

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 6, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Jeffrey Robinson, Carol Herman, Greg Mikolash, Nathan Nelson, Chris Gilbert, Reed Scharman, Jennifer Jastremsky, and Scott Langford.

OTHERS: Jim Eaton, Mark Atencio, Mark Grabl, and Sterling Nielsen.

The briefing meeting was called to order by James Dupaix.

Item #1B was discussed as it relates to the redevelopment of the shopping center. An overview of the current operations in Item #2 was given. Staff gave an overview of the building in Item #3. The Airport did not have any concerns with the height of the building. Item #5 should be continued to a date uncertain. Jeff Robinson pointed out that there were some new additions in the proposed recodification changes.

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

1. CONSENT CALENDAR

A. Approve Minutes from January 16, 2008

B. Dex Phone Delivery; 7905 South Redwood Road; Temporary Use Permit; CC-C Zone; Product Development Corp. (applicant) [#TUP20080002; parcel 21-34-201-007]

Staff recommended approval of the Temporary Use Permit for Dex Phone Delivery located at 7991 South Redwood Road based on the findings outlined above with the conditions set forth below.

Conditions of Approval:

1. Meet all City of West Jordan and State of Utah business licensing requirements.
2. Meet all requirements of the Fire Marshal:
 - a. An annual inspection of the fire sprinkler system is required. The current inspection tag will expire on February 5, 2008. Chaparral Fire Protection, Inc. completed the last inspection and does not currently have a renewal inspection scheduled. Any contractor with state certification would be acceptable but they would need to perform the inspection on or before February 5, 2008.
 - i. Reference 2006 IFC 901.6
 - ii. Reference Utah State Fire Marshal Rules R710-5-6
3. Meet all requirements of the Building Official and the Engineering Division.
4. Must comply with approved site plan as seen in Exhibit C of this report.
5. Dates of operation are restricted to February 7, 2008 to February 29, 2008 and August 25, 2008 to October 31, 2008.
6. Hours of operation are restricted to 8:00 am to 5:00 pm Monday thru Friday and 8:00 am to 1:00 pm on Saturday.
7. The number of trailers located at the site is restricted to a maximum of nine.
8. All trailers and/or storage containers shall be located on the east side of the building and may not block drive aisles, traffic circulation, or emergency access points to the building.
9. All trailers and/or storage containers shall be parked in designated parking stalls at the rear of the building and never in the front.

MOTION: Commissioner Justin Stoker moved to approve the Consent Calendar as listed in the agenda. The motion was seconded by Nathan Gedge and passed 7-0 in favor.

MOTION: Justin Stoker moved to continue Item #5 to a date uncertain. The motion was seconded by Nathan Hendricks and passed 7-0 in favor.

2. Budget Truck Rental; 2729 West 9000 South; Conditional Use Permit for Vehicle Rentals; SC-2 Zone; Budget Truck Rental/Top Stop Auto/Jim Eaton (applicant) [#CUP20070012; parcels 27-04-327-028, 022]

Jennifer Jastremsky gave an overview of the application. She reviewed the parking table. The current structures were built in 1985. The applicant proposes to have 15 trucks and/or trailers stored on the western portion of the property and screened from view by existing evergreen trees. The storage area will be a minimum of 240 feet from the nearest residential properties to the south. She reviewed the parking requirement for all uses on the site. Staff felt that it would be appropriate to average the parking spaces that are in excess between the two zoning codes in order to arrive at the recommendation of a maximum of 12 trucks and/or trailers. In any case, parking spaces are limited to 32 for all three businesses combined.

Staff recommended approval of the Conditional Use Permit for Budget Truck and Rental for “motor vehicle sales and service, used” located at 2729 West 9000 South based on the findings outlined above with the conditions set forth below.

Conditions of Approval:

1. Based on parking availability, the business is limited to maximum of 12 trucks and/or trailers.
2. All vehicles associated with the business will be stored on the west side of the property.
3. The Conditional Use Permit is subject to review and/or revocation as per §89-5-404(f).

David McKinney referred to the site plan and asked if the dumpster would encroach on the other areas.

