

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 19, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Greg Mikolash, Jennifer Jastremsky, Chris Gilbert, Jeremy Olsen, Madeline Francisco-Galang, Reed Scharman, Jeffrey Robinson, Tom Burdett, and Vicki Hauserman.

OTHERS: Bob & Kathleen Hartman, Ken Butler, Leo Florence, Taylor Brammer, David Newton, Jay Sample, Paul Schwendiman, and Ken & Bonnie Jackson.

The briefing meeting was called to order by James Dupaix.

The requirement for a recorded agreement for shared parking was explained in Item #2. Jennifer Jastremsky explained that the applicant in Item #3 is requesting a slight reduction in the acreage for the residential rezoning, which would leave more in the existing C-G zoning. A history of the project was given.

Questions were raised regarding the existence of parking lot lighting standards near residential areas. The code is fairly general, but addresses impacts to neighboring properties. Chris Gilbert explained that there had been concerns with similar adjacent developments to Item #4 with regards to parking ratios. It was pointed out that parking and lighting issues deal with the site plan, which would come at a later date.

Item #6 was briefly discussed. It was noted that the Design Review Committee had been undergoing training by staff.

The regular meeting was called to order at 6:01 p.m.

1. CONSENT CALENDAR

A. Approve Minutes from March 5, 2008

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

2. The Auction Marketplace; 6818 South Airport Road; Conditional Use Permit; M-1 Zone; Auctioneers Ken & Bonnie Jackson, Inc. (applicant) [#CUP20080002; parcel 21-19-376-001]

Chris Gilbert gave an overview of the application including the location. He explained that the current location of the auction use is to be acquired by UTA as part of the Mid-Jordan Rail Line extension, and the applicants have been asked to relocate by June 2008. He explained that parking is sufficient as long as the auction activities do not take place during normal business hours. The applicant had requested that along with Saturday and Sunday operations that weekdays after regular business hours be considered.

Staff recommended that the Planning Commission grant Conditional Use Permit approval for the Auction Marketplace, to be located at 6818 South Airport Road 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. General Auctions are restricted to Saturday and/or Sunday events only to avoid overwhelming available on-site parking.
2. The Applicant shall make provision through recorded easement agreements for shared parking on adjacent properties connected to the subject site by the existing driveways in order to accommodate overflow parking for auction events per Zoning Ordinance Section 89-6-605(c).
3. 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. In addition, architectural/engineering code analysis is required for occupancy, occupant load, exiting, and fire area, prior to issuance of a building permit.

4. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.

Fire Marshal Reed Scharman said the requested use doesn't raise an objection, but it brings with it the potential to assemble a significant number of people within a space and raises some challenges that the applicant should be able to deal with prior to occupation of the building. One thing to look at will be to make sure that the structure as it was constructed stays below 12,000 square feet in size for its fire area. If it goes above that it requires a fire sprinkler system.

Ken and Bonnie Jackson, applicants, 8021 South Redwood Road. Mr. Jackson stated that they would rather stay where they are, but unfortunately they can't. He explained it had been difficult to find a location that is both useful and affordable. He stated they spoke to the business owner to the south who gave a letter of permission to use their parking during non-business hours. He asked if that letter could be recorded or if it needed to be in a different form. Ms. Jackson gave the letter to Deputy City Attorney Jeffrey Robinson. Mr. Jackson corrected the name of the business as 'The Auction Marketplace'. He said the wall in the building was built as a firewall between the two halves of the building. They will only be occupying the south portion.

Nathan Gedge asked what their hours of operation would be on weeknights.

Mr. Jackson said it would typically be between 5:00 and 10:00 p.m. The building on the south is currently operating until 6:00 p.m. with limited staff.

Justin Stoker asked if they would agree to limit the hours until after 6:00 p.m. on those evenings.

Bonnie Jackson said they would prefer to start an auction at 6:00 p.m. if that is feasible, but they would do what they need to do. She said they probably wouldn't even have the weeknight auctions more than once per month. They would just like that option in order to accommodate their customers.

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

Reed Scharman stated that regarding the firewall, the applicant will provide an analysis showing how they met the requirement. The firewall extends through the roof and parapet above the top of the roof. They need to apply for the permit to do that work and then provide the analysis.

