don't plow that section of the road on 3450 West and asked how they will remove the snow in front of his driveway if they go through that area. He didn't mind the development, but he wondered how long it would take to complete the work and who would make sure he complied with all of the rules and regulations. He referred to the gutter that was removed by the applicant and replaced with asphalt instead of concrete. He also asked how this would affect the property and fence lines that have been there for 35 years.

David Beecher asked if there were someone at the City that Mr. Pelch could keep in contact with during the construction process.

Tom Burdett stated that Scott Langford could follow up with him tomorrow.

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

**MOTION:** Justin Stoker moved to approve the Preliminary Subdivision Plat for Michelsen Subdivision; 8376 South Old Bingham Highway; Kurt Michelsen (applicant) based upon the positive findings of fact. The motion was seconded by David McKinney.

James Dupaix asked why the applicant wasn't in attendance. Scott Langford stated that he wasn't aware of the reason. James Dupaix said he might vote against the motion, because he was hesitant to go forward without the input of the applicant.

Nathan Hendricks had questions for the applicant and would support a motion to table the item.

David McKinney disagreed. The applicant's intent is stated in the application, and he didn't think there were any issues of significant concern that could prevent them from taking the requested action.

It was pointed out that the final approval would be staff review unless conditioned otherwise.

**ROLL CALL VOTE:**

Justin Stoker	Yes
James Dupaix	No
David Beecher	Yes
Nathan Hendricks	No
Ellen Smith	No
David McKinney	Yes
Nola Duncan	absent

The motion failed 3-3.

**MOTION:** Nathan Hendricks moved to table the Preliminary Subdivision Plat for Michelsen Subdivision; 8376 South Old Bingham Highway; Kurt Michelsen (applicant) to the December 5, 2007 Planning Commission meeting. The motion was seconded by James Dupaix.

**ROLL CALL VOTE:**

<b>Nathan Hendricks</b>	<b>Yes</b>
<b>Justin Stoker</b>	<b>No</b>
<b>James Dupaix</b>	<b>Yes</b>
<b>Ellen Smith</b>	<b>Yes</b>
<b>David McKinney</b>	<b>Yes</b>
<b>David Beecher</b>	<b>Yes</b>
<b>Nola Duncan</b>	<b>absent</b>

**Motion passed 5-1 in favor of postponement.**

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- 5. Meadow Creek Offices Rezone and Land Use Amendment; 9075 South 2700 West; Amend the General Plan Land Use from Low-Density Residential to Professional Office and Rezone .83 acres from RR-.5B (Rural Residential .5-acre minimum lots) to P-O (Professional Office); Overson Realty/Brent Overson (applicant) [#GPA20070008 & ZC20070013; parcel 27-04-401-002]**

Jennifer Jastremsky gave an overview of the request for a land use amendment and rezoning for a proposed office building. The proposed use will provide a buffer to the residential uses from the noise and traffic of 9000 South. The existing home fronts 2700 West and is not connected to the neighboring subdivision, which lends itself to redevelopment. Any items requiring mitigation can be addressed during the site plan process. A conceptual plan was shown with a substantial landscape buffer and setback.

Staff recommended that the Planning Commission accept the findings and recommend approval of the proposed General Plan Amendment and Rezoning.

Brent Overson, applicant, 1062 West Stanley Glen Lane, showed the proposed office design, which they felt would be a good transitional use for the area. He gave a brief history of the existing home, which was built in 1962. He said he had met with the adjacent homeowners to receive their input on the development and the buffer areas.

Nathan Hendricks asked if the property owner were building the office or if it would be sold to another party.

Brent Overson said the property owner would build the office.

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 the Meadow Creek Offices Land Use Amendment; 9075 South 2700 West; Overson Realty/Brent Overson (applicant) to amend the land use designation for .83 acres from Low-Density Residential to Professional Office based upon the findings of fact in the staff report. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.**

**MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for the Meadow Creek Offices Rezone; 9075 South 2700 West; Overson Realty/Brent Overson (applicant) to rezone .83 acres from RR-.5B to P-O based upon the positive findings of fact in the staff report and as discussed in the hearing. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.**

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**6. Arctic Circle; 5600 West New Bingham Highway; Final Site Plan; P-C Zone; NFM Real Estate/Preston Naylor (applicant) [#SPCO20060033; parcel 26-01-100-015]**