Jennifer Jastremsky said that this is an existing, fully-improved site. Staff is not requesting any changes, and the parking space in question exists.

David McKinney asked how the parking spaces next to the propane tank could be used.

Jennifer Jastremsky pointed out the more accurate location of the tank.

Nathan Hendricks asked if the total parking spaces available also includes the area where the trucks and trailers will be located.

Jennifer Jastremsky stated that it does. She is not aware of how many spaces are being used for the trucks and trailers now.

Ellen Smith asked clarifying questions regarding the parking stalls as they are assigned to the different businesses. She asked if there were a way to allow for the 15 spaces as desired by the applicant.

Jennifer Jastremsky stated that the staff recommendation is for 12, and anything used above that would put them in violation with the condition.

Justin Stoker was concerned that all of the allotted stalls were being taken by the trucks and auto repair business with none left for the customers.

Jennifer Jastremsky said there are 11 spaces designated for the convenience store. Auto repair is generally drop off and pick up of vehicles as they are repaired, and the numbers provided also take into account employee parking.

James Dupaix asked for the requirements regarding parking near a propane tank.

Reed Scharman said the LPG laws generally go toward fixed sources of ignition as opposed to vehicles. The pump distributes on the east side of the tank. He explained that the tank is equipped with impact protection as well. The current location was approved as laid out, and the fire code doesn't regulate how the parking stalls are utilized.

Jim Eaton, applicant, 2729 West 9000 South, said he can easily get three vehicles in the parking stalls by the propane tank. He parks the trucks as close together as possible as a deterrent for gas thieves. He said he had been the owner of Top Stop for nine years, and this additional truck rental will just help him to stay in business.

David McKinney requested clarification regarding the ability to park near the propane tank.

Jim Eaton described how he could arrange the parking.

David McKinney asked how long he had operated the truck rental business.

Jim Eaton said it had been almost 3 years. He didn't know he needed additional permission, because the previous owner had U-Haul rentals at that location. He was notified by the City of the non-conforming use about 9 months ago, and he had been working on the necessary paperwork since that time.

James Dupaix said this facility had served the community for a number of years.

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

Justin Stoker was concerned that this particular parcel does not fit in with the surrounding professional office uses that are more heavily landscaped and asked if landscaping could be added.

Greg Mikolash stated that this is a conditional use permit, and the site plan is not being amended.

David McKinney said the question here is the use of the property. He didn't have a problem with the proposed use, but he still questioned how the parking is figured.

Jennifer Jastremsky explained where the spaces were coming from by averaging the numbers from the two codes.

Justin Stoker questioned the reason for comprising on the code with regards to the parking calculation.

Greg Mikolash stated that this is an existing site. They are not compromising anything, but distributing it in relation to how parking had been utilized over the years.

James Dupaix asked if this would be setting a precedent. Does the giving the conditional use permit require them to follow the current code, or if there is latitude.

Jeffrey Robinson said the convenience store exists and is entitled to be there. Their parking spaces are calculated by the code that was existing at the time they were approved, and the same goes with the auto repair. The current code should be applied to the rental business, because it is a new business.

Jennifer Jastremsky pointed out that the required parking spaces for the new business is based upon how many trucks there will be in association with the business.

James Dupaix said that according to the current code they could allow 18 trucks to be stored on the site.

Justin Stoker stated in 1994 the auto repair business was limited to a maximum of ten cars, so they need to look at that as ten rather than five.

Jennifer Jastremsky stated that is why they brought up the different numbers. While current code requires 16 for the auto repair, they were limited by the conditional use permit to ten.

David McKinney said the question isn't the maximum limitation that was put on the auto repair shop but rather the minimum code requirement, which was five. With the nine required by the convenience store that leaves 18 stalls. The applicant is asking for 15, and that seems to fit.

Justin Stoker asked when the code changed.

Jennifer Jastremsky stated that the 1985 code was used for the original development and the 1991 code for the original conditional use permit. The current code went into effect in 2003.

