

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 5, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Scott Langford, Jennifer Jastremsky, Chris Gilbert, Nathan Nelson, Reed Scharman, and Julie Davis.

OTHERS: Mickey Beaver, Jae Hill, Mike Anderson, Craig Pearce, Sarah Angelo, Eric Hanna, Colleen Sly, Vicki Soha, Cory Calaway, Rick Tulin, Marissa Tulin, Eric Tuttle, Mark Klotovich, Lanse Chournos, and Bill Soha.

The briefing meeting was called to order by James Dupaix.

Item #2 will be moved to the end of the agenda. Clarification was given on Item #3, and it was recommended for the Consent Calendar if there is no public comment. Item #4 is to bring the zoning in conformance with the land use. It was also recommended for the Consent Calendar. Clarification was given for Item #5. Parking, roadways, and density were discussed for Item #6. Item #7 was recommended for the Consent Calendar.

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

**1. Consent Calendar
Approve Minutes from October 15, 2008**

3. Hartman Subdivision Right-of-way Vacation; continued from 10-15-08; approximately 1636 West 8600 South; Right-of-Way Vacation of approximately .119 acres; RR-1A Zone; Jordan Office Condo Association/Tom Lund (applicant) [#SDMA20080014]

Staff recommended that the Planning Commission recommend that the City Council approve the vacation of the northernmost 162.91 feet of the 33-foot wide right of way platted as part of Hartman Subdivision and located at approximately 1640 West, subject to the following condition of approval:

1. A permanent 33-foot wide public utility and drainage easement will be preserved over the entirety of the area being vacated.
2. A notice of approval shall be filed and recorded with the Salt Lake County Recorder's Office.
3. The applicant shall make application for a subdivision amendment to combine the vacated right of way and the proposed new parking area with the principal Jordan Winds Office Complex lot.

4. Copper Hills Substation Rezone; 8600 South U-111 Highway; Rezone 2.43 acres from A-5 (Agricultural 5-acre lots) to P-F (Public Facilities) ; A-5 Zone; Rocky Mountain Power/ Mickey Beaver (applicant) [#ZC20080010; parcel 26-03-100-006]

Staff believes the proposed rezoning of the subject parcel from A-20, Agricultural to P-F, Public Facilities is supported by the findings of fact, and therefore, recommended that the Planning Commission forward a positive recommendation to the City Council for the request to rezone approximately 2.4 acres of property located at 8600 South U-111 Highway from A-20, *Agricultural*, to P-F, *Public Facilities*.

7. Text Amendment – Amend the West Jordan Municipal Code Regarding Public Improvement Guarantees Title 89 Chapter 6 Part 12; City-Wide; City of West Jordan (applicant) [#TA20080008]

Staff recommended the Planning Commission forward a positive recommendation to the City Council for revisions to 'Title 89-6-12 – Improvement Guarantees'.

James Dupaix asked those in attendance if there were any to speak on Items #3, #4, or #7. There were none.

MOTION: Nathan Gedge moved to move Items #3, #4, and #7 to the Consent Calendar and to approve the Consent Calendar as amended. The motion was seconded by Justin Stoker and passed 6-0 in favor.

MOTION: David McKinney moved to move the Business Item #2 to the end of the agenda to be heard after Item #8. The motion was seconded by Nathan Gedge and passed 6-0 in favor.

3. **Hartman Subdivision Right-of-way Vacation; continued from 10-15-08; approximately 1636 West 8600 South; Right-of-Way Vacation of approximately .119 acres; RR-1A Zone; Jordan Office Condo Association/Tom Lund (applicant) [#SDMA20080014]**

[This item was moved to the Consent Calendar and given a positive recommendation.]

4. **Copper Hills Substation Rezone; 8600 South U-111 Highway; Rezone 2.43 acres from A-5 (Agricultural 5-acre lots) to P-F (Public Facilities) ; A-5 Zone; Rocky Mountain Power/ Mickey Beaver (applicant) [#ZC20080010; parcel 26-03-100-006]**

[This item was moved to the Consent Calendar and given a positive recommendation.]

5. **84 Lumber Billboard Sign; 6404 South Airport Road; Conditional Use Permit; M-1 Zone; Pierce Hardy Limited Partnership/Sarah Angelo (applicant) [#CUP20080019; parcel 21-19-100-014]**

Chris Gilbert gave the overview of the request for a billboard sign. He showed the proposed location of the sign on the northeast corner of the property. A 15-foot front setback is shown, but the Engineering Department will require that the sign not extend over any utility easements. Therefore a new site plan will need to be submitted. The sign meets the limits of 300 square feet and 35' in height. The closest residential area is more than 1200 feet away. The Salt Lake City Department of Airports submitted a statement that the sign would not interfere with airport operations. All findings of fact can be positively met. He clarified that the 300-square feet allowed is per sign face.