Scott Langford gave an overview of the final site plan for a fast-food restaurant to be located in the West Jordan Marketplace development. He reviewed the comments and recommendations from the preliminary meeting and showed how the issues were addressed. The Architectural Review Committee met and gave recommendations for the site. They recommended a more water-wise approach be taken. The landscape plan was reviewed by the landscaping consultant and meets the water-wise plant requirement. He showed an area south of the building that was turf, which will be replaced with decorative rock following the recommendation of the ARC. As a result of the design review the building had been moved to provide more outdoor dining. Building elevations have changed slightly to include additional rock that was recommended by the review committee. The original cabinet signs had been changed to individual pan channel lettering. However, they would still like to maintain a cabinet sign for a menu board. Staff recommended eliminating that type of sign, because it does not help to set this development as a higher standard. However, the applicant could show where there is a need for a menu board and apply for a monument sign that could help facilitate that desire. He reviewed the type of pan channel lettering that is desired and asked that they not include raceways on the signage. As the first commercial development into the West Jordan Marketplace it will set a precedent with regarding the style and materials of signage that will put a nice finishing touch on the development. He stated that the applicant had done a great job on the project and had been willing to enhance architecture and upgrade the landscaping.

Staff recommended that the Planning Commission accept the findings and approve the Final Site Plan for an Arctic Circle fast food restaurant located at 5549 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 Arctic Circle Final Site Plan shall conform to the site plan date stamped October 19, 2007 as part of this application, except as modified by these conditions.
2. Approval of the Final Site Plan shall become null and void if development does not commence within one year of the approval.
3. All Preliminary Site Plan conditions of approval required by the Planning Commission on June 20, 2007 shall be met.

4. The building elevations shall be amended to show only backlit individual pan channel letters with no raceways, as approved wall signage.
5. All City Codes, Ordinances, Standards, Specifications, and Policies in affect at the time of approval shall be met, unless otherwise specified by the preceding conditions of approval.

Preston Naylor, NFM Real Estate, 22 East 100 South #300, representing Arctic Circle, stated that because they are in a P-C zone they had been working extensively with staff and have developed a really nice product. Regarding the signage, they are willing to do what the Commission requires, but they do feel that the reader board is very important. There is no monument sign, and banner signs are not allowed in the zone. If they want to communicate a special they are unable to without it. He felt that a trade off to providing the pan channel letters without raceways would be to allow the reader board. He felt it a pleasure to work with West Jordan and appreciated the time and effort that was put into their project.

Nathan Hendricks asked if most of Arctic Circle restaurants have reader boards.

Mr. Naylor stated yes, with maybe one exception in Saratoga Springs.

James Dupaix asked if the reader board would have removable letters or if it would be electronic.

Gary Roberts, representing Arctic Circle, stated that the letters are removable. There are two of their restaurants without the reader board, but it handicaps them, especially when the pylon signs are eliminated. They use the signs to show specials and to announce hiring.

James Dupaix asked if they would agree to an electronic reader.

Mr. Roberts said they could do either one.

James Dupaix asked if the reader board would comply with the sign ordinance.

Scott Langford said wall signs not more than 15% of the façade are allowed, but the requirement relates to the fact that it is in the West Jordan Marketplace and P-C zoning district with a higher design standard.

Justin Stoker asked if there would be any plants in the decorative rock area to the south.

Preston Naylor said that suggestion was from the architectural review committee.

Gary Roberts said it is only decorative rock, but there is 25% landscaping elsewhere on the site. He wasn't opposed to desert style plants in the rocks.

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

Justin Stoker wanted to see some plant life in the decorative rock area. He wasn't opposed to the reader board, but he would rather it be on a monument sign.

Nathan Hendricks agreed with the suggestion to move the reader board to a monument sign. Regarding the rock landscaping, he felt that turf would be better given the high volume of teenage traffic, and it would also make it feel more part of the neighborhood.

Tom Burdett gave an explanation regarding the make up of the design review committee and the history of its formation. The Design Review Committee will be used as an advisory group on design review with the exception of certain requirements in the development agreement that added some other participants. He stated

that he could provide Commissioner Hendricks with the names of who was on the committee. The City Council did not designate a spot for a Planning Commissioner on that committee.

James Dupaix asked if a monument sign were allowed in the P-C Zone.

Scott Langford stated there are two types of monument signs allowed.

James Dupaix didn't think that the monument reader board was appropriate for this area due to the high number of high school students that will be at the site. He also felt that decorative stone or bark would be scattered onto New Bingham Highway by those same students, and he felt that the turf should remain. He liked the idea of the requirements in condition #4, but also approving an electronic reader menu board. He recommended that either staff or the design review committee consider the design of the sign to make sure it is what they want as the precedent for design standards.

David McKinney asked for clarification of whether or not the P-C guidelines are just guidelines or if they set specific standards.

Scott Langford stated that these design guidelines were fairly vague, and staff did their best to interpret them with good judgment. There is nothing that would specifically prohibit that type of signage.

David McKinney agreed that they need to be careful with the precedent so they don't end up with something they didn't really want. However, it is reasonable to give a business owner a method to communicate with customers, and he agreed that an electronic reader board could be suitable.

David Beecher agreed with Commissioner Dupaix that they could allow the reader board on the building to avoid a monument sign, but more from a traffic distraction point of view.

Nathan Hendricks asked if the Commission could be very specific in the motion as to why this type of signage is being allowed in order to address the precedent with future businesses.

David Beecher asked for clarification on the half-road on 5600 West.

Scott Langford explained that the City Council allowed for a half-road for West Jordan Marketplace. He stated that the applicant will be adding asphalt to the west side of the road, which helps in sight visibility and traffic circulation.

**MOTION:** James Dupaix moved that based upon the findings of fact in the staff report and additional finding of the proximity of the high school and the elementary school and the nature of the predominant customer base to approve the Final Site Plan approval of Arctic Circle fast food restaurant; 5594 West New Bingham Highway; NFM Real Estate (applicant) with the conditions of approval as listed in the staff report, amending:

4. The building elevation shall be amended to show only backlit individual pan channel letters with no raceways, but also approving as part of the wall signage an electronic reader board as designed by the applicant and approved by staff, keeping in mind the harmonious nature of this as the first of this type of development in this planned community.

**Adding:**

6. The landscaping be turf rather than rock.

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

Clarification was given that the reader board was part of the wall signage. Staff recommended that it be reviewed by staff and not the Design Review Committee. James Dupaix accepted the suggestion.

David McKinney thought that turf was only needed in the high foot traffic areas and not in the area immediately south of the building or other areas where there is not a lot of foot traffic.

James Dupaix felt that because of the amount of teenagers accessing the property that they shouldn't have landscaping materials that are removable and throwable.

**VOTE: The motion passed 6-0 in favor. Nola Duncan was absent.**

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**7. Text Amendment – Trail Fence Standards; City-Wide; Amend the West Jordan Municipal Code - Section 89-6-803(h) Trail Fences and the West Jordan Parks, Recreation & Trails Master Plan - Chapter 4 Trails; City of West Jordan (applicant) [#TA20070008]**

Jeremy Olsen stated that the Planning Commission had previously heard this item and sent it back to the Parks and Open Lands Committee for further recommendations. That Committee recommended six changes, including adding the term 'clear view' to the fencing section, a requirement for a maximum distance of 6" for vertical fence members, a mow strip was included for maintenance, the screening definition was modified to allow for landscaping materials, language was inserted to allow for gates that match surrounding fencing materials, and they also included a height requirement of six feet.

Staff recommended that the Planning Commission provide a positive recommendation to the City Council to amend the West Jordan Municipal Code to include regulations regarding fencing along trail corridors; *Section 89-6-803(h), Fencing and Screening, General provisions and regulations*; and *Section 87-5-116(b)(12), General Design Principles* as suggested by the Parks and Open Lands Committee, based on the findings of fact listed in the staff report.

David McKinney stated that no color is mentioned for the masonry pillars and wondered if it should be specified.

Jeremy Olsen said that was discussed, but the Committee wanted to allow for some flexibility. However, the Planning Commission could make a recommendation. The required materials are either rock or stone, and colors for those materials are fairly limited.

Justin Stoker liked the revised ordinance amendment, but he would like to define the size of the mow strip mentioned in Section 2 of the Trails section to be a twelve-inch wide concrete mow strip.

Nathan Hendricks stated that he would not vote for the amendment for the same reasons he gave in the previous meeting, because these would exclude small pets and children, and he felt that the homeowners should be given options.

David Beecher stated that is part of the reason he would like to encourage trails that front the right-of-way instead of backing homes. The issue was not addressed in the ordinance as to how far away another fence could be placed. He was just trying to be proactive in this regards, because people will install other fencing.

Tom Burdett said this ordinance came into place because of the desire of the Commission to set a consistent standard for fencing along the trail system. The Commission can make this ordinance whatever they want. He didn't know if the City wanted to control fencing to that degree, but the Commission can make a recommendation that they feel is best.

Jeremy Olsen said that double fencing could also be addressed in another section of the code.

Nathan Hendricks also felt that the double fencing issue needs to be addressed, because he sees the problem in other cities where open fencing is required.

