

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 20, 2009 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** David McKinney, Chad Nichols, Nathan Gedge, Ellen Smith, John Winn, and Jesse Valenzuela. Justin Stoker was excused.

**STAFF:** Tom Burdett, Robert Thorup, Greg Mikolash, Julie Davis, and Ray McCandless.

**OTHERS:** Richard Schmidt and Erin Jackson.

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The briefing meeting was called to order by David McKinney.

There will be no Planning Commission meeting on June 3, 2009. The proposed location of the produce stand was discussed for Item #1B, and an alternate location was suggested by the Commission. Item #1C was discussed as to clarification of whether or not condition #1 is a condition or a recommendation. Both items will be pulled for discussion. A general discussion was held regarding upcoming projects.

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

**1. Consent Calendar**

**A. Approve Minutes** from May 6, 2009

**B. Sugar Sweet Produce; 2730 West 7800 South; Temporary Use Permit; C-G (ZC) Zone; Chris Jackson (applicant) [#TUP20090007; parcel 21-28-378-017]**

**[This item was removed from the Consent Calendar for discussion.]**

**C. Sugar Sweet Produce; 7064 South Redwood Road; Temporary Use Permit; SC-2 Zone; Chris Jackson (applicant) [#TUP20090006; parcel 21-27-127-025]**

**[This item was removed from the Consent Calendar for discussion.]**

**D. Schmidt's Produce Stand; 9090 South 2200 West; Temporary Use Permit; SC-1 Zone; Schmidt's Produce (applicant) [#TUP20090008; parcel 27-04-426-008]**

Staff recommended approval of the Temporary Use Permit for the Schmidt's Produce Stand located at 9090 South 2200 West based on the findings outlined above with the conditions set forth below:

1. Prior to a Business License being issued a \$2,000 refundable cash bond shall be posted with the City Treasurer to ensure the proper and timely removal of the materials associated with the use.
2. One temporary sign is permitted for the Temporary Use Permit. This sign shall not exceed 32 square feet in area as permitted per §89-6-1103(f) and may not exceed the size standards listed in §89-6-1107.
3. All temporary materials, excluding paving, associated with the use will be removed and the site returned to its original condition within 24 hours of the expiration date of the Temporary Use Permit.
4. The applicant shall obtain approvals from the Building and Safety, Business Licensing and Fire Departments.
5. The refrigerator trailer shall be fenced off from public access for the duration of the temporary use by a 6' chain link fence with sight obscuring vinyl slats.
6. The office shall be located on the west side of produce stand and shall be locked from 7:00 pm to 9:00 am to prevent public access for the duration of the temporary use.
7. The Temporary Use Permit shall commence on August 1, 2008 and shall expire on October 31, 2008.
8. The days and hours of operation shall be Monday through Saturday from 9:00 a.m. to 7:00 p.m.
9. The overflow parking area shall be paved with compacted road base, gravel or recycled asphalt per West Jordan Municipal Code Section 89-6-605(d).
10. The site shall be kept free of litter.
11. No illegal parking or parking on 22000 West Street shall be permitted.

12. The produce stand shall be located so that it does not interfere with construction activities associated with the installation of a proposed pressure reducing valve station. The applicant shall coordinate with the West Jordan City Engineering Department to address this issue before any site improvements are made.

**MOTION: Nathan Gedge moved to remove Items #1B and #1C from the Consent Calendar for discussion and to approve Consent Calendar items #1A and #1D. The motion was seconded by Ellen Smith and passed 6-0 in favor. Justin Stoker was absent.**

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**1B. Sugar Sweet Produce; 2730 West 7800 South; Temporary Use Permit; C-G (ZC) Zone; Chris Jackson (applicant) [#TUP20090007; parcel 21-28-378-017]**

Greg Mikolash gave an overview of the request for a temporary use permit for produce sales. Staff is recommending an alternate, central location on the site. Discussion in the pre-meeting suggested another location to be to the west near the carwash. It is unclear whether or not the carwash is operational, which could pose a problem.

