

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 20, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS**

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

**STAFF:** Tom Burdett, Jeffrey Robinson, Greg Mikolash, Chris Gilbert, Scott Langford, Julie Davis, Madeline Francisco-Galang, Reed Scharman, Steve Glain, and Brian Clegg.

**OTHERS:** Art Pasker, Craig Ames, and Matt Creager.

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The briefing meeting was called to order by James Dupaix.

It was suggested that Item #2 be moved to the Consent Calendar. Jeffrey Robinson prepared a summary of the recodification changes and actions. A letter from Reagan Outdoor Advertising was received with a request that the public hearing for Title 16 be reopened.

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

**1. CONSENT CALENDAR**

**A. Approve Minutes** from February 6, 2008

**2. Gardner Mill Co. Rezone;** Approximately 8082 South Welby Park Drive; Rezone 3 acres from M-P (Manufacturing Park) to M-1 (Light Manufacturing) Zone; PGA & W Architects/Art Pasker, Craig Ames (applicant) [#ZC20080001; parcel 21-31-176-009]

Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the Gardner Mill Co. Rezone to rezone the subject site from the Manufacturing Park (M-P) zone to the Light Manufacturing (M-1) zone, in order to facilitate a future warehouse, to be located at 8082 South Welby Park Drive, with the findings of fact as set forth below. The Planning Commission should advise the Applicant that Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met.

1. The application is consistent with the purposes, goals, objectives, and policies of the General Land Use Plan based on the information cited above.
2. The proposed amendment is harmonious with the existing residential land use.
3. The proposed amendment will not adversely affect adjacent properties.
4. The property is located in the Airport Overlay zoning district; however, the uses allowed in the M-1 district are also permitted within this portion of the Airport Overlay district.
5. The public facilities located in the area appear to be adequate for the requested rezone.

James Dupaix asked if there were any in the audience to speak on Item #2. The applicants, Craig Ames and Art Pasker, spoke from the audience and stated that they were in favor of the rezoning. There were no others in attendance.

**MOTION: Justin Stoker moved to move Item #2 to the Consent Calendar and approve the Consent Calendar as amended. The motion was seconded by Nathan Hendricks and passed 7-0 in favor.**

James Dupaix noted for the record that the Gardner Mill Co. Rezone had received a positive recommendation.

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**2. Gardner Mill Co. Rezone;** Approximately 8082 South Welby Park Drive; Rezone 3 acres from M-P (Manufacturing Park) to M-1 (Light Manufacturing) Zone; PGA & W Architects/Art Pasker, Craig Ames (applicant) [#ZC20080001; parcel 21-31-176-009]

**[This item was moved to the Consent Calendar and forwarded to the City Council with a positive recommendation.]**

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- 3. Text Amendment – Municipal Code Recodification – Continued from 2-6-08; 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 (Action Only); and Public Hearing for Section 89-6-708 Landscape Standards for Specific Uses; City-Wide; City of West Jordan (applicant) [#TA20080002]**

James Dupaix stated that there had been a request by Reagan Outdoor Advertising to reopen the public hearing on Title 16.

David McKinney said while there is no point to belabor the issue, he didn't think it would hurt to hear what Reagan has to say.

It was noted that Reagan was not represented in the audience at this time.

Jeffrey Robinson summarized the action that the recodification process had taken to this point and suggested that they make the printed summary part of the public record.

Greg Mikolash addressed 89-6-708(a) regarding landscape buffers. He read the proposed language as listed in the staff report that would add the buffer requirement for non-residential developments next to existing single and two-family residential developments.

Staff recommended that the Planning Commission open the public hearing for comment and discussion with regard to an additional amendment to Section 89-6-708(a) – adding landscape buffering requirements. Staff also recommended, at this time, that the Planning Commission discuss the remaining proposed amendments and updates and forward a positive recommendation to the City Council.

David McKinney asked if the term 'development' will apply to a single lot not in a subdivision.

Greg Mikolash said it does apply to a single lot.

Brian Clegg, West Jordan Parks Supervisor, addressed the Commission's questions regarding landscaping requirements. He explained that they are making changes to the parkstrip and streetscape ordinance to better fit their operation. Currently the code states that the Urban Forester is in charge of every tree in every parkstrip, which is impossible with limited City resources.

Justin Stoker said the proposed change to the code would only allow trees on the approved list, but he stated that there are several trees even in his neighborhood that do not meet that requirement.

Brian Clegg said this list is only a recommendation. There are two nurseries that participate in the street tree reimbursement program that requires use of the list. He explained that the City uses those recommended trees because they do the best in parkstrip conditions. He stated that Julie Hess, the Urban Forester, had done extensive research on this issue, but this is a guideline.

Justin Stoker asked for his opinion of adding the phrase 'unless otherwise approved by the Urban Forester' so that people won't get cited for having trees not on the list.

Brian Clegg said that would be okay. He read the proposed language that places responsibility for maintenance of trees and parkstrips to the abutting property owner.

There was a brief discussion regarding the use of water-wise trees, some of which overlap on the recommended tree list.

The Commission didn't see a problem with adding the language 'unless otherwise approved by the Urban Forester'.