**MOTION:** Justin Stoker moved to forward a positive recommendation to the City Council to amend the West Jordan Municipal Code to include the regulations regarding fencing along trail corridors Section 89-6-803(h) Fencing and Screening, General Provisions and Regulations, and Section 87-5-116(b)(12) General Design Principles, as suggested by the Parks and Open Lands Committee based upon the positive findings of fact listed in the staff report including the definition of a mow strip as being concrete 12 inches wide. The motion was seconded by James Dupaix and passed 5-1 in favor with Nathan Hendricks casting the negative vote. Nola Duncan was absent.

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**8. Text Amendment – Parking Surfaces; Amend the West Jordan Municipal Code Title 89 Relating to Parking Surface Requirements for RVs, boats, trailers, etc., in Residential Districts; City Wide; City of West Jordan (applicant) [#TA20070009]**

Jeremy Olsen gave an overview of the history of the request to amend the ordinance regarding parking surfaces. Issues of water quality were raised. Staff learned that impervious materials such as concrete or asphalt contribute to the degradation of water quality, so permeable materials like gravel and pavers help to improve water quality. They also help to reduce the amount of runoff that is stored in the system, reduces the exposure of water to pollutants, and allows for aquifer recharge. The recommendation from the City Council was for the Planning Commission to consider additional surface materials to include grasscrete, pavers, gravel, turf block, rock stone, and permeable asphalt or concrete. The City Council also recommended the removal of side yard screening requirements. Staff also recommended changing the word ‘boat’ to ‘watercraft’, which would include smaller vessels as well.

Based on the findings of fact listed in the staff report, staff recommended that the Planning Commission provide a positive recommendation to the City Council to amend *Section 89-3-307(h), General Provisions – Residential Zones* of the West Jordan Municipal Code to include additional parking surface construction materials and removal of screening requirements as suggested by the City Council.

Ellen Smith liked the amendment, but she took exception with the environmental analysis that aquifer recharge is a reason for the change, because there are a lot of greases and oils that come from parking areas that shouldn't be in the groundwater. However, she said that probably won't be a problem for 90% of the properties in West Jordan, because most of it is clay, so there won't be the filtration into the water table.

Jeremy Olsen said the guidance from the Utah Department of Environmental Quality was that there will be water runoff regardless and it is better to take care of it at the source than to have it collect into state water. Some of the aquifers are several hundred feet down and takes some time for the water to get there, so the soils and rocks will filter the water. Either way it is a concern.

Ellen Smith was pointing out that the water doesn't start out clean. It may be clean by the time it hits 900 feet.

Tom Burdett said there is a way to offer a better management practice with a fiber barrier if it is a concern for high percolation soils. That would not be easily enforced, but they could use that as an education item in the community newspaper.

Ellen Smith agreed that it is better to deal with the problem at the source.

David Beecher asked if these parking options could be restricted from the drinking water protection overlay areas.

Tom Burdett said most of the recharge area is industrial in nature. Jeremy Olsen stated that this amendment only refers to the residential areas, such as their side yard. However, it could be included in the ordinance.

Justin Stoker didn't like the amendment at all. He felt that the options create more of a maintenance issue with the possibility of weeds and spread of gravel into other areas. He felt that if someone can afford a boat or RV they can afford to pour a concrete pad. He didn't like the idea of the 80% screening wall since it could create a 12-foot fence in some cases.

David McKinney said he would not like a gravel driveway next to his home, because they can end up becoming a dirt path with weeds. He thought gravel driveways made sense for rural residential zones. He didn't think that the drainage and runoff issues were very big, because these surface areas are so small. He felt that the total elimination of the screening portion of the ordinance was a mistake.

Bryan Menzel, West Jordan resident, explained that when he purchased an RV he looked into the zoning code, knowing that he would eventually have to put it on a pad. About a month ago he was cited for not having a concrete pad. He spoke to Kim Rolfe about the issue and then drove around West Jordan and took pictures of over 100 properties within a 2-hour period where the vehicle is on the side of the house without the concrete pad and some without screening. He noted some commercial properties that also have gravel or dirt parking areas. The City Council has proposed the change, and he felt it was a good one. He agreed that concrete does look nice, but the City Council had acknowledged that there could be ways to mitigate problems that might be created with gravel areas. It is a true hardship for people to have to come up with the money necessary to install the concrete in the limited timeframe given by the enforcement officers.

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

Nathan Hendricks didn't realize that parking of RV's was even allowed in the front yard, and he didn't agree with that. He didn't have a problem with allowing for the alternate materials. He felt they should be required on the side yard and fenced, but not higher than what the standard fence is.

James Dupaix asked when the current ordinance was passed.

Jeremy Olsen said the original ordinance was adopted in 2004 and amended to add the front yard 10-foot rule in 2005.

James Dupaix asked if they can cite continuous uses that started prior to the passing of the ordinance.

