

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 19, 2009 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Jennifer Jastremsky, Scott Langford, Rodger Broomé, Bill Baranowski, and Julie Davis

OTHERS: Mark Isaac, Shan and Glenna Sparks, Chris Callahan, Janet Hamilton, Mel Parker, Howard Schmidt, and Lisa Blake.

The briefing meeting was called to order by Justin Stoker.

Scott Langford clarified that staff's recommendation for Item #3 is slightly different from the applicant's request. Tom Burdett gave a brief explanation of the request for modification of design standards for Item #4. Jennifer Jastremsky noted that the applicant held a neighborhood meeting where seven people attended. Those who attended liked the idea of the pedestrian walkway and did not want the street to go through. Options of emergency access or traffic calming designs were noted.

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

- 1. Consent Calendar**
Approve Minutes from August 5, 2009

MOTION: Nathan Gedge moved to approve Consent Calendar Item #1 the minutes from August 5, 2009. The motion was seconded by David McKinney and passed 7-0 in favor.

- 2. West Jordan Kingdom Hall; 8887 South 3200 West; Amended Conditional Use Permit to Allow for a Caretaker Unit; RR-1D Zone; Roger Snider, Construction Coordinator (applicant) [#CUP20090009; parcel 27-04-152-012]**

Jennifer Jastremsky explained that a conditional use permit was granted for a church on January 16, 2008, and now the applicant would like to add an accessory caretaker unit to the property. These types of uses are fairly common for churches, and they are allowed in the Rural Residential zone. The building will be 800 square feet in size and have one bedroom and one bathroom. It will be have a brick façade that will match the church and surrounding residential neighborhood. Some landscaping will be removed from the site, but none of it will be the required landscaping. One parking space will be designated for the use of the caretaker, which will not take away any required spaces from the church. The proposed building will require individual utility connections rather than connecting to the church.

Staff recommended that the Planning Commission grant the Amended Conditional Use Permit approval for the West Jordan Kingdom Hall located at 8887 South 3200 West in a RR-1D 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. Meet all Engineering and Utility Department requirements for the connection of utilities.
2. Place the pedestrian access walkway in such a manner as to not disrupt any existing trees.
3. Designate at least one off-street parking space, with signage, to be used by the resident caretaker.
4. Comply with all Building and Safety, Fire and Engineering Department Regulations.
5. The Conditional Use Permit is subject to review and/or revocation as per §13-7E-10.

David McKinney asked for the location of the existing trees as referred to in condition #2.

Jennifer Jastremsky pointed out where the trees are and said there shouldn't be a problem meeting the condition.

Roger Snider, applicant, 88 South 500 West, Salem, Utah, had nothing to add to the staff report.

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

MOTION: Nathan Gedge moved to approve the Amended Conditional Use Permit for West Jordan Kingdom Hall; 8887 South 3200 West; Roger Snider (applicant) with the five conditions of approval as listed in the Planning Commission packet. The motion was seconded by Ellen Smith and passed 7-0 in favor.

3. Text Amendment – Amend the West Jordan Municipal Code Section 13-5E-3 – Permitted and Conditional Uses in Commercial Zones (Land Use Table) to allow Vehicle and equipment repair, limited and Laundry and dry cleaning, limited as permitted uses in the SC-3 zoning district; City-Wide; Foursquare Properties/Mark Isaac (applicant) [#TA20090002]

Scott Langford explained the request to amend the municipal code. Staff endorses the request to allow for laundry and dry cleaning services, limited as a permitted use as it will be compatible to existing uses. Staff also agreed that vehicle and equipment repair, limited could be a good use in this zoning district. However, there may be situations where it may have impacts on neighboring uses. For that reason, staff is recommending that these uses be allowed with an administrative conditional use permit in order to mitigate any potential impacts.

Staff recommended that the Planning Commission accept the findings of the staff report and forward a positive recommendation to the City Council for the proposed amendments, as recommended by staff, to 13-5E-3: Permitted and Conditional Uses in Commercial zones.

