

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 16, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: James Dupaix, Nathan Gedge, David McKinney, Justin Stoker, Ellen Smith, and John Winn.
Nathan Hendricks was excused.

STAFF: Tom Burdett, Jeffrey Robinson, Julie Davis, Greg Mikolash, Madeline Francisco-Galang, Chris Gilbert, Reed Scharman, and Tim Heyrend.

OTHERS: Harry Holder, Scott Warrington, Jack Perry, Russell Warrington, Jenny Warrington, Merlyn N. Olson, Bret Whetman, Paul Jensen, Chris Jensen, and Jim Johnson.

The briefing meeting was called to order by James Dupaix.

Chris Gilbert distributed a letter of concern received by an adjacent property owner to Item #2 and summarized the concerns. Condition #1 can be removed per the Traffic Engineer. An explanation was given to the Commission regarding an issue of a deed gap in the property survey to the north and how that affects future improvements to the City right-of-way. The issue of property upkeep was discussed as it related to weeds on the City property.

Jeff Robinson reviewed the materials to be considered regarding the recodification of the zoning code.

The regular meeting was called to order at 6:00 p.m.

1. **Consent Calendar**
- A. **Approve Minutes from January 2, 2008**

MOTION: Justin Stoker moved to approve the Consent Calendar as listed in the agenda. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

2. **West Jordan Kingdom Hall of Jehovah's Witnesses; 3078 West 8900 South; Conditional Use Permit, Preliminary Subdivision Plat, and Preliminary Site Plan; RR-1D Zone [#CUP20070011, SDMA20070008, SPCO20070013; parcel 27-04-152-010]**

Chris Gilbert gave an overview of the location and layout of the proposed 5,000 square foot church. He reviewed the site plan, which meets all landscaping, setback, parking, and access requirements. Building materials will include masonry, stucco, and steel. The subdivision plat was required due to the nine feet of additional dedication for 3200 West. Churches are a conditional use in the residential zone, and staff felt that the criteria were positive and the use was consistent with other churches in the area. A letter was received by a neighboring property owner, Tom Chase, who wrote that he would like the drive stub to remain at the western end of the lot, he would like a more durable fencing type in place of the proposed vinyl on the north property line because he keeps horses on his property, and he also wrote of a fence along the City right-of-way that allowed his horses to graze on the property to keep the weeds down, which was removed. If that fence isn't replaced he asked if the City would be willing to maintain its own property since he couldn't turn his horses loose on it. Mr. Gilbert reviewed the conditions and noted that the listed condition #1 will be removed and the drive stub be allowed as shown.

Staff recommended that the Planning Commission grant Preliminary Site Plan, Conditional Use Permit, and Preliminary Plat approval for the new West Jordan Kingdom Hall of Jehovah's Witnesses Church, to be located at approximately 8900 South 3200 West, based on the positive findings of fact 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.

1. Show driveway stub to future 8870 South at east end of parking lot and move dumpster to different

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- location to provide minimum driveway separation distance from intersection with 3200 West.
2. No improvements to 8870 South are required, however a fully improved driveway stub is required to access the street in the future.
 3. All aboveground power and utility lines to be undergrounded.
 4. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
 5. The applicant shall apply for and submit Final Site Plan and Final Plat drawings with the required fees. Final approval may be granted administratively.

David McKinney asked for staff's position regarding the request of the fence on the north and with allowing horses to graze on the City land.

Chris Gilbert said staff felt that the block wall on the east could be extended to be adjacent to the private residential property owner, which would be about 130 feet. Replacing the fence on the portion of the property that abuts future right-of-way is another issue to be worked out between the church and the property owner.

James Dupaix asked staff to comment on the gap in the survey.

Chris Gilbert said this issue had still not been resolved. What the City thought was right-of-way to the north contains a 13-foot wide deed gap. This occurred because the properties to the north and those to the south were measured off of different monuments, so the survey didn't close properly. It will take some time to resolve the issue to see who owns the property. That is why staff is not requiring the applicant to construct any improvements in 8870 South at this time. That issue had delayed the application for some time.

Jim Johnson, Salt Lake City, representing the applicant, stated that the project leader, Roger Snyder, asked him to represent the application, because he was out of town. Their stand is that they had been working a long time on the project and had met all of the redline requirements. They would like to stay with the plan as presented. They want to be good neighbors. The previous fencing was a bar type, and if they can find a fairly economic way to address the issue they will. As far as replacing the vinyl fence with block fence, that would increase the costs considerably. They are already trying to address budgetary issues with the timeline that is on the property, and they felt they could stay with the arrangement as it had been approved and shown. The change would be three or four times the cost.