Staff recommended that the Planning Commission grant Temporary Use Permit approval for Sugar Sweet Produce, LLC, to conduct a temporary use selling fresh produce in the parking lot of the Texaco gas station at 2730 West 7800 South in a C-G 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. Relocate the stand from the corner to a new location between the two entrances off of 7800 South to accommodate pedestrian safety. Vehicles turning into the entrances off of both 7800 South and 2700 West may be a hazard to pedestrians if they have to walk past the drive entrances to get from the parking areas to the temporary business.
2. Duration of permit not to exceed 90 days.
3. Apply for, and obtain, a business license. Please file the required business license application at least 15 days in advance of the anticipated start date of operations to allow for sufficient time for the required licensing inspections to be completed.
4. Any temporary signage beyond a single 32 square foot sign that is included with a temporary use permit shall be applied for under separate permit.

Erin Jackson, 187 South 300 East, Orem, wife of the applicant, said they could find out if the carwash is operational. Given a preference of site choices, the applicant would probably prefer the central location rather than the western one, because the trees might block visibility.

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

Nathan Gedge was inclined to indicate the central location as preferred, because the one to the west doesn't appear to have enough room as well as having visibility issues.

John Winn also thought that would be better for the business.

David McKinney agreed that they don't know whether or not the carwash is operational, and he would be inclined to go forward with the staff recommendation.

**MOTION: Nathan Gedge moved to approve the Temporary Use Permit for Sugar Sweet Produce; 2730 West 7800 South; Chris Jackson (applicant) based upon the discussion and with the conditions of approval 1 through 4 as listed in the Planning Commission agenda packet. The motion was seconded by Ellen Smith and passed 6-0 in favor. Justin Stoker was absent.**

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**1C. Sugar Sweet Produce; 7064 South Redwood Road; Temporary Use Permit; SC-2 Zone; Chris Jackson (applicant) [#TUP20090006; parcel 21-27-127-025]**

Greg Mikolash gave the overview of the application. He pointed out the proposed location of the produce stand. He noted that condition of approval #1 asked that the applicant consider relocating the stand. He showed the site on a photo and noted that the main concern could be with the close proximity to the driveway entrance. The Commission should either eliminate condition #1 or make it a definite condition, and not just a consideration.

Staff recommended that the Planning Commission grant Temporary Use Permit approval for Sugar Sweet Produce, LLC, to conduct a temporary use selling fresh produce in the parking lot of the Redwood Village Shopping Center at 7064 S. Redwood Road in an SC-2 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. Consider relocating the stand 25 feet further south to avoid the visual blockage caused by the existing shopping center real estate marketing sign.
2. Duration of permit shall not exceed 90 days.
3. Apply for, and obtain, a business license. File the required business license application at least 15 days in advance of the anticipated start date of operations to allow for sufficient time for the required licensing inspections to be completed.
4. Any temporary signage beyond a single 32 square foot sign that is included with a temporary use permit shall be applied for under separate permit.

David McKinney asked what the staff would typically do to communicate the recommendation to the applicant should it be removed from the condition.

Greg Mikolash said staff would call or send a letter with the recommendation.

John Winn wondered why the move was suggested.

Greg Mikolash said planner Chris Gilbert was concerned that the stand might block visibility of those turning out of the property onto Redwood Road.

John Winn said he didn't know that it would be a problem since it is a right out only.

Erin Jackson, 187 South 200 East, Orem, wife of the applicant, stated the applicant knew of the recommendation and was fine with the move as recommended.

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

John Winn was opposed to the condition, because it appeared that real estate signs might be in the way if they were to move it. If the only reason for the move was the visibility for turning, he didn't think it applied, because there is no left turn allowed at that driveway.

**MOTION: Nathan Gedge moved to approve the Temporary Use Permit for Sugar Sweet Produce; 7064 South Redwood Road; Chris Jackson (applicant) based upon the testimony and discussion and with the conditions of approval 2, 3, and 4 as listed in the Planning Commission agenda packet, and renumbering them 1 through 3. The motion was seconded by John Winn and passed 6-0 in favor. Justin Stoker was absent.**

Tom Burdett thanked Commissioner McKinney for serving on the CDBG Committee. He updated the Commission on the allocation of stimulus and energy block grant funds and ideas for use of the funds. He stated that because of lack of planning applications that are ready to go forward, there will be no Planning Commission meeting on June 3<sup>rd</sup>.

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

The meeting adjourned at 6:22 p.m.

Justin Stoker  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009