Staff recommended approval of the Conditional Use Permit for a new billboard sign to be located at 6404 Airport Road in an M-1 zoning district based on the findings noted in the staff report and the conditions of approval set forth below. Planning Commission approvals do not constitute approval of the proposed project by Public Safety, Fire, Building and Safety, or Engineering.

Conditions of Approval:

1. The maximum billboard sign height shall be 35 feet.
2. The maximum divergence between the two sign faces shall not exceed 30 degrees.
3. The billboard shall maintain a minimum 10-foot setback from property line to any portion of the sign and shall not overhang the public right of way.
4. The billboard sign overhang over existing easements shall be eliminated by moving the sign back from over the easements. This will require a minor relocation of the sign and pole to the west of the presently proposed location.
5. The support post shall not be erected in the public right of way or within any recorded easements. The billboard pole and support structure shall be painted or otherwise colored to complement the appearance of existing structures in the vicinity.
6. Landscaping shown for the sign base shall be installed as shown on the landscape plan.
7. The Conditional Use Permit shall be subject to review/revocation as per §89-5-404.
8. The billboard shall meet all requirements of the Building & Safety, Fire, and Engineering Departments as is necessary.

Sarah Angelo, applicant, 1019 Route 519, Building 5, Eighty-Four, PA, stated that the new site plan and landscape plan showing the billboard out of the easement area are prepared and ready to submit. The new placement will have a 20-foot setback.

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

Justin Stoker appreciated that the proposed location is a good one and not controversial like previous applications for billboards.

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for 84 Lumber Billboard Sign; 6404 South Airport Road; Pierce Hardy Limited Partnership/Sarah Angelo (applicant) based upon the testimony and findings of fact with the conditions as outlined. The motion was seconded by Justin Stoker and passed 6-0 in favor.

6. Boulder Canyon Apartments; 5525 West 7950 South; Preliminary Site Plan and Preliminary Development Plan; P-C Zone; Silverstone Home Development (applicant) [#SPCO20080026; parcel 20-36-100-011, 027]

Scott Langford gave the overview of the application submitted by Silverstone Home Development. The development lies within the overall Stone Creek Master Plan, and was required to be reviewed by the Design Review Committee, who provided valuable comments regarding the design. This is a 13.5 acre, multi-family development with 280 units and a density of approximately 20.5 units per acre. The site plan was shown, including 14 buildings for multi-tenant use, 6 enclosed garage units, covered parking, a central amenity area with a swimming pool, club house, and tot lot, and a second common area to the west. There are multi-tenant 3-story structures and 6 townhome type buildings, which are also rental units. The project fronts the east side of 5600 West. Staff is currently reviewing two subdivision plats, which will have to be approved and recorded before this project can receive final approval. Staff recommended that a slight modification be made to the original Stone Creek master plan. Traffic circulation was reviewed, and staff proposed that the one-way roads that border the 3-acre community park be eliminated in order to increase the safety of the intersection circle. In place of the roads staff recommended a multi-use pedestrian path around the park. A Bus Rapid Transit is shown in the 5600 West right-of-way, which will provide a good amenity for the future residents and is a large reason why the higher density was approved for the area. The BRT details will be worked out with Peterson, UTA, and UDOT. Mr. Langford referred to the seven findings of facts. This is an important component of the Stone Creek master plan, which allows for the 280 units. The Design Review Committee suggested some slight changes in the pedestrian routes, which he pointed out. He stated that the applicant had worked diligently to address the comments from the Design Review Committee regarding the architecture.

Preliminary Site Plan:

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Boulder Canyon Apartment development located at 5525 West 7950 South in a P-C zoning district, based on positive findings listed in this report with the conditions of approval as listed below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Approvals by these City divisions or departments are required.

Conditions of Approval:

1. Final Site Plan approval shall be reviewed and approved by staff, if the Final Site Plan conforms significantly to the approved Preliminary Site Plan.
2. Final Site Plan approval shall be contingent upon the recordation of applicable subdivision plats that create a developable lot for the subject site and facilitate an appropriate level of vehicular access to the site.
3. The Final Site Plan shall include two trees (either Zelkovas or Honey Locusts) on the ends of Buildings D and F, in order to break up the large walls on these particular buildings.
4. The Final Site Plan shall relocate the sidewalks currently adjacent to the back and sides of the garages away from these buildings. Appropriate amounts of landscaping, determined by staff, shall be placed between the sidewalks and garages assist in breaking up the flat and blank appearance, and promote an easier to maintain development.
5. Parking is approved for the proposed development based on future transportation alternatives (BRT), availability of approved on-street parking for required guest parking, and the cost range of the proposed units.