MOTION: Commissioner McKinney moved that the Planning Commission approve the Conditional Use Permit for Budget Truck Rental for "motor vehicle sales and service, used"; 2729 West 9000 South; Budget Truck Rentals (applicant) based on the findings outlined in the staff report and with the conditions of approval set forth in the staff report changing:
1. Based on parking availability, the business is limited to maximum of 15 trucks and/or trailers.
The motion was seconded by Commissioner Gedge.

Justin Stoker asked if any customers of the rental business would just be using the convenience store parking.

Jennifer Jastremsky stated that the applicant would know better how the business runs, but generally when someone uses rental trucks they are dropped off. If they prefer, the Commission can designate one or two of those spaces for customer parking.

James Dupaix said they have 18 spaces to work with, and if they allow for 15 trucks that would leave three for customer parking.

VOTE: The motion passed 6-1 in favor with Justin Stoker casting the negative vote.

3. JWCD Zone D Reservoir Conditional Use Permit and Site Plan; 10200 South 8200 West; Conditional Use Permit and Preliminary Site Plan for New Water Storage Facility; P-F Zone; Jordan Valley Water Conservancy District/Jan Erickson (applicant) [#CUP20070044 & SPI20070022; parcel 26-09-300-002]

Chris Gilbert gave a power point presentation regarding the proposed site plan and conditional use permit. The structure will be completely underground with minimum maintenance and security equipment mounted above-ground. One parking space was required for maintenance personnel. The landscaping is very extensive. All criteria had been met.

Staff recommended that the Planning Commission grant Preliminary Site Plan and Conditional Use Permit approval for the two new underground 3-million gallon culinary water storage tanks to be located at approximately 10200 South 8200 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 also be required.

1. All aboveground power and utility lines to be undergrounded.
2. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
3. The Applicant shall submit Final Site Plan drawings that address all Conditions of Approval contained within this staff report. Final approval may be granted administratively.

David McKinney asked if the City had any architectural standards for underground structures.

Chris Gilbert pointed out that there is considerable dirt cover over the tanks, so there is no visible structure to treat architecturally other than with landscaping.

David McKinney stated that even though this is buried it is substantial. He wanted to make sure there wasn't a hole in the standards that allows underground structures to never be considered.

Chris Gilbert said that was a major point of debate with the applicant, particularly with the landscaping. His concern was that some day there would be residents adjacent to the property and staff wanted screening that would grow to a size that from a distance would provide an adequate attractive appearance. He felt that the proposed landscaping met that requirement. There are no underground architectural standards, because the standards are based upon visual surfaces that are exposed to public rights-of-way and to adjoining neighborhoods. There may be engineering standards that address how the structures are built, but not as to how they look.

James Dupaix felt that interpretation was appropriate. If there are any architectural needs for underground structures they could use the current code, because underground structures are not broken out.

Mark Atencio, Jordan Valley Water Conservancy District, 8215 South 1300 West, provided a brief background of their organization.

Ellen Smith asked how they would gain access to the tanks if needed, and if the doors were visible.

Mark Atencio pointed out the access points and stated that they are flat hatches that would be visible on the site, but not from the road.

David McKinney asked if the earth cover would have sod or natural landscape.

Mark Atencio said they will remove all soil from the site to construct the reservoir and replacing with top soil in the area, the rest of the site is with gravel mulch, so there are no irrigation needs in the area. One of the themes of their organization is to be a leader in water conservation.

David McKinney asked if the top of the tanks and the bulk of the site would be left natural without irrigation.

Mark Atencio said yes, imported gravel and rock. A weed cloth would be placed beneath the rock, and they have a full-time maintenance crew that manages all of their sites. He said from the perspective of where a visitor in the surrounding area could see it is from the highway. That is why they concentrated their landscaping in that area. He explained the future land uses for the surrounding properties.

Ellen Smith asked how drainage from the site would be handled.

Mark Atencio explained that it would go into a pipe and connect to an existing Department of Transportation storm drain system. Water quality for drainage in this area will not be a problem.

James Dupaix had concerns with security at this remote location. He asked what measures were being taken to protect the water supply from infiltration by those who would want to harm it.