At the request of Commissioner McKinney, Scott Langford explained the differences in the shopping center zones. The only active SC-3 zoning district in West Jordan is Jordan Landing, but there are areas further west that are indicated for regional commercial in the future master plan. These types of uses that are ancillary to the primary use are currently allowed, such as at Wal-Mart. Commissioner Gedge asked Mr. Langford to list the types of uses vehicle and equipment repair, limited would include.

Mark Isaac, applicant, Regional Manager for Foursquare Properties, 5850 Avenida Encinas, Carlsbad, California, agreed with staff's approach to addressing the application. He stated that they are running out of categories to build at Jordan Landing. They are trying to accommodate a dry cleaner, and they have also had an inquiry from a tire center. He agreed with the idea of having the vehicle and equipment repair, limited as an administrative conditional use permit.

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

David McKinney thought that the request made sense. He said the SC-3 zone has a limited scope as it only applies to two areas in the entire city. The vehicle and equipment repair, limited limits the types of activities that can occur and those uses have to be conducted in a completely enclosed building. He felt it was perfectly appropriate in this type of major commercial center.

MOTION: Nathan Gedge moved to forward a positive recommendation to the City Council to amend the West Jordan Municipal Code Section 13-5E-3 to allow Laundry and dry cleaning, limited as a permitted use in the SC-3 Zone, and to allow Vehicle and equipment repair, limited as an administrative conditional use permit in the SC-3 Zone, based upon the

discussion and testimony. The motion was seconded by Chad Nichols and passed 7-0 in favor.

4. Swiss Gardens Subdivision and Modification to Design Standards; 9063 South 3200 West; Minor Subdivision Plat (2 lots) and Request for Modification of Design Standards to Eliminate the Requirement to Connect a Public Street to the Existing Stub Street; P-O Zone; Howard Schmidt (applicant) [#SDMI20090006 and APP20090002; parcel 27-04-301-002]

Jennifer Jastremsky gave an overview of the request. The proposed lots will be 3.5 acres for the north lot and 3.9 acres for the south lot. The northern lot is intended to be sold for development of a medical office building. The request for modification of design standards is to leave the existing stub street at 9050 South on the east side of the property rather than continuing the street through to 3200 West. The subdivision ordinance states, "Streets in new subdivisions shall connect to existing stub streets from adjacent neighborhoods." And, "If adjacent land to a subdivision is undeveloped, a stub street shall be provided at reasonable locations to provide convenient access for future development." If this road is built it will remove about 1 acre of property from Lot 1, or 97 feet of property width. The developer had stated that the future planned medical office building may be unfeasible with only 2.6 acres of property. The stub street is 120 feet long, and the code requires a turnaround for dead end streets longer than 150 feet. So, there is no turnaround requirement should the stub street remain. The fire department has stated that fire service is adequate in Edenbrook subdivision, and that will not change should the stub street remain. The existing subdivision has two access points with one from Edenbrook Drive and one from 9390 South off of 3200 West with another five entrances off of 3200 West that funnel down to 9390 South. Specifically 9050 South services 32 homes off of four cul-de-sacs. The applicant is proposing a pedestrian access easement in place of connecting 9050 South, which will allow residents in the residential subdivision to access nearby uses, including a bus stop on 9000 South. She showed a proposed plan of how this pedestrian connection might be laid out. She reviewed the recommended conditions of approval.

Final Subdivision Plat:

Staff recommended that the Planning Commission grant Final Subdivision plat approval for the Swiss Gardens Subdivision project located at 9063 South 3200 West in a P-O 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. Provide a perpetual pedestrian access easement connecting 9050 South street sidewalks to the 3200 West Street sidewalk by adding a Note to Purchaser to the Subdivision Plat, in language to be determined by the West Jordan City Attorney's Office. The actual location and dedication of the easement shall be provided at time of Site Plan review and approval. The walkway shall be a minimum of 5-feet in width.
2. Obtain a Modification to Design Standard for the 9050 South stub street, or continue 9050 South Street though to 3200 West.
3. Meet all requirements from the Planning, Engineering, Public Works, Fire, and Building and Safety Departments.

Modification to Design Standards:

Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the Modification to Design Standards for Swiss Gardens Subdivision project located at 9063 South 3200 West in a P-O zoning district with the conditions as listed below.