Tom Burdett said in his experience a mobile vehicle is temporary and doesn't establish conforming and non-conforming rights. Also, it is too difficult for the enforcement officers to determine which vehicles have been there since 2004. This is a matter of setting a standard for the community and getting the word out.

James Dupaix said he didn't have a problem with allowing gravel or pavers, and he felt that the ordinance already addresses the maintenance issues. He was struggling between the ideas of property use and how much they should restrict that use. He would be in favor of the change, because it is almost impossible to enforce as it is written now.

Justin Stoker said if they recommend the approval of the additional surface types then he felt they should also require a border between surface types in order to keep the gravel from the grass. He also said the code should state that it be well maintained. Regarding screening, he thought the fencing standard should be whatever is required normally, but that vegetation could be used to get to the 80%.

It was pointed out that the screening portion of the ordinance is suggested to be eliminated altogether.

David Beecher felt that for aesthetic purposes anything in front of the home should be on a more impervious surface and behind could be the optional surface.

David McKinney didn't like getting rid of the screening, but it could include an amendment to the 80% requirement. The compromise of concrete in the front yard area and gravel in the side to back yards seems doable.

Justin Stoker favored the screening ordinance, but felt there could be a limitation as to what could be parked at your house. Items that are too large should be parked at a commercial lot. He wondered if there could be a maximum height. He also didn't mind the optional surfaces if they were in the back yard and screened. He also thought that they should allow for more flexibility with the timeframe for installation of the surfaces.

David McKinney said he would favor sending this item back to staff to prepare a different approach. He asked for the timeframe for forwarding their recommendation.

Tom Burdett said there is interest in getting it done quickly, but they also want a quality product. They could continue the item if staff were given some good direction.

David McKinney said the issues they are dealing with are enforcement, RV storage in the front yard, and the parking surface. He didn't want the storage in the front yard, screening is necessary, but not 80%, and the enforcement issues need to address practical factors that relate to timing.

David Beecher noted that another issue with parking in the front yard deals with security of the vehicles.

James Dupaix noted that there are different residential zones that might be more appropriate for larger vehicles.

Nathan Hendricks agreed that they should look at this again, and he suggested that a Commissioner could be chosen to work with staff on the issues.

Tom Burdett said perhaps not just one Commissioner, but a sub-committee.

Nathan Hendricks volunteered to be on the sub-committee.

Justin Stoker suggested that Jeremy consider a border between different surfaces, such as concrete or railroad ties. They should also review the timeframes for construction of the surface area, and leniency for residential zones that are less dense or half-acre lots.

Nathan Hendricks asked if they could recommend a twelve-month moratorium on citations while this is being revised.

Tom Burdett said the Commission could make any recommendation they wanted. However, what the City Council wanted to do is see if there were an amendment that could be made to the code that opened up the palette of surfaces for RV parking.

Reed Scharman stated that they had been down this road before. He gave a history of when the code was changed to allow parking in the front yard. When looking at the amendment he requested that they refer to the surface as parking area as opposed to driveways, because there are fire requirements for response, and some flag lot situations could be an issue.

David Beecher said one reason he moved to West Jordan was for the appearance of the yards, and he didn't want to encourage front yards to be used as a parking lot.

**MOTION:**     **Justin Stoker moved to continue this item with the recommendations provided to the December 5, 2007, Planning Commission meeting, without the need for the sub-committee.**

**The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.**

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**9. 2008 Planning Commission Meeting Calendar**

The Commission briefly discussed the calendar. Amendments could be made throughout the year, if necessary.

**MOTION: Justin Stoker moved to accept the 2008 Calendar as listed in the Planning Commission packet. The motion was seconded by James Dupaix and passed 6-0 in favor. Nola Duncan was absent.**

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Tom Burdett gave some background information regarding the management analyst positions within the City, which will rotate areas of assignment in order to receive a broad background of management. He reviewed some of the projects that Jeremy Olsen had taken part in to this point. City Council took action to eliminate the new portion of 9000 South from the truck route. They also approved the amendment to the Stone Creek master plan with some modifications.

There was a discussion regarding the possible restriping of 9000 South to improve traffic circulation by creating three lanes in each direction. Tom Burdett stated that UDOT is doing a study of that option for their portion from Redwood Road to I-15. He didn't know if the City would do the same.

There was a discussion regarding conducting the Pledge of Allegiance at the beginning of each meeting. The Attorney's Office will look into it. There was a discussion regarding recent election results.

**MOTION: James Dupaix moved to adjourn.**

The meeting adjourned at 9:16 p.m.

David L. Beecher  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

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