Mark Atencio stated that they have a contact with Homeland Security and receive training from them and follow their guidelines. He said that they do have adequate measures in place, and he was confident with them.

Chris Gilbert said he hadn't seen the plans, but had discussed them with Mr. Atencio. They seem to be fairly extensive.

James Dupaix stated that he didn't need to see the plans, but wanted to state for the public record that security measures adequate to the situation have been developed and are being implemented to protect the public safety.

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

MOTION: Justin Stoker moved to approve the Preliminary Site Plan and Conditional Use Permit approval for the two new underground 3-million gallon culinary water storage tanks to be located at approximately 10200 South 8200 West; Jordan Valley Water Conservancy District (applicant) based upon the positive findings of fact and with the three conditions listed in the Planning Commission report. The motion was seconded by Commissioner Smith and passed 7-0.

4. Mountain America Credit Union Corporate Annex Office and Training Center to be 50-feet in height; 7167 South Campus View Drive; Preliminary Site Plan and Conditional Use Permit; P-O Zone; EMA Architects/Mark Grabl (applicant) [#SPCO20070022 & CUP20070046; parcel 21-29-103-003]

Scott Langford reviewed the application for two approvals and provided a power point presentation. Positive findings of fact had been found for the criteria. Increased buffering and landscaping as well as a wall will be provided along the property adjacent to the residential property. He reviewed the sidewalk and amenity plan for the employees. The parking requirement is met and screened. Maximum building height is 54 feet. He pointed out the portion of the building that will be at this height. In response to a question raised at the pre-meeting regarding how the height of buildings is measured, he read from the definition section of the zoning ordinance, which states, "The height of the building or structure means the vertical distance measured from the average elevation of the finished grade adjacent to the point of measurement to the highest point of the roof."

Staff recommended that the Planning Commission grant Preliminary Site Plan approval of the Mountain America Credit Union Corporate Annex office building located at 7167 South Campus View Drive in a Professional Office (P-O) 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.

Conditions of Approval:

1. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time of this approval.
2. The Preliminary Site Plan shall remain valid for one year following the date of approval (Section 89-5-304a).
3. The Applicant shall apply for Final Site Plan review and receive approval before a final building permit is issued for the development.
4. Obtain Conditional Use Permit approval by the Planning Commission to permit a building height of 54 feet in a Professional Office (P-O) district.
5. The Applicant shall meet all Conditional Use Permit conditions of approval as approved by the Planning Commission.

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6. All mechanical units and utility boxes shall be screened 100% from as viewed from all adjacent properties and roadways.
7. All parking lot lighting fixtures adjacent to the residential development to the north shall be screened to ensure that not more than 0.9 lumens of light occur on the adjacent residential properties.

Staff recommended that the Planning Commission grant approval of a Conditional Use Permit to allow a maximum building height of 54 feet for a proposed office building located at 7167 South Campus View Drive in a Professional Office (P-O) 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 Mountain America Credit Union Corporate Annex Conditional Use Permit shall conform to the future Final Site Plan, except as modified by these conditions.
2. Meet all the Preliminary and Final Site Plan conditions of approval.
3. An Avigation Easement that meets the requirements of the Salt Lake City Airport Authority shall be recorded on the subject site prior to issuance of a building permit.
4. The Conditional Use Permit is subject to review and/or revocation according to §89-5-404(f)(1) of the Zoning Ordinance.

David McKinney asked for the estimated time frame for completion of the neighboring Liberty Landing Apartments.

Scott Langford said the approvals have been given, and it is up to the developer as to how quickly they construct.

David McKinney was just wondering if they would be still be under construction at the same time as this facility.

Tom Burdett said the contractor could be contacted and asked.

Mark Grabl, EMA Architects, applicant, was available to answer any questions. He felt they had gone way above the minimum requirements for the building.

David McKinney asked for a comparison of the height of their two buildings.

Mark Grabl stated that the existing building is about 60 feet tall. The actual ground elevation change from one building to the next is about 10 feet, and he didn't think they would be able to perceive the difference.

David McKinney asked for clarification on a hatched area on the site plan.

Mark Grabl stated that it indicates the sight triangle as required on the traffic report. The landscaping in that area has to be lower than two feet or significantly higher than the area of visibility.

David McKinney asked about the approximate construction schedule.

Mark Grabl said it is approximately 18 months.

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

MOTION: Nathan Gedge moved to approve the Preliminary Site Plan for Mountain America Credit Union Corporate Annex office building; 7167 South Campus View Drive; EMA Architects/Mark Grabl (applicant) with the conditions of approval as listed in the Commission packet. The motion was seconded by Nathan Hendricks and passed 7-0 in favor.

Tom Burdett commented that this is a signature building that any city would be delighted to have, and West Jordan is grateful for Mountain America Credit Union and Jordan Landing for their part in helping the Technology Park to grow.

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for Mountain America Credit Union Corporate Annex office building to allow a maximum building height of 54 feet; 7167 South Campus View Drive; EMA Architects/Mark Grabl (applicant) based upon the positive findings of fact and with the conditions of approval as listed in the Commission packet. The motion was seconded by John Winn and passed 7-0 in favor.

James Dupaix also expressed his appreciation for having Mountain America Credit Union as a resident of the City of West Jordan and for their support of the community.

5. Mohawk Meadows Rezone and Land Use Amendment; Continued from 1-2-08; 7401 - 7551 South 5490 West; General Plan Land Use Amendment of 20 acres from Very Low Density Residential to Low Density Residential and Rezone from RR-1D (Rural Residential 1-acre minimum lots) to R-1-10 (Single-family Residential 10,000 square foot minimum lots); Millstream Land, LC/Hugh Matheson (applicant) [#GPA20070009 & ZC20070015; parcels 20-25-300-007, 008, 010, 026]

Staff recommends that the Planning Commission continue this item to a date uncertain, to allow the Applicant and Staff additional time to work through concerns regarding the proposed Mohawk Meadows General Plan Future Land Use and Zoning Map amendments.

MOTION: Commissioner Stoker moved to continue Item #5 to a date uncertain. The motion was seconded by Commissioner Hendricks and passed 7-0 in favor.

6. Text Amendment – Municipal Code Recodification - Amend and Update the West Jordan Municipal Code Multiple Titles including but not limited to Title 89 Zoning, Title 87 Subdivisions, and Title 16 Signs; City-Wide; City of West Jordan (applicant) [#TA20080002]

Jeffrey Robinson gave an overview of the proposed amendments and updates to the code. He explained that the Commission had initially been given the majority of the proposed changes along with some others that had been submitted since that time. Tonight's packet included additional changes; 89-1-201, 87-3-111, and 89-6-705, 89-6-706, and 89-6-708. He referred the public to the minutes from the January 16, 2008 meeting and proposed that they adopt those as part of the hearing tonight rather than repeating the discussion.

Staff recommended that the Planning Commission open the Public Hearing for comment, take testimony, and close the Public Hearing. At that time the Commission may discuss the proposed amendments and updates and may either forward a recommendation to the City Council for all or part of the proposed amendments or continue the item to the February 20, 2008, meeting for action only in order to give the Commission more time for review.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed changes to Title 87 – Exercise of Eminent Domain at this time.

MOTION: Nathan Hendricks moved to accept the Deputy City Attorney's suggestion that we adopt the minutes into the record from the last discussion of this item on January 16, 2008. The motion was seconded by Commissioner Stoker and passed 7-0 in favor.

Jeff Robinson said copies of Title 16 were e-mailed to the Utah Sign Association and Reagan Signs prior to this meeting.

Greg Mikolash said 89-6-708 (b)(3) discusses landscaping buffers when abutting a lower density zone. There are non-residential type uses in residential zones, and within 89-6-708(a) there is no standard for a buffer. Policy has been to require the buffer, but it is not in the code. He asked if the Commission would like to repeat the language from the multi-family zoning district in the residential code for non-residential uses, and he asked if 20 feet were adequate or too much.

Justin Stoker felt that 20 feet was appropriate.

David McKinney said there may be a situation where 20 feet wouldn't work, and he asked if the Commission could deal with that as an exception.