6. The final building elevations for the townhouse units shall be amended by removing the brick on the two-story pop-out feature, extend the brick wainscoting to all four sides of the building, and use stucco instead of brick for the pop-outs on the ends of the buildings.
7. The Final Site Plan and Development Plan shall provide design details of the covered parking structures, including materials, height, and color.
8. Meet all Engineering redline comments.
9. The Final Site Plan and Development Plan shall provide design details of the proposed tot lot and basketball amenities.
10. The Applicant shall submit with the Final Site Plan a Final Development Plan, which will serve as the *visual and textual* master plan that sets the foundation for development on the subject site.

Preliminary Development Plan:

Staff recommended that the Planning Commission grant approval for the Preliminary Development Plan for the Boulder Canyon Apartment development located at 5525 West 7950 South in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Approvals by these City divisions or departments are required.

Conditions of Approval:

1. A complete Final Development Plan for the entire site shall be submitted at such time the Applicant submits for Final Site Plan approval. Said Final Development Plan shall include updated exhibits that reflect all required changes to the site plan.
2. Barring any significant changes to the Preliminary Development Plan, the completed Final Development Plan shall be reviewed by and approved by staff.
3. The Final Development Plan shall provide an amended Stone Creek Master Plan, showing the removal of the roads located around the 2.27 acre park located directly to the east of the project site. Said road shall be replaced by a multiuse path around the park and connect in with this proposed development in addition to other surrounding land uses on the north, south, and east sides of the park.
4. Due to the strong connectivity of the subject development to the future park to the east, said park revisions listed in conditions #3, shall also include a well designed community vegetable garden area. Final design of garden area shall be approved by City staff.

Clarification was given regarding the layout of the BRT, which is in the center of the street with its own designated lane of traffic, being a lot like Trax. UTA is still working on the final design.

Nathan Gedge asked regarding the 78 on-street parking spaces if this type of exception had been given previously or if it were a precedent.

Greg Mikolash this project is within a planned development and a transit oriented development, so they are trying to promote on-street parking as suggested in the ordinance as long as the streets are wide and pedestrian-safe.

Lanse Chournos, applicant, Silverstone Homes, 1081 North 4150 West, West Point, Utah, said they feel this is a great project. They spent a lot of time making exterior modifications so the units don't look like apartments.

Eric Hanna, West Jordan resident, questioned the maximum structure height, which the code indicates can't be more than two stories or 35 feet. However, these are three stories of 12 feet each, which is too high. He referred to the lawsuit with Ivory Homes who was allowed to get their zoning, and he didn't want this development to get the same. He didn't feel that the 78 on-street parking spaces should be allowed, because they may be taken by people outside of the development who ride the bus, and that wouldn't allow for the tenant to use it. Also, the snow removal ordinance requires that the cars be removed during a snow storm, so they will have nowhere to park. He had concerns with the lack of development of the Clay Hollow Wash, which was going to be a Frisbee golf course at first, but now it is gone. Hayden Peak Elementary already has nine portable

classrooms, and he wondered where the other kids are going to go. The whole community is in a flood zone, so the buildings can't go subgrade. The sidewalks in the development across from Hayden Peak are cracking because of the flood zone. He suggested that the structures be reduced to two stories, which will relieve the 78 parking spots for the exterior perimeter parking. The developer should help to finish the Clay Hollow Wash area, and that they move some of the amenities from the 7800 South side to the Island Park side, in that way the people in the two-story development aren't looking down into the single-family yards.

Craig Pearce, West Jordan resident, said two years ago when the density proposal came forward they made a deal with Peterson Development to approve 960 homes, and then it went back later and it changed without notice to residents. They had proposed to put senior homes to buffer the single-family residential area, which eliminated a lot of their concerns regarding additional children, but that was voted down. He felt that the proposed apartments looked great, but they are worried about the maintenance, the crime, and the things they will bring in. Peterson Development has a history of not developing their parks. He wondered if those parks had been turned over to the city yet. He mentioned that the underground pedestrian areas have graffiti and collect water and mud in puddles. They want a buffer zone so they don't have to deal with all the negative impacts.

Cory Calaway, West Jordan resident, echoed the concerns of the previous two speakers. He also stated that two years ago they all agreed that the apartments would shift toward 7800 South with senior housing toward the single-family, but that all changed. He hoped that they could rotate the site plan so they are not near the apartments, which increase crime and add children to the schools. If they can't do anything about zoning then he would like a bigger buffer by moving them further away and providing a wall lined with tall trees. He said that nowhere else in the City allows for parking on the street without being ticketed or towed, so they should keep it consistent in the area.

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

Lanse Chournos replied to the citizen comments and said the site plan was designed with a great deal of effort with the Design Review Committee and staff regarding placement of buildings, parking, garage units, to facilitate a pedestrian friendly atmosphere, and to conform with the ordinance. It was his understanding that many of the concerns mentioned had been reviewed against the code and they are in compliance, such as the building height. The on-street parking is more of a guest parking, because there is enough on-site as well. They felt they are in compliance with the ordinance and master plan.

David McKinney said some of the residents spoke on the idea that some of these units were to be for senior units, and he asked why that changed.

Lanse Chournos said his company has been involved in the process for only six months, and they were never directed by staff or Peterson Development to go in that direction.

Clarification was given regarding some of the citizen concerns. Scott Langford spoke regarding building height that the code mentions stories and/or height. The staff report has a table that gives the number of stories and height. The peak of the roof is 35 feet 9 inches, but height is measured at the mid-point of the truss. The code allows for 2 stories *or* 35 feet, whichever is greater.

Greg Mikolash addressed the comments regarding the previous City Council decisions. The proposal as seen tonight is in compliance with that action. He explained that this plan for 280 units meets the maximum allowed. When Peterson requested the 924 units as opposed to the 856 units they offered to provide senior units in order to get the higher density, but since that wasn't granted by City Council, Peterson withdrew that offer.

Scott Langford addressed the concern regarding school capacity. The school district was informed of the project as part of the total overall density of the Stone Creek master plan and was part of the process. Greg Mikolash said the school district was even okay with the 924 units, and that number was reduced to 856.

Nathan Nelson spoke to the flood plain issue. The developer of the area has improved the capacity of the channels of Barney's Wash, and the City completed a 75-acre detention pond. The paperwork has been submitted to FEMA and approved, and the flood maps have been revised. This area is no longer in the flood plain.

John Winn commented that he didn't know how the school district continues to say they can handle additional children when the schools are overflowing each year. He asked how much open space is provided between this development and the residential area on Big Springs Drive, regarding the privacy issue.

Scott Langford said the City is currently reviewing two plats. The Stone Creek West plat includes the improvements for this wash area with a multi-use trail, bench, trash receptacles, and basic improvements.

Justin Stoker said he spoke to the Jordan School District about some of their policies, which he doesn't agree with. However, the district considers it acceptable to have up to 12 portable units on an elementary school. This is because with new developments there are usually a lot of young children, and as the developments mature the children leave elementary school, and the number of portables is reduced. Regarding the warped sidewalks and flood zones, he stated that he deals with that every day, and the warping is more from improper soils beneath the sidewalks or trees with a shallow root structure.

James Dupaix said several citizens mentioned not being informed about the second rezone hearing, and he asked that staff comment on the public noticing procedure.

Tom Burdett said he didn't recall the exact noticing for that item. He remembered the senior housing option that was considered if Peterson received the higher number of dwelling units. The City Council didn't approve the higher number, so the proposal was withdrawn. The standard practice of noticing involves publishing the agenda, but he didn't know if a second set of envelopes were sent out. The initial discussion included posting the property and sending notices within 300 feet of the subject area.

Ellen Smith felt there are way too many people in the schools, but as the City Council has already considered this issue and made the decision, the Planning Commission decision is now on the site plan. She felt that the developer had made the best livable situation out of the number of dwelling units. She was a little concerned with the on-street parking especially when they consider the BRT, but that is something that will have to be seen.

David McKinney agreed. While legitimate concerns have been raised, those questions have been answered. The question of density has already been made. He felt that the conditions of approval cover the concerns.

James Dupaix commended the Commission for addressing the concerns of the citizens. The Commission initially suggested the senior housing alternative, but that is not the issue tonight.

MOTION: Justin Stoker moved to approve the Boulder Canyon Apartments; 5525 West 7950 South; Silverstone Home Development (applicant) Preliminary Site Plan with conditions 1 through 10 as listed and Preliminary Development Plan with conditions 1 through 4 as listed, based upon the discussion, findings of fact from staff, and the comments received. The motion was seconded by Nathan Gedge and passed 6-0 in favor.

7. **Text Amendment – Amend the West Jordan Municipal Code Regarding Public Improvement Guarantees Title 89 Chapter 6 Part 12; City-Wide; City of West Jordan (applicant)**
[#TA20080008]

[This item was moved to the Consent Calendar and given a positive recommendation.]