David McKinney asked the attorney about the required parking easement, which doesn't usually specify times or days of the week for usage.

Jeffrey Robinson said the easement wouldn't necessarily specify the time of day. He read the submitted letter and stated that the recorded easement has to meet certain elements of a recordable document. His opinion was that the letter could be withdrawn at any time. He suggested that they contact a lawyer and ask what needed to be included in an easement that can be recorded.

David McKinney verified that the Commission could give permission for certain days and times, and then it would be up to the property owner to grant an easement for those specific times.

Jeffrey Robinson said those elements would be of the Conditional Use Permit and not necessarily the easement.

David McKinney asked for more discussion regarding weeknight auctions.

Justin Stoker said that he'd worked in situations with a shared parking agreement, and there had been problems. He would like to avoid the overlap of business operations, and he preferred limiting it to 6:00 p.m.

Ellen Smith agreed with Commissioner Stoker.

David McKinney was against the weeknight activity because of the unpredictability. He thought that the need for the weeknight use was relatively small since the applicant said they had only done one in the past year.

John Winn felt that for that reason the argument could go the other way and state that because it happens so infrequently that it wouldn't be a problem.

Justin Stoker said he is in favor of allowing the weeknight operations should their business expand to that point and wouldn't want to limit their profitability. He was just concerned with the available parking.

James Dupaix said he was happy that they found a site to be able to remain in the City, and he also didn't want to limit their ability to expand and grow. He was in favor of the evening uses and would be more in favor of the 6:00 p.m. start time of the auction. He wondered if they are open for people to look at merchandise during hours other than those of the auction.

MOTION: James Dupaix moved to invite the applicants back to answer questions regarding that part of their business. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

Mr. Jackson said that they do have normal operating hours from 9:00 a.m. to 5:00 p.m. to preview the merchandise. Their experience is that they have one to three people at a time, which would not overwhelm their parking. They also have people who drop off their merchandise. There will be traffic during the day, but not a lot.

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for The Auction Marketplace; 6818 South Airport Road; Auctioneers Ken and Bonnie Jackson, Inc. (applicant) based upon positive finds of fact and with the conditions of approval as listed in the Commission packet, amending:

- 1. General Auctions are restricted to Saturday, Sunday, and/or weeknights after 6:00 p.m. only to avoid overwhelming available on-site parking.**

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

- 3. R4J Rezone; 7141 South Redwood Road; Rezone approximately 6.21 acres from C-G (ZC) (General Commercial with Zoning Conditions) to R-3-12 (Multi-family Residential 12 units per acre maximum density); Jay Sample (applicant) [#ZC20080003; parcels 21-27-201-017, 018, 019, 061, 063, 064, 072, 080, 084]**

Jennifer Jastremsky gave an overview of the rezoning application. The applicant had asked for a slight change in the submitted application to exclude an additional 30 feet of frontage to be left in the commercial zone for a total depth of 280 feet. This will change the proposed R-3-12 acreage from 6.5 to 6.21 acres. She gave the history of the land use amendment application, which the City Council will rehear in conjunction with the rezoning submittal. She explained that staff supported the rezoning, because while commercial uses are appropriate next to Redwood Road it has some contradictory characteristics with the neighboring residential uses. The proposed zoning will have similar characteristics to the existing residential property and will create a smooth transition and buffer zone to the commercial area. She showed a conceptual layout, and stated that staff would suggest that the applicant work with staff in regards to the placement of single-family residential near the commercial and high density residential.

Staff recommended that the Planning Commission accept the findings and forward a positive recommend to the City Council for the rezone.

David McKinney felt that the location of the single-family lots would be better placed toward the south of the development rather than the north.

Jay Sample, applicant, 2220 East Pine Creek Circle, explained that the City Council didn't feel comfortable in approving the land use amendment without the rezoning, because the density could be set with the rezoning. Their request is for R-3-12 zoning and nothing higher. He confirmed the request for the additional commercial area. There is a potential user for the commercial property, which would require a little more property. He said they understand the concerns regarding the placement of the single-family residential, but the submitted layout is only conceptual to show what could possibly be put there. They are open to discussion regarding the layout. He said they were asked what they could do if they are denied the rezoning, and they would develop it commercially, possibly with storage units. However, they felt that the proposal would be the best fit for the property at this time.

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

Ellen Smith commented on the conceptual plan and said they should take into consideration the road going from 1300 West to Redwood Road, which could be used as a shortcut.

Justin Stoker said there are already a couple of those situations in this area, so if it were to be used as a shortcut it may only be used for the R-3 neighborhood, and it wouldn't be a very high usage.

Ellen Smith gave an example of a road that has a similar situation, and she is just suggesting that they look at some design considerations.

Justin Stoker said the Commission could recommend traffic calming measures that would deter shortcutting.

James Dupaix felt that the Commission is of the same ilk as they were during the land use amendment regarding the placement of the single-family residential.

MOTION: Justin Stoker moved that the Planning Commission accept the findings and forward a positive recommendation to the City Council for R4J Rezone; 7175, 7155, 7141 South Redwood Road; Jay Sample (applicant) to rezone 6.21 acres from C-G(ZC), SC-2, and R-3-12(ZC) to R-3-12 including the 280-foot buffer as discussed. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

The meeting recessed at 6:49 p.m. and reconvened at 6:54 p.m.

4. Jaguar Place Rezone; approximately 8777 South Redwood Road; Rezone 3.202 acres from RR-1A (Rural Residential 1-acre minimum lots) to P-O (Professional Office); Parcell Construction, LC/Walt Parcell (applicant) [#ZC20080004; parcels 27-03-202-003, 004, 023, 251-001]

Chris Gilbert gave an overview of the rezoning request and reviewed the surrounding uses. The conceptual proposal shows seven office buildings, which would be centrally located with a buffer around the perimeter. The proposed parking is at a good ratio.

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to rezone approximately 3.2 acres of property located in

approximately the 8700 block of S. Redwood Road from RR-1A (Rural Residential) to P-O (Professional Office).

Though standards and requirements are being met for this rezoning, the Applicant shall anticipate the following during the site plan review process:

- A site plan application is required for any development on the subject property pursuant to this rezone being approved.
- In addition to meeting City Standards, Specifications and Code, the Applicant must obtain a UDOT permit and address storm & sanitary sewer outfall to develop this site.

The applicant was not in attendance.

Bob Hartman, West Jordan resident, was concerned with the drain line or sewer line between the properties that the applicant said he wanted. He asked why the applicant would want to do that when there are adequate facilities on Redwood Road. Also, he wondered if the applicant would replace the property as it was once the pipe is installed.

Leo Florence, West Jordan business owner, said he had no issue with the rezone, but his concern was with the current spacing for UDOT requirements and asked if there were a proposed shared access to 8815 Professional Plaza. He didn't know if that scenario would work with the existing radiuses. They are currently trying to resolve existing parking and maneuvering issues with their complex, and a shared access could compound the problem. He also wanted to put on record the problems at 8815 Professional Plaza regarding the ADA ramps, which do not meet code.

Paul Schwendiman, West Jordan resident, said he was contacted by the developer about putting in the drain line. He was worried with the proximity of the development to their homes, because the residential properties next to the existing office complex were having problems with privacy.

Kenneth Butler, 8815 Professional Plaza Owners' Association, said that they hadn't had any contact with the applicant regarding the access, but that Mr. Parcell had been talking to Tom Biesinger. He was concerned with the conflict of the shared access and that Mr. Parcell isn't dealing with the property owners. He didn't see how using their existing entrance would solve anything, but it would cause additional traffic problems. They would like to meet with Mr. Parcell regarding this matter.

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

James Dupaix reminded the public that this is a zoning hearing, and the comments regarding traffic and access are appreciated as they go forward to a site plan application, but they have no bearing on the rezoning.

David McKinney reiterated that when the site plan is reviewed certain standards and guidelines will have to be met. The question tonight is whether or not the zoning change is appropriate for the area. He stated that a professional office use is recognized as a good buffer between commercial and residential areas, and he agreed with staff's recommendation.

Justin Stoker appreciated the testimony received and recommended that staff encourage the developer to make the connections to Redwood Road. He was in favor of the rezone request.

James Dupaix stated that the testimony given tonight was appreciated and will be used by staff when considering the site plan process. He is in favor of the proposed use for the property, and he felt that they can mitigate any negative effects.

MOTION: David McKinney moved to forward a positive recommendation to the City Council for Jaguar Place Professional Offices Rezone; approximately 8700 Block of South Redwood Road; Parcell Construction, LC (applicant) to rezone approximately 3.2 acres from RR-1A to P-O (Professional Office) based on the findings of facts in the staff report. The motion was seconded by Nathan Gedge and passed 6-0 in favor. Nathan Hendricks was absent.

James Dupaix commented that he was disappointed that the applicant wasn't in attendance to make comment. At other times, the Commission has continued items when the applicant didn't show enough interest to attend.

5. Text Amendment – Amend the West Jordan Municipal Code Title 89 to add a definition for Light Rail and include Light Rail as a permitted use in all Zoning Districts; City Wide; City of West Jordan (applicant) [#TA20080001]

Jeremy Olsen stated that the purpose of the amendment is due to the interlocal agreement that West Jordan signed in 2004 with UTA that requires the City to amend its ordinances in order to construct a light rail line through the City. He showed the location of the Mid-Jordan Line, which will have six stops within West Jordan. Completion is expected late 2010 or early 2011.

Based on the findings of fact, Staff recommended the Planning Commission forward a positive recommendation to the City Council to amend Title 89 to include Mass Transit Railway System as a permitted use.

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

MOTION: Nathan Gedge moved to forward a positive recommendation to the City Council to amend Title 89 of the West Jordan Municipal Code to add Mass Transit Railway System as a permitted use based upon the positive findings of fact in the staff report. The motion was seconded by John Winn.

AMENDED

MOTION: Justin Stoker moved to amend the motion to add 'to all City zoning districts' to the end of the motion as clarification. The motion was accepted by Commissioners Gedge and Winn and passed 6-0 in favor. Nathan Hendricks was absent.

6. Trail Fence Standards – Update of the Recommendation from the Parks and Open Lands Committee regarding Trail Fences

Jeremy Olsen gave the Commission an update on the progress of the Trails Fencing Amendment. The City Council heard the item in December and recommended that the issue go back to the Parks and Open Lands Committee to make modifications. That Committee met twice and at the last meeting they recommended that instead of amending the code that each development be taken to the Design Review Committee to recommend the fencing type. He noted that developments which occur in Planned Development Zones, City Center Zone, West Side Planning Area, and any Transit Station Overlay District are required to have a review by the Design Review Committee. However, the Commission can require that review in other areas as part of the site plan approval.

Justin Stoker said the reason this issue was raised to begin with was to address issues of uniformity. He wondered if the original intent of having a standard will remain.

Jeremy Olsen said that might depend on who is on the Design Review Committee and if their opinion is whether a fence should match the development or if it should match the other fences along the trail.

Nathan Gedge asked for more information on the Design Review Committee.

Tom Burdett explained that the members are appointed by the Mayor and City Council.

James Dupaix said the intent of the Commission was to set the standard for consistency, but it appears that the other two committees didn't want to make that decision. He felt that the Commission will make a recommendation at the appropriate time of development for the trail fences. He asked that this item be placed on an agenda as a presentation so the new Commissioners have a better idea of the issues.

Justin Stoker wondered if they can pass the recommendation to the Design Review Committee that they do wish to see a standard along the trail.

James Dupaix said they can discuss that when the item comes before them in the presentation, because it needs to be codified to keep it from becoming haphazard as Commissions and members of committees change.

Tom Burdett clarified the history of the item. The Parks and Open Lands Committee made the recommendation, which the Planning Commission supported. However, the City Council rejected it, primarily because the Home Builders Association objected. The homebuilders engaged with the Parks and Open Lands Committee and stated their concerns of costs, etc. The Committee said if it is specific to subdivisions they will leave it to the Design Review Committee. He suggested that if they bring this forward again that they invite the Parks and Open Lands Committee, the Home Builders, etc.

James Dupaix said that would be good in a workshop setting.

David McKinney felt that a workshop would be more appropriate with the final conclusion being at a public hearing.

Tom Burdett explained that a temporary office space use by UDOT will be placed across from City Hall for 2 years while Trax is under construction.

Greg Mikolash asked if the Commission would be available for a TSOD field trip on April 19th. City Council members would also be invited.

Jeffrey Robinson gave an update on the recodification of the Municipal Code, which was forwarded to the codifier by the City Council.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 7:30 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008