Greg Mikolash said in that case there would need to be an escape clause, but he agreed that there could be that case, especially in an infill situation.

James Dupaix believed that we should add it to the code, because the nature of the code would state that anything not listed is prohibited.

Greg Mikolash said the purpose was to have similar language as in multi-family.

Jeffrey Robinson explained that this proposal should be considered in connection with the re-codification. After the public hearing and when the Commission takes action it would be appropriate to indicate whether or not the Commission accepts the language that Mr. Mikolash proposes.

James Dupaix asked if all of the proposed changes had been made available to the public for review.

Jeffrey Robinson said yes with the exception of the one Mr. Mikolash was addressing at this point.

James Dupaix felt that at least this portion of the recodification should be continued.

David McKinney preferred to take action on all of the items at once.

James Dupaix agreed with the exception of any items that are of a more critical nature.

Greg Mikolash explained that this language would be inserted under Single-family and Two-family developments as item #7 'When any non-residential development is proposed adjacent to an existing single- or two-family residential development, a landscape buffer not less than 20 feet in width shall be required. A minimum of one tree for every 400 square feet or fraction thereof of the landscape buffer shall be planted.' He stated that at this point it might be appropriate to add an escape clause that based on site plan submittal and approval the Planning Commission could waive such a buffer criteria where landscaping could be placed in lieu of.

David McKinney suggested that language could state, 'The Commission can waive this requirement where site conditions make it impractical.'

Justin Stoker said it could simply state that the Planning Commission can approve a reduced buffer.

Jeffrey Robinson said that there would have to be some objective grounds for doing it.

James Dupaix felt that staff should craft language for consideration by the Commission. He asked for further explanation on the language that was stricken regarding vegetation coverage.

Greg Mikolash said that portion had been relocated into the landscaping section of the code.

Jeffrey Robinson referred to 87-3-111 and explained what triggered the discussion regarding the amendment of this section. Salt Lake County will not record a subdivision plat without the landowner's signature, but in a condemnation situation the body that is condemning the property is not the landowner until the condemnation procedure is complete. This is the situation of the Jordan Valley Water Conservancy District that had been granted an order of immediate occupancy to work on the property, but the value of the property is still being negotiated. They felt the amendment was appropriate so that under very specific circumstances the building permit can be issued before the final subdivision plat is recorded. He reviewed those 10 specific conditions that need to be met. Staff is asking that the Commission take action on this item during the meeting tonight so the District can proceed with the work on the water tank.

Nathan Hendricks referred to condition ix and asked if the wording should be changed to state that they must give a written agreement of indemnification.

Jeffrey Robinson agreed that it should be changed.

David McKinney said even adding the words 'in writing' to the condition would solve the problem.

James Dupaix said they should also add that they are moving toward recordation.

Jeffrey Robinson referred to condition vi and said the intent is if the City has possession of the signed final plat for recording that the City can record at its discretion and that we are just waiting to know that the condemnation action is finished, and they will record at that time.

James Dupaix wanted to be more specific by possibly adding that the plat will be recorded at the City's sole discretion.

Jeffrey Robinson suggested that they add a subsection between (b) and (c) to state something like, 'The final plat in the City's possession will be recorded immediately after receiving notice that the condemnation proceeding is complete.'

James Dupaix felt that would be appropriate.

Commissioner Dupaix opened the public hearing for Section 87-3-111. There were none who desired to speak.

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

MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for Section 87-3-111 based upon the discussion and the findings, modifying:
ix. The building permit applicant agrees in writing to indemnify, defend and hold the City harmless for all damages the property owner has sustained and all reasonable and necessary expenses actually incurred by the property owner because of the eminent

domain proceeding, including attorneys fees, if the eminent domain proceeding is abandoned pursuant to Utah Code, Section 78-34-16; and

Adding a new subsection (c) and moving the currently written (c) to (d):

(c) The final plat in the City's possession will be recorded immediately after receiving notice that the condemnation proceeding is complete.

The motion was seconded by Nathan Gedge and passed 7-0 in favor.