8. Discussion - Conditional Use Permit Classifications; City-Wide; City of West Jordan (applicant)

Jennifer Jastremsky stated that the Planning Commission requested that a list of uses that require either a conditional uses permit or administrative conditional use permit be prepared for their review. Staff included some suggested areas of changes. City Council asked staff to modify the requirements for daycares and preschools/general instruction as home occupations. She reviewed the suggested changes. The second change is regarding low power radio service facilities (cell towers) and signs to be administrative. These cases are relatively common and have a generally low impact to neighborhoods as they are usually co-located on existing facilities. Thirdly, staff recommended a modification for uses that do not involved the storage, undergrounding, or processing of chemicals to be an administrative conditional use within zones 3 and 4.

Justin Stoker referred to a previous preschool application that was a very hot issue in the neighborhood. He understood the permitted use of a certain number of children per day, but he was reluctant to allow for an administrative conditional use for 12 clients per session. He wanted the neighbors to be given the chance to speak on the application.

David McKinney asked for clarification regarding the Planned Development zones and the difference between daycare, general and daycare, limited.

Jennifer Jastremsky said daycare, general is a larger-scale commercial operation. Daycare, limited allows for up to 12 children, but it is not necessarily associated with a home occupation. Planned Development zones allow for a mixture of commercial and residential uses.

Nathan Gedge asked what the rationale was for moving junk and salvage yards, in zones 3 and 4 to staff review, because he would like to see all junk and salvage yards come before the Commission.

Jennifer Jastremsky said staff was trying to streamline the well water protection zone for anything that doesn't actually involve chemical processing or actual chemical storage.

Nathan Gedge would prefer that that they still come to the Commission.

Ellen Smith said she would prefer some of the others to remain as a conditional use permits such as furniture stripping, painting and finishing, and machine shops. When she worked in the environmental field they did a lot of work on auto/vehicle maintenance facilities, which she would almost prefer be a conditional use as well.

James Dupaix asked how she felt about maintenance garages and farm operations.

Ellen Smith said she would almost prefer that they all be conditional.

David McKinney asked about the distinction between the water zones that suggest a different treatment.

Jennifer Jastremsky said zone 1 is a 100-foot radius protection zone around the well and zone 2 is a 250-day protection area. She wanted to keep the uses directly next to the wells at a higher review standard. The zone doesn't take into consideration the type of soil, but only the distance.

Ellen Smith said the concern is that the zones do not deal with actual soil types, so distance away is not enough protection.

Justin Stoker said he was not comfortable with allowing 12 children per session as an administrative permit, and he suggested that the permitted be changed to 7 per day. In Agricultural zones and VLSRF to allow up to 12 children per day as administrative conditional use. In all residential zones and planned developments, City

Center, and WSPA they look at up to 12 per day or up to 7 per day with multiple sessions as a conditional use, because anything more than that puts a tax on the neighborhood.

Clarification was given on Page 3 allowing construction, sales, and service as an administrative conditional use in the C-M zone. The note to strike out (no outdoor storage) was included in the previous recodification changes. The C-M zone is more like a manufacturing zone, and those uses are typical. The C-M zone doesn't allow for outdoor storage.

On Page 4 there was a discussion regarding the option to change government services to a permitted use. The Commission felt that listing it as permitted would be fine.

On Page 8 James Dupaix agreed with the changes for the hospital category and print shops to be administratively approved with the others remaining as full conditional use permits.

2. Business Items
Approve Planning Commission Calendar for 2009

Staff recommended that the Planning Commission review the dates and approve the calendar as listed or with any changes as necessary.

MOTION: Nathan Gedge moved to adopt the 2009 Planning Commission Calendar. The motion was seconded by Justin Stoker and passed 5-0 in favor with Commissioner Dupaix abstaining.

Tom Burdett updated the Commission regarding the general plan update process. A committee needs to be appointed, but they will not start meeting until January. Staff can arrange for a gated community tour in preparation of code changes, if desired. There was a brief discussion regarding gated communities. The City Council is encouraging them, but many communities are discouraging them. The code change is being handled separate from the Country Park Villas issue. The suggestion from staff would be that they would require a private road system, they would have to be in a PRD zone with a master plan, and no density bonuses would be allowed. James Dupaix didn't want to see any, but if they did allow them he would like to see those suggestions plus extraordinary amenities. Several felt that law shouldn't be made based on the one facility.

An update was provided on the progress of the Mid-Jordan Trax line. The Commission should see two additional park-and-ride site plans in December.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 7:41 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008