Justin Stoker said there are several cities that have put limitations on sod in single-family residential. He asked if it were feasible for the City to limit sod.

Steve Glain said from the perspective of the Water Conservation Committee they would recommend that the topic be raised, but they had mostly addressed commercial properties in the past. They support any changes that would encourage water conservation, which includes xeriscaping and less turf grass.

David McKinney asked how this type of code would be enforced and how they enforce it in commercial developments now.

Steve Glain said when new commercial properties are built they begin with review of the plans and end with inspecting the installed landscape and irrigation systems.

David McKinney said since single-family residences don't have landscape review procedures, it would probably be hard to enforce.

Steve Glain agreed that it probably would be hard, but the Planning Department may have a better understanding of how that would be enforced.

Justin Stoker said that other cities rely more on educating the professional landscapers to know the code and what the limitations are.

James Dupaix said the Commission needs to decide if they want to forward any type of recommendation regarding this matter.

Tom Burdett said the City Council addressed this topic at the Strategic Planning session as it relates to single-family landscaping, and they will probably recommend something later on after the recodification is forwarded by the Commission. They didn't talk about the enforcement mechanism at that time, but they did not suggest that staff review every single-family landscape plan, but that staff develop some prototype landscapes, allow for bonding all year, and allow 1 year for installation. The bond would be released after inspection.

There was a brief discussion regarding the current code as it relates to obtaining final occupancy approvals in single-family residential and the bonding process.

David McKinney said this was a good issue to consider, but they don't have the information they need now.

Justin Stoker said they can't enforce all of the existing landscaping, so the goal is to set a standard for new lots and let the professional landscapers and nurseries know what it is.

James Dupaix said the existing lots are addressed with how we charge for water.

David McKinney agreed that the economic incentives with the cost of water will also help people to cut back.

Steve Glain said one simple change they might be able to take rather than requiring certain types of landscapes is just simply allow for xeriscape and to lower the percentage of plant coverage from the current 50%.

Jeffrey Robinson stated that it might be appropriate for the Commission to wait on this type of recommendation until all of the water conservation issues are addressed at one time.

John Winn asked if they could discuss the condition of the soccer field, which is hard, weedy, and rocky. He asked if there were any measures being considered to beautify the field in order to get more use and revenue out of it.

Brian Clegg said they have a crew of a supervisor and two full-time employees for the field. They outgrew the complex four years ago with the amount of use and with the international leagues the field is played on seven days a week. That doesn't allow for a lot of time to do the appropriate watering, aerating, and herbicide applications. They have one seasonal employee that does aeration five days a week. With the amount of time the field is in use and the limited resources for manpower it is difficult. He explained that when the fields were new the leagues would not call the games for rain, so the fields were being damaged. The first year he took over supervising the fields they spent over \$10,000 to replace damaged sod, but now they are at about \$1,000 per year, because they now call rain games. There has been a lot of interest from tournaments, but league play comes first. They are aware of the problems and are doing what they can with limited funding.

Jeffrey Robinson noted that there is now a representative from Reagan Outdoor Advertising in attendance.

**MOTION: David McKinney moved to reopen the public hearing to hear the comments of the Reagan Outdoor Sign representative. The motion was seconded by Nathan Hendricks and passed 6-1 in favor with Nathan Gedge casting the negative vote.**

Matt Creager, Reagan Outdoor Advertising, 1775 North Warm Springs Road, said they weren't aware of any changes coming about to the new section of the code, and they contacted Chris Gilbert on Tuesday who also wasn't aware of any changes regarding billboards. He said they hadn't had a lot of time for their attorneys to review it against the State Code and asked that it be tabled before going to the City Council.

David McKinney asked if he had comments on any particular items.

Matt Creager said that the code regarding relocating went from 150 feet from a residential zone to 250 feet.

Jeffrey Robinson said the reference is 16-3-103(d)(4).

David McKinney said he didn't see where it had been changed.

Greg Mikolash confirmed that there had not been a change between this proposal and the current code.

Matt Creager said there is a change regarding not being able to locate in any overlay district.

Greg Mikolash said that was part of the TSOD overlay, which was their argument about 2 ½ years ago when billboards were eliminated from those zones, and it is already in the current code.

James Dupaix explained that this is not a change, but they are just moving sections around in the code.

Matt Creager referred to 16-3-103(d)(7)(d) that reads, 'to a height that is at least the same as, but no higher than the previous use or structure unless the City's ordinance allows or the City consents to a higher structure.', which he said conflicts with the State Law.

Jeffrey Robinson wanted to know how the reference conflicts with State Law.

James Dupaix asked Mr. Creager for the basis of the statement that it conflicts.

Matt Creager said State Law states that you can move the structure within the half mile at the same height, the same structure as it sits there. As far as the proposed language it states unless the City consents to a higher structure.