Conditions of Approval:

1. Provide a perpetual pedestrian access easement connecting 9050 South street sidewalks to the 3200 West Street sidewalk by adding a Note to Purchaser to the Subdivision Plat, in language to be determined by the West Jordan City Attorney's Office. The actual location and dedication of the

easement shall be provided at time of Site Plan review and approval. The walkway shall be a minimum of 5 feet in width.

2. Non-mountable curbing is required at the end of the pavement on 9050 South Street.
3. Appropriate signage, as required by the City's Traffic Engineer, must be installed to identify 9050 South as a dead end.
4. Meet all requirements from the Planning, Engineering, Public Works, Fire, and Building and Safety Departments.

Option for Denial:

If the Planning Commission finds that the proposed Modification to Design Standard will be detrimental to the public safety and welfare, or injurious to other property in the general vicinity, staff recommended the Planning Commission forward a *negative* recommendation to the City Council for the Modification to Design Standard for the Swiss Gardens Subdivision project located at 9063 South 3200 West in a P-O zoning district; based on the finding that the roadway should be required per the goals and policies of the General Plan which call for a limitation to the number and length of cul-de-sacs and a requirement for multiple points of ingress and egress.

When asked when the residential subdivision was constructed a resident spoke from the audience that it was since 1978.

Justin Stoker asked for clarification that it is okay to have only one access for 32 lots.

Rodger Broomé said the current standard they would defer to with a typical subdivision review is Appendix D in the International Fire Code 2006. He wanted to clarify that this appendix is not adopted into law by the State of Utah, but it is a legitimate standard of referral when there is no law. That appendix states that it is a good idea to have two accesses in the event it exceeds 30 units. The recommendation also says that if it is above 30 homes that they be sprinklered, which isn't likely that these homes are going to retro-sprinkler. It is the position of the fire department that the two extra homes don't make a significant difference to the 30 homes that would otherwise be allowed. He felt the current access is adequate. In his 20 years of experience with the City of West Jordan he had never seen a public safety issue be significant in that area because there is only one access. However, if this subdivision were being built new with 30 homes and one access they would look very closely at the circumstances and what kinds of accesses were provided.

Justin Stoker asked if a crash gate could be considered as an alternative in this situation or if that would be considered a nuisance.

Rodger Broomé said from a tactical approach to the situation, he couldn't see fire fighters going into an office complex looking for an access into the subdivision. They would probably come off of Edenbrook Drive 99% of the time.

Howard Schmidt, applicant, 1694 East Torrey Pines Circle, Draper, complimented staff for their help on the project. When the original subdivision was built the road was anticipated to feed additional residential properties, but about 25 years ago they approached the City to change the property to a professional office zone. The residents were in favor of the change at that time, but they were not in favor of the road going through. Since there is a difference in uses in this situation he felt that the residents will be adequately served with only the pedestrian access.

Mel Parker, West Jordan resident, stated that there is a number of youth who use the streets as their playground since there is not a park in the area, so a lot of the residents are concerned with the additional traffic that would be created with the extension of the street. He thought that the pedestrian access is a good idea.

Lisa Blake, West Jordan resident, said another issue is the difference in crime in their four cul-de-sac area compared to the properties down Edenbrook Drive, which has more crime. She felt that opening the street may cause it to be more of an issue in their neighborhood. She noted that the exit from Fairchild would line up with this proposed street, so she felt that the people from the medical plaza will come through their street as well as people exiting from Fairchild who will use this as a shortcut to 9000 South.

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

The applicant had nothing further to add.

David McKinney said there is a standard policy to connect the stub street, and if it were going to be a residential subdivision it would make sense to connect it. However, this is a professional office use and is very different from the residential use, which complicates the issue. The residents appear to be satisfied with the distance they have to drive for access. Another question the Commission should consider is if the street is required to be built, what sorts of traffic calming measures are desired. Given the circumstances, he felt that they could reasonably grant the waiver to design standard, primarily because the properties have different uses.

Ellen Smith said her main concern was the lack of a second access. She explained a situation that occurred on her street several years ago where a police pursuit ended at their dead end street, and because of the crime scene, no one in that street could get out of the subdivision for the rest of the day. She wