

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 17, 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, Julie Davis, Robert Thorup, Greg Mikolash, Scott Langford, Chris Gilbert, Nathan Nelson, and Reed Scharman.

**OTHERS:** Kenneth Butler, Maryanne Young, Walt Parcell, and Bob Dance.

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The briefing meeting was called to order by Justin Stoker.

Item #2 was briefly discussed. A letter from the 8815 Professional Plaza Condominium Owners' Association regarding the access agreement was distributed. Scott Langford gave a brief explanation of the request on Item #3. Nate Nelson reviewed how the driveway widths are calculated in the Road and Bridge Standards. Depending on the outcome of the text amendment, Engineering will approve the applicant for 45 feet.

There was a brief discussion regarding the Council action for Country Park Villas appeal.

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

**1. Consent Calendar**

**Approve Minutes from September 3, 2008**

**MOTION:** Nathan Gedge moved to approve the Consent Calendar as listed in the Commission agenda. The motion was seconded by Ellen Smith and passed 7-0 in favor.

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**2. Jaguar Place; approximately 8777 - 8791 South Redwood Road; Preliminary Site Plan; P-O Zone; Parcell Construction, LC/Walt Parcell (applicant) [#SPCO20080013; parcels 27-03-202-003, 004, 023; 27-03-251-001]**

Chris Gilbert gave an overview of the request for site plan approval for an office complex development. All existing lots are required to be combined into a single tax parcel. Seven buildings are proposed in two phases. Each building will have approximately 6,792 of floor area with a total of 47,500 square feet in the complex. Colors are proposed to be earth tone. Parking will be located around the perimeter of the complex in order for the buildings to have a greater setback from the existing residential uses. The code requires 119 parking spaces, and the site plan currently shows 160 spaces, which should help avoid overcrowding problems that adjacent office developments are experiencing. A 30-foot driveway from Redwood Road is shown as the primary access and a secondary connection on the southwest corner to the 8815 Professional Office Complex. A letter had been submitted by the owners' association of 8815 Professional Plaza regarding their concerns for the access, and they would like to meet with the developer. If that secondary connection isn't feasible, staff would accept a secondary access from Redwood Road, if approved by UDOT. Mr. Gilbert reviewed the landscape plan, which exceeds the requirement. A 20-foot buffer is required next to residential uses and is provided. Landscaping and/or berms to screen headlights from Redwood Road need to be provided. All aboveground utilities need to be screened with landscaping or a short wall. Any overhead utilities or lines that front Redwood Road need to be put underground. All seven criteria have been met. If the buildings are later converted to condominiums a plat would be required.

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for Jaguar Place, with the conditions as set forth below. Planning Commission approvals do not include specific landscape consultant, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required. Building permits will not be issued until all departments' requirements have been satisfied.

*Planning Commission Meeting Minutes*

*September 17, 2008*

*Page 2*

1. General landscaping shall recognize the climatic limitations of the Salt Lake Valley and need for water conservation per §89-6-704(a).
2. Dumpster enclosure materials and color board to be provided to staff with the final site plan submittal.
3. Planning Commission approvals do not include landscape consultant, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions will be required to be shown prior to submittal of the final site plans. Building permits will not be issued until all departments' requirements have been satisfied.
4. Any overhead utility poles and lines are required to be undergrounded across the front of the property adjacent to Redwood Road.
5. Provide copy of document recorded with Salt Lake County that combines all parcels involved in the project into a single tract of ownership.
6. Provide cross-access agreement documentation with 8815 Professional Plaza for secondary access connection.
7. Show parking lot security lighting height (not to exceed 15 feet if pole mounted and within 150 feet of residential and be directed so as not to cast light on adjacent properties).
8. Address all remaining engineering redlines.

Questions were raised as to the spacing for two access points from Redwood Road. UDOT would have to grant that approval. Commissioner McKinney asked what conditions would address the potential problem that parking lot lighting would cause for the residential properties.

Chris Gilbert said the code requires that exterior security lighting is no higher than 15 feet in height and shielded so as not to cast any light onto adjacent properties. Problems with similar office developments occurred when the lights were not properly shielded.

David McKinney wanted to be sure that it is on the record so the residents understood that by having parking and not the building next to the property line there could be an issue with lighting.

Chris Gilbert explained that today's code also requires a 20-foot landscape buffer, which will help to shield the light as the trees mature.

Walt Parcell, 248 South State Street, Orem, stated that his architect, Bob Dance, 2823 East Mountainview Drive was also in attendance.

Bob Dance said they will comply with the ordinance regarding the comments on landscaping and lighting. They will provide the berming on Redwood Road, and they will provide the necessary screening and undergrounding of utilities. The materials board will be provided. The only issue seems to be with the access. Mr. Parcell is willing to meet with the condominium owners' association instead of the developer.

Walt Parcell said he had spoken to the developer of 8815 Professional Plaza, but he understood that Mr. Biesinger is not very healthy now, and he may not be in the position to make agreements regarding the access. They will work that out with the condominium owners' association. The access agreement would be at either the southeast or southwest corners. If that is not agreeable they will have to get permissions from UDOT. At the request of Commissioner Dupaix Mr. Parcell explained that about a year ago Mr. Biesinger, developer of 8815 Professional Plaza, told him he had enough votes to give permission for the access, but he had nothing in writing. He had not yet approached UDOT.

Maryanne Young, West Jordan resident, stated that she lives adjacent to this development, and she wondered how tall the wall will be.

Nathan Gedge asked Ms. Young how tall she wanted the wall to be.

Maryanne Young stated that she was told previously by Chris Gilbert that the wall would be 8 feet, and that is what she would like.

Ken Butler, 8815 Professional owners' association president, stated that they had not yet spoken to Mr. Parcell, but they would be happy to discuss the access with him. He stated that Mr. Biesinger thinks he still has control, but he has no votes in the association. Mr. Butler stated that they would be amenable to the access if it could be worked out to be beneficial to both parties. They currently have a shortage of parking, but they are working to solve that. They have not said yes or no to anything, because they don't know what the proposals are.

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

David McKinney noted that the site plan calls for a 6-foot masonry fence on the north side of the property.

Chris Gilbert said 6-feet is typical, but the Planning Commission could require an 8-foot wall as they did for the Westridge Office Plaza.

David McKinney said it might be a good idea to require an eight-foot wall as it might head off future problems.

Justin Stoker understood the reasons for wanting an eight-foot wall and felt it would be appropriate.

Chris Gilbert noted that the property at 8815 Professional Plaza had to be built up on the east side, which caused a situation where the wall is not six feet in that location. However, he didn't know if it would be the case on this property. He wouldn't recommend anything taller than eight feet.

**MOTION: Justin Stoker moved to allow the applicant to come forward to discuss the wall situation. The motion was seconded by David McKinney and passed 7-0 in favor.**

Walt Parcell said he understood the concern regarding the noise and lights, but he didn't think that the development would cause any more noise or light, because most of the offices will be vacant after 5:00. He said that precast walls go up to 8 feet, but he didn't like the looks of them. He preferred the 6-foot wall with extra trees planted adjacent to Ms. Young's property.

David McKinney still felt they should require an eight-foot wall next to the residential property.

Nathan Hendricks agreed, because those homes aren't likely to be removed.

John Winn felt that a 6-foot wall is sufficient unless the property is built up. He didn't feel that there would be light pollution, because the lights will be closer to the building.

David McKinney said the site plan shows at least one light pole in the landscape buffer on the north side and one in the landscape peninsula on the east. The light from those poles could shine or reflect into the adjacent properties.

James Dupaix said he didn't have a preference either way on the wall.

It was pointed out that maple trees are indicated on the landscape plan, which grow about 1 ½ feet per year to a height of about 30 – 35 feet.

James Dupaix was concerned that Criteria 5, which addresses ingress and egress, had not been fully addressed. It was represented in the application that there would be access from 8815 Professional Plaza, but no formal

agreements had been made. The conditions do not show an option to allow UDOT to approve a second access from Redwood Road.

Nathan Nelson indicated that UDOT has their own standards for driveway separation.

James Dupaix said he wouldn't like to see another ingress and egress this close to another office complex, so he hesitated in granting preliminary approval tonight. Action tonight could include denial or postponement to give time to fulfill Criteria 5.

David McKinney said the relevant ordinance requires two access points. If the applicant can't get two access points either from Redwood Road or from the adjacent property the development cannot proceed. He asked if this situation is one where the property owner could claim easement by prescription or necessity.

Robert Thorup didn't think that would apply in this case. The property owner has access to the property. They are speaking of a fire access in this case.

David McKinney suggested that the approval could be conditional upon the developer obtaining a second access point either on Redwood Road or getting an access agreement from the adjacent property owner.

Nathan Hendricks asked if there were the possibility of having a single, wider access from Redwood Road.

Reed Scharman said the Fire Chief would not support this type of development and occupant load without a second access. This is based on the Fire Chief's comments and a recent fire emergency where an access was blocked, and if there were only one access no one else could get in or out.

Greg Mikolash noted that this is preliminary approval. The applicant will either meet the code or not. If they can't meet the code the development won't go any further. The applicant is willing to work with the adjacent property owner.

James Dupaix wanted to clarify that by modifying condition #6 they can address the finding of Criteria #5. He asked if the Planning Commission could see this item for final approval as well.

Chris Gilbert said yes.

Greg Mikolash stated that they discussed modifying condition #6 in the pre-meeting to state if the easement could not be obtained they would have to find another option, such as one from Redwood Road.

**MOTION: Justin Stoker moved to approve the Preliminary Site Plan for Jaguar Place; 8787 South Redwood Road; Parcell Construction, LC/Walt Parcell (applicant) with the conditions 1 through 8 as listed in the report based upon the findings of fact from staff and the testimony received. The motion was seconded by Nathan Hendricks.**

David McKinney felt they needed to modify condition #6 to address the access. Also, the motion doesn't address the wall height.

AMENDED

MOTION: David McKinney moved to amend the motion amending:  
6. Provide cross access agreement documentation with 8815 Professional Plaza for secondary access connection or obtain other second access location.  
And adding:  
9. The masonry fence abutting residential properties shall be eight feet in height.

Nathan Hendricks asked if the requirement for the second access was in the redlines from Engineering.

Chris Gilbert said it is always a requirement in the Planning review.

Justin Stoker said he considered those items when he made the motion. He didn't want to give negotiating power to the property to the south, but he would much prefer to see the access to the south rather than on Redwood Road.

Commissioner Stoker did not accept the amendment.

James Dupaix said another option might be to get an access from the property to the north.

**VOTE: The original motion passed 6-1 in favor with David McKinney casting the negative vote.**

**MOTION: Justin Stoker moved that the Planning Commission see this item for final site plan approval. The motion was seconded by Nathan Gedge and passed 7-0 in favor.**

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**3. Text Amendment – Amend the West Jordan Municipal Code Section 89-6-606(b)(2) Regarding Driveway Access Width; City-Wide; Mountain States Supply Co./Ron Ford (applicant) [#TA20080005]**

Scott Langford gave the overview of the item. The applicant is a developer of a new industrial site. The truck traffic cannot be accommodated with the existing driveway width, and he asked to amend the code to remove the 30-foot width limit. Mr. Langford stated that staff proposed a change in the code in conjunction with the recodification that will eliminate this section altogether. The applicant preferred not to wait until the time the code is recodified and asked for the amendment to go forward at this time. Driveway widths will be regulated by the Road and Bridge Standards through the Engineering Department.

Staff recommended that the Planning Commission accept the findings of the staff report and forward a positive recommendation to the City Council of the proposed amendment to Section 89-6-606(b)(2) of the Zoning Ordinance.

The applicant was in attendance and had nothing to add.

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

Justin Stoker felt that this amendment was long overdue, because there are a lot of driveways in the City that should be wider than 30 feet.

**MOTION: Justin Stoker moved that the Planning Commission forward a positive recommendation to the City Council to remove Section 89-6-606(b)(2) from the zoning ordinance as requested, based upon the findings. The motion was seconded by Nathan Hendricks and passed 7-0 in favor.**

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Tom Burdett gave an update of recent City Council actions. The permit processing code has been forwarded to the recodifiers. They also directed the Planning staff to prepare recommendations for gated communities in answer to the recent appeal by Country Park Villas. The City Council directed the formation of an ad hoc

*Planning Commission Meeting Minutes*

*September 17, 2008*

*Page 6*

General Plan Committee to start review of the General Plan. Staff has been working on the schedule for the General Plan update, which will include a public input process.

Greg Mikolash asked the Commission to begin a review of the General Plan. He would like to have a brief discussion on it at the October 1 meeting.

James Dupaix said a member of the Planning Commission had attended the General Plan Committee meetings in the past.

Tom Burdett said the City Council determined it will be a 15-member committee. The Mayor will choose 3 committee members and each Councilmember will select 2. He will discuss the possibility of a liaison from the Planning Commission.

Greg Mikolash explained that they will be modifying some elements and adding others. They will review the work plan at the next meeting.

Tom Burdett noted that another emerging topic is the community's interest in sustainability.

James Dupaix said Justin Stoker represented the Planning Commission at the recent City Council meeting, and he asked how that representation was received.

Justin Stoker said he gave testimony, but the City was also represented by Greg Mikolash and Tom Burdett.

Nathan Gedge said that Commissioner Stoker represented the Commission well, and his testimony was reflective of the Planning Commission meeting in question.

James Dupaix wondered if it should be a common practice to send a representative from the Commission.

Nathan Hendricks said that the Council is supposed to read the minutes and history of the item.

Justin Stoker said the minutes were provided, but he was able to provide some additional insight.

Tom Burdett felt that Commissioner Stoker did an excellent job. With the current rules of procedure it is an on the record review, so most of the presentation was made under the citizen comment portion of the meeting. He felt it worked okay, but if there is a different method it should be the subject of the joint meeting between Planning Commission and City Council. He didn't know how open they would be to other methods of conducting an appeal. The Council wants to do what is right for the community with all the facts and information on the table.

James Dupaix felt that the Commission should consider the procedure and the efficacy and relevance of Planning Commission representation during appeals.

It was noted that the Commission is invited to Oracle's groundbreaking on October 24th.

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

The meeting adjourned at 7:05 p.m.

James F. Dupaix  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

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