Justin Stoker said the concern was that a vinyl fence might not be durable enough for horses, and he asked if he were amenable to a chain link fence instead.

Jim Johnson said they want to be good neighbors and work with them, and he felt that a chain link fence would be a better alternative.

Merlyn Olson, West Jordan resident, stated that she owns six acres of property with horses in the area. She noted that Tom Chase was in California and unable to attend, but he was concerned that one fence had been taken down. A five or six-foot chain link fence would work pretty well, but horses have a tendency to destroy wood, wire, etc.

Clarification was given for the location of the access stub from the parking lot, which is about 115 feet from the driveway to 3200 West.

Merlyn Olson said she didn't plan on building any more homes or developing her property, and Tom Chase had no reason to either, because they like the open space.

David McKinney asked Ms. Olson what other types of alternative fencing would be appropriate for horses.

Merlyn Olson said there is non-climb horse fence or V-mesh fencing, which does not stretch as much as chain link. If they do install chain link or the other type she recommended a top rail and at least six feet high.

James Dupaix said he has horses and had the same fencing problems, even with cinder block walls. They found the most practical was a single strand of live electrical wire, and now the horses recognize that boundary and stay away from it.

Merlyn Olsen said that didn't work for her.

Bret Whetman, West Jordan resident, stated that his property is closest in proximity just west across the street. His questions were all cosmetic related. The views from his property are eastward and looking directly at the property. He was curious to know what the roof materials will be, because the church to the south has a big green metal roof, which had caused him to plant trees to block it.

James Dupaix said those are questions he can take up with staff, and he asked Mr. Whetman if he had comments about what he would like to see as testimony.

Bret Whetman asked what the right time for that would be.

James Dupaix said he could comment with staff outside of this meeting at any time. The Commission is here to take testimony, so if he would like to let them know what he would like to see they will take it into consideration.

Bret Whetman said since he doesn't have horses that's all he has.

Chris Gilbert stated that the maximum height for structures in the residential zone is 30 feet, and this building is roughly between 20 and 25 feet.

James Dupaix asked what the height of a normal house is.

Chris Gilbert said it could be as high as 30 feet depending on how the house is laid out.

James Dupaix asked if this would be very similar to a residential height.

Chris Gilbert said yes, to a large house with 5,000 square feet of floor area.

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

David McKinney said the only remaining issue seemed to be the opposition by the applicant of installing the block wall on the north. He said it relates to the site plan Criteria #2. A block wall could be an adequate barrier, but there are other alternatives for fencing horse property. The Commission could state something to the effect that the applicant shall install an adequate horse-resistant fence along the north boundary.

MOTION: David McKinney moved to approve the Preliminary Site Plan, Conditional Use Permit, and Preliminary Plat for West Jordan Kingdom Hall of Jehovah's Witnesses; 3200 West 8900 South; West Jordan Kingdom Hall of Jehovah's Witnesses (applicant) based on the positive findings of fact and with the conditions of approval listed in the staff report 1 through 5, adding:

- 6. The applicant shall install a fence suitable for containment of horses along the north boundary of the property from the east property line extending along the southern boundary of the Chase property.**

The motion was seconded by Nathan Gedge.

AMENDED

MOTION: Justin Stoker moved to amend the motion to strike condition #1 and renumber items 2 through 6 to be 1 through 5. The amendment was accepted by David McKinney and Nathan Gedge and passed 6-0 in favor. Nathan Hendricks was absent.

3. South Valley Community Church Conditional Use; 1861 West 7800 South; Conditional Use Permit for Church Use; P-O Zone (applied for); South Valley Community Church/Donald Bode' (applicant) [#CUP20070045; parcels 21-34-126-005, 007]

Chris Gilbert gave the overview of the request for a church use in an existing building. He reviewed the conditions of approval. The approval is contingent upon the successful rezoning request to the P-O zone.

Staff recommended that the Planning Commission grant Conditional Use Permit approval for the South Valley Community Church located at 1861 West 7800 South based on the positive findings of fact 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.

1. Provide a vehicle striping plan to staff that indicates how vehicle circulation and parking will be designed within the existing paved area.
2. The Applicant shall obtain a building permit and any other necessary permits for all interior remodeling work on the existing building and shall comply with all adopted Building Code and Fire Code regulations.
3. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
4. The permitting of a church on this site (as a Conditional Use) shall be subject to the approval of the Future Land Use Map amendment and rezone of the property to *Professional Office* by the City Council. The hearing date for the subject amendment(s) is January 22, 2008.

Harry Holder, 2552 West 6255 South, applicant, said they will restripe the parking. There is a general contractor involved in the project to obtain any necessary building permits, and they understand the approval is subject to the rezoning.

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

Justin Stoker said he visited the property and felt that considering the previous use the City was fortunate to find an organization or congregation to purchase and reuse the building, and it seemed to be a perfect fit.

MOTION: Justin Stoker moved to approve the Conditional Use Permit for South Valley Community Church; 1861 West 7800 South; South Valley Community Church/Donald Bode' (applicant) based upon the positive findings of fact with the conditions 1 through 4 as listed in the Planning Commission packet. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

Commissioner Stoker was excused from the meeting at 6:37 p.m.

4. Re-codification of the West Jordan Municipal Code - Workshop

Jeff Robinson said the Attorney's office had been working on recodification of the City Code primarily to eliminate inconsistencies, redundancies, overlapping provisions, and ambiguities. There were some areas where changes in the State Code made our code inconsistent. He explained that along with the proposed changes there

will be one more that will be placed in the preamble of the code which relates to language that deems the code to be permissive.

James Dupaix commented on the proposed preamble. It is the tendency of government to move toward a permissive stance, because it is easier to regulate.

David McKinney felt the permissive approach is a smarter approach, because laws are smaller and shorter and easier to interpret, and it makes more sense.

Jeff Robinson explained how the changes had been tracked when portions were moved from one title or location to another. They combined all definitions from the subdivision code and zoning code into the zoning code. The same thing was done with rules of clarification and interpretation. They eliminated any definitions that were not used in the substantive text, and there were a few that were added. There were stylistic changes that aren't so important. He proposed that the Commission have more time to look through the information, schedule a public hearing to allow for public comment. Between now and then they Commission should e-mail a list of questions or areas of concerns, which staff will respond to at the hearing. He proposed that after that the Commission will close the public hearing and schedule another session where they address the issues and make a recommendation.

David McKinney noted that several cross references were left blank.

Jeff Robinson said when they make their recommendation and the City Council takes action, the codifiers will reformat and change all the section numbers. Staff will verify those changes in the draft. The public hearing is scheduled for February 6, and they hope to have the final hearing on February 20.

Jeff Robinson took the Commission through an overview of the substantive changes.

Title 16

These are all sign regulations from Title 89. The use chart remains in Title 89, because it deals with the zoning districts where signs are allowed. For the most part it is a reorganization of the sign regulations. The only substantive change is 16-3-103(d)(7) through (11). These sections deal with new laws passed by the legislature last year that deal with repair, rebuilding, restoring, and modification of billboards.

James Dupaix asked about the new hearing board.

Jeff Robinson said for now the City Manager is the hearing board. There have been discussions about creating a separate hearing/appeal section, but for now it is with the City Manager or a board appointed by him.

James Dupaix asked why that isn't a planning and zoning issue.

Jeff Robinson said this will take the political ramifications off the hands of the Planning Commission and City Council.

Title 87

Section 87-3-103 was made consistent with State Code to include a section that allows approval of a minor subdivision without a plat, and the approval can be done administratively if the application meets the criteria. Minor subdivisions are those with 10 lots or less, and it isn't based on acreage.

James Dupaix referred to 87-3-101(c) and noted that they had changed 'subdivider' to 'owner/developer'. He didn't want to limit the private use of the property of an owner who may have a pending application submitted

by a developer and who may want to alter the terrain or remove any vegetation from the proposed subdivision site, which he would normally be able to do if he weren't developing it.

Jeff Robinson said that concern is worth considering, but that wasn't the intent of the change. The regulation is to prevent the developer from beginning the process before the approvals are given. A new section between 87-3-107 and 108 adds findings for preliminary and final subdivision plat approval. They also added a condition to the final plat submittal requirements that tax clearance be provided before the plat is approved. Also changed is the responsibility to enforce Title 87 from the City Manager to the Community Development Director. Chapter 8 is mostly reorganization, but they added enforcement authority for the code enforcement and also in Chapter 7 of Title 89.

Title 89

Title 2 had a section on historic areas and buildings that was removed and included in Title 89 Chapter 4 Part 4 that added some additional standards of how areas are designated as an historical building or district and clarifies the roles of Historic Preservation Commission, Planning Commission, and City Council. Chapter 5 Part 2 adds a provision under Adequate Public Facilities that deals with adequate schools to help the Commission and Council to determine if there are adequate school facilities before approval is given for rezoning of a subdivision.

David McKinney asked if the new section would be included as criteria with findings for a subdivision.

Jeff Robinson said it is more at the time of the rezoning to a residential district or to increase density. They must get a letter from the school district stating that there are adequate facilities either in place or that they will be in place within a year. If they don't get a letter from the school district it will be presumed that the facilities are not adequate, and the decision will be based on that.

David McKinney asked if there are substantial tracts of residentially zoned property that are undeveloped.

Tom Burdett said they rezoned 700 acres in the west side area.

David McKinney said that automatically exempts those properties from any kind of a school issue consideration unless they want to go to a higher density.

Tom Burdett said this was established to make sure if there are increases in residential densities that there is a mechanism to ask the school district for comments and make sure they can handle the increase in children. If they would rather have it related to subdivision plats staff could guide them to that section.

David McKinney said it is a policy choice, because if they are restrictive on the school issue it can effectively almost put a moratorium on development subject to the school district building new schools. On the other hand, if it is a permissive enough criterion that allows a lot of development to go through without the issue being considered they have the problem of flooding the schools. It is a matter of deciding if they only want to consider it with changes in density or if they want to apply it to all residential development.

Tom Burdett said most of the adequate public facilities tests in the code today are established at the threshold of a building permit. Maybe at a preliminary plat of greater than ten lots would be a level they are comfortable with. There is already a test they can apply with a General Plan Amendment.

James Dupaix thought that they would like to see it at the plat stage due to some of the school issues they are facing now.

Jeff Robinson thought that it is not a specific criteria to approve the rezoning that there are adequate school facilities, but the criteria is that the applicant must go through the process of asking the school for certification of whether or not there are adequate facilities. The code then leaves it up to the Commission to approve the rezoning based on if it had been certified.

James Dupaix asked what criteria the school district would use to give the certification and if they are set up to do that.

Tom Burdett said the existing school district included schools and portable classrooms as infrastructure when determining availability.

David McKinney asked if the school district is obligated to provide the letter.

Jeff Robinson said the school district is not required to issue the letter. The provision is drafted in such a way that if the City doesn't get certification we presume that the facilities are inadequate, which puts the burden on the developer to work with the school district.

Tom Burdett said it sets an envelope for the will serve letters they have done on a couple of recent rezoning applications.

Jeff Robinson stated that the submittal requirements for site plan review, general plan amendments, and zoning ordinance and map amendments were clarified and simplified. They amended the process for revoking the conditional use permit. The proposal will have the Commission make a recommendation, and the final decision will be made by the Community Development Director rather than the City Manager. However, appeals of that decision will go to the City Manager. The biggest change in the enforcement section was that the 14 day notice requirement has been taken out. They may provide a written notice, but they are not required to do so. They can determine how many days the notice needs to be, but if there is a danger or safety matter they don't have to provide any notice.

Tom Burdett told the Commission that the City Council will have workshops on February 5 and March 4. The City Council will be reviewing the entire Municipal Code, so staff will let them know when the Council will discuss the zoning and subdivision titles.

Greg Mikolash said he would like to arrange for a mobile workshop for the Planning Commission to see good examples of TOD's and mixed use residential development. A possible date is March 29.

James Dupaix asked for a monthly list of pending applications in the process so they can see what is up coming.

Tom Burdett said they could present a power point at the next meeting.

There was a discussion regarding the general review of the zoning code that was proposed under Rick Lewis. Many parts of the code have been reviewed including the West Side, City Center, TOD, and streamlining. One new small zoning district and map amendment for a transit corridor will come before them shortly. With respect to the initial project to review the code they are more than half way through it.

James Dupaix asked if the review of the General Plan is due.

Tom Burdett said the City Council will be holding their Strategic Planning session tomorrow and Friday, and that issue will be raised. The code suggests that it be reviewed every 5 years, but State Law leaves it open for the

municipality to decide. One element he felt was out of date is the economic development chapter. He gave an update of City Council actions. At the Strategic Planning session they will be discussing undergrounding utilities and temporary, political and real estate signs.

Jeff Robinson referred to the recodification materials and suggested that as the Commission reads through the information they may be tempted to change the language, style, and typographical errors, but the codifier will go through the entire code and correct all of those items including grammar and sentence structure. The Commission does not need to note those items unless they change the meaning or intent of what is to be accomplished.

There was a brief discussion regarding outside training opportunities for the Commission. Staff will inform the Commission of any upcoming training sessions.

Tom Burdett informed the Commission of a study of Townships that the City is involved in.

MOTION: David McKinney moved to adjourn.

The meeting adjourned at 7:38 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008