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

Jeffrey Robinson said the first two items were changes made prior to the recodified version, so we are not here to talk about changes to the code in that manner. The other change was the alleged conflict between 16-3-103(d)(7)(d)(i)(1) and the State Code. Mr. Creager is referring to the relocation under subsection (8)(b). In all of the sections if a billboard is being relocated it can be located within 2,640 feet of its previous location. The height restriction really isn't a conflict in the way he described it. It can't be any higher than it was before. If the City consents to it being higher it's okay. That language is all precisely out of the State Code from the legislation that passed a year ago. He also noted for the record that a copy of Title 16 was e-mailed to Reagan Signs prior to the February 6, 2008, Planning Commission meeting.

James Dupaix opened the public comment portion of the hearing for Section 89-6-708(a). There were none to speak on the item.

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

Jeffrey Robinson referred to the summary sheet Item 3c regarding the term 'owner/developer'. Mr. Robinson didn't think the language was a concern, because that term is being used in the context of Title 87, which is all about subdivision applications. He thought it would be unlikely that the City would use either of those two sections to enforce on a single homeowner who is not applying for a subdivision application. However, if the Commission desired clarification, **he proposed language be added in 87-3-101(c) that 'Any person subdividing land shall not alter the terrain ...'. The other section is 87-3-102 where they could make an insertion of 'at the time of application to subdivide is made, the owner/developer ...'.**

James Dupaix said he would like to make those changes.

Jeffrey Robinson referred to Item 3d regarding the hearing board. In Section 2-4-504(4)(b) it gives the City Manager the authority to appoint all appointed officers of City boards but with the advise and consent of City Council. He suggested that if they desired, the Commission could **change 16-3-103(d)(12) to state that the City Manager could appoint members of the hearing board but with the advise and consent of the City Council**, which would be consistent with the section in Title 2.

James Dupaix felt that would be appropriate.

David McKinney referred to summary Item 3b that restricts the school issue to developments of more than 10 units and asked if the Commission wanted to add the same requirement to the subdivision process.

Greg Mikolash stated the Adequate Public Facilities section of the code in 89-5-201 applies to all development.

Jeffrey Robinson said they could possibly include in 89-5-204(a) the language that it applies to applications for residential rezoning and subdivision applications for developments of more than ten residential units.

James Dupaix felt that expanded language would take care of it.

Jeffrey Robinson said they could also make part two in 89 be expressly applicable to subdivision applications, but he would have to review that.

Tom Burdett felt that it is a good idea to keep all of the adequate public facilities items together in the zoning code, because it applies to site plans, PRD's, and Planned Community. There may be an existing reference to adequate public facilities in the subdivision code, or they could make sure there is one.

David McKinney asked if there were a danger to referring to the subdivision process in the zoning code, because it may be confusing to applicants or get lost in the process.

James Dupaix said that is why they want the reference to the Adequate Public Facilities section in the subdivision code. He felt that with the reference in the subdivision code they are well covered.

Tom Burdett said a requirement of the subdivision approval is to meet the zoning requirements.

Greg Mikolash said they also added findings in the subdivision code, which indicates that adequate public facilities are required.

Ellen Smith said the residents in her area are concerned with infill development being of a consistent size and nature of existing homes in the area. She wondered if the City Council would be interested in finding a mechanism for providing for that as there is more infill development, particularly in the eastern portion of the City. For example in her area there are huge homes next to smaller ones. She indicated that Salt Lake City had an ordinance for this type of issue.

Greg Mikolash said Salt Lake City worked on their compatible ordinance for five years.

Regarding the motion for recommendation, Jeffrey Robinson suggested that they could refer to the summary sheet and strike the items that are no long an issue, such as the irrigation and sod limitations.

**MOTION: Justin Stoker moved to forward a positive recommendation to the City Council regarding the West Jordan Municipal Code Recodification based upon the recodification summary that they received, striking 3f. The motion was seconded by Nathan Gedge.**

**AMENDED**

**MOTION: James Dupaix moved to amend the motion that on 87-3-101(c) and 87-3-102 to include the language as proposed by Mr. Robinson to clarify. Also, in 16-3-103(d)(12) that we adopt the same language as in the other portion of code as referenced. The amended motion was accepted by Justin Stoker and Nathan Gedge and passed 7-0 in favor.**

**[At the Planning Commission meeting on March 5, 2008 a motion to reconsider the recommendation was made based on a recommendation from Deputy City Attorney Jeffrey Robinson. The Commission then amended the motion above to include the amendment of Section 89-1-201(k) to clarify the permissive nature of Title 89 as discussed in the January 16, 2008 Planning Commission meeting.]**

James Dupaix brought the discussion back to the question of modifying the ordinance for infill development to allow only for like character development. He asked if staff could look at the issue and make a proposal on what would be appropriate and a timeline to determine how big of a project this would be.

Greg Mikolash suggested that staff first bring forward some examples of recently adopted ordinances.

Tom Burdett updated the Commission on recent City Council action to approve the amendments to the Stone Creek Master Plan as recommended by the Planning Commission. Stone Creek is ready to move forward. Responding to a question by Commissioner Hendricks Mr. Burdett stated that the attorneys for the City and Ivory Development are working on a settlement with regards to property in the Stone Creek area.

**MOTION: Nathan Gedge moved to adjourn.**

The meeting adjourned at 7:06 p.m.

James F. Dupaix  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008