There was a discussion regarding the procedure to take place with the remaining items. Deputy City Attorney Robinson suggested that the Commission open the public hearing for public comment and then close it except for the proposal made by Greg Mikolash tonight.

David McKinney said they discussed Section 89-5-204 at the previous meeting that requires rezoning applicants to get a letter of accommodation from the School District. The comment was made that they could restrict that to developments of more than 10 residential units. He asked if by accepting the minutes from that meeting if that will be included in the recommendation.

Jeffrey Robinson said the intent of the suggestion to adopt the minutes was to adopt the explanation that he gave regarding why the changes were being proposed and the summary of the changes.

James Dupaix noted that the minutes also included the discussion of those items, although no action was taken.

Jeffrey Robinson requested that the Commission consider all recodification changes and make a recommendation that they be approved by the City Council.

There was a discussion regarding possible changes to the list of the conditional uses within the City that the Commission was given to review some time ago. If there were any changes made to those they would have been listed in the draft.

Justin Stoker referred to Section 89-6-706(a)(2)(c) regarding parkstrip trees. He asked if the language should be changed, because he was told by the City Forester that trees not on the list could be planted in the parkstrip, but the City would not maintain or replace them.

Jeffrey Robinson felt that the language indicates it is mandatory, but if there is an existing tree in the parkstrip that was previously legal it would be a legal non-conforming right. If the City is not enforcing in the way it is written then that needs to be addressed with the Public Works Department.

Greg Mikolash said there are conflicting codes, because the City code does not match up with Salt Lake City Standards for water conserving trees that indicates they can contact the Urban Forester regarding trees that are not on the list.

Justin Stoker recommended that they add into the statement that exceptions may be approved by the Urban Forester.

Jeffrey Robinson suggested that they keep the current language and add, 'unless otherwise approved by the Urban Forester.'

Nathan Hendricks wondered if it would be a problem with enforcement if exceptions were given by the Urban Forester. He asked what the purpose of the requirement is.

Jeffrey Robinson stated regarding the issue of pruning, that it is the property owner's responsibility.

Tom Burdett stated that the purpose for the list of approved street trees is for water conservation and to provide for a mixture of trees that may be more adverse to disease and insect kill.

James Dupaix said also that some root structures can harm the sidewalk.

David McKinney also said that the City does not want trees that drop fruit or seeds on the roadway or that will create a visibility hazard.

Ellen Smith agreed with the concerns, and said that walkability is also a concern when planting trees by the sidewalk. She questioned how many people in the City know about this code and if there were plans to educate the citizens.

Tom Burdett said there are flyers at City Hall, and it is listed on the website and in the West Jordan Journal. He acknowledged that it is hard to reach everyone.

Commissioner Dupaix opened the public hearing for public comment regarding all recodification items.

Commissioner Dupaix closed the public hearing on all recodification items except for Section 89-6-708, which will be noticed for the next meeting.

Justin Stoker referred to Section 89-6-705 and the irrigation schedule table. He felt the table should be modified depending upon the time of year. April and May could be four, if needed. But July and August could be six.

Nathan Hendricks asked if this were something that is enforced.

Greg Mikolash said audits are taking place, but the code is new.

Tom Burdett explained that the number refers to the days between watering.

Justin Stoker still didn't feel that it was enough and suggested that July and August be changed to two rather than three.

Greg Mikolash explained that Steve Glain was specifically hired to do the technical writing for this portion of the code. He felt that we are still in a study period to find out what works, and the audits will tell us if the numbers are wrong. It might be inappropriate to change those numbers now.

Tom Burdett suggested that Steve Glain could attend the next meeting to give an overview of the Water Conservation Program. This code had been compiled from a model code that is promoted through the Water Conservancy District.

Nathan Hendricks said he would like to see more facts.

John Winn asked if the code addresses use of the property.

Tom Burdett said he didn't recall any exceptions. However, they had discussed not applying it to uses such as recreation fields and uses that are directly for providing green recreational opportunities. Most of the larger regional parks within the City are on secondary water.

Justin Stoker said he didn't see anything in the landscaping section that limits the amount of sod when considering water conservation.

Tom Burdett said there were recommendations made to the City Council at the Strategic Planning Session from the Water Conservation Committee.

David McKinney recommended that Section 89-5-204(a) relating to the indication of adequate school facilities that says, ‘The provisions of this section shall apply only to applications for residential rezoning which will increase the projected number of students for any school district school attendance area as a result of the propose rezoning’ that it be stated that ‘The provisions of these section shall apply only to applications for residential rezoning for developments of more than 10 residential units, which will increase the projected number of students for any school district school attendance area as a result of the propose rezoning.’ In that way very small rezoning requests don’t have to go through the process. He said that subsection (b) could also state, ‘No rezoning application for a development of more than 10 residential units shall be considered complete until’

Justin Stoker agreed with the recommendation.

Nathan Hendricks asked if infill properties need to get will serve letters from the utility companies.

Tom Burdett said they interact with an impact study on a General Plan Amendment asking for a technical analysis of the impact to the systems, which are reviewed by the planners. That helps to rebalance the resources. Will serve letters are required at the subdivision stage, and the utility companies are required to sign the plat. The requirement for the letter from the school district may not be required as the City gets older. He didn’t believe that the requirement was a burden to the development community or the school district.

Nathan Hendricks said he had a discussion with John Taylor from Jordan School District, and in some places like Herriman the school district does sign off on plats. If we are having other public utilities sign the plat why wouldn’t the school district be included.

Tom Burdett said West Jordan is interested in whether or not the school system can handle the growth taking place and not with their comments on road design. The question is if there aren’t enough school facilities how the developer mitigates that problem.

Nathan Hendricks liked the additional requirement.

Tom Burdett said that the City had tried for years to engage the school district by sending plans and rezoning and land use amendment notices, but there has been no response. This requirement will force a written communication.

David McKinney said another reason for the requirement is that City staff might not have the expertise to quantify school impacts the way they would for other services. The proposed provision is only applied at the rezoning of the property, and he wondered if it should be added at the time of a major subdivision as well.

James Dupaix restated his concern from the previous meeting regarding the verbiage of using ‘developer’ versus ‘property owner’ in some circumstances, because it may start to limit property rights.

Jeffrey Robinson didn’t think it would be a problem. It is mostly referring to who needs to submit applications and pay fees.

James Dupaix didn’t want to limit a property owner from the enjoyment of his own property and developing it for his own use. He thought it may be an unintended consequence by leaving it as written. He understood that they want to de-politicize the hearing board pertaining to billboards, but he didn’t know if it should be an administrative function. He didn’t want to over burden the City Manager. He felt it was in the purview of the

elected officials to determine the hearing board, which is the direction the City has been moving with the other boards.

Jeffrey Robinson asked to clarify that Commissioner Dupaix's concern is not so much that the City Council or Commission be the hearing board, but that the City Council appoint the board. This is the same language as is proposed in Title 22 to allow the City Manager to hear the item himself or to appoint a board.

James Dupaix said he would rather see the appointment of the board done under the direction of the elected officials.

Jeffrey Robinson said the City Council could appoint the City Manager to hear those items.

James Dupaix said yes, if that is their desire, but if there is to be a board he would rather it is appointed by the elected officials.

James Dupaix stated that this item will be continued to the February 20, 2008 meeting.

7. Text Amendment – CANCELED Amend the West Jordan Municipal Code to add the TC (Transit Corridor) Zoning District; City Wide; City of West Jordan (applicant) [#TA20080001]

[This item was canceled.]

8. Transit Corridor Rezone; CANCELED Rezone property coinciding and paralleling with the D&RGW Rail Line running from approximately 7800 South 1000 West running southwest to approximately 6200 West 10200 South from multiple zoning districts to TC (Transit Corridor); City of West Jordan (applicant) [#ZC20080002]

[This item was canceled.]

Tom Burdett gave updates on City Council actions. The Council's next workshop on the Municipal Code recodification will be on March 4th when they will be discussing zoning and subdivision codes. Signs will be going through a separate process with a sign task force with the Chamber of Commerce.

MOTION: Nathan Hendricks moved to adjourn.

The meeting adjourned at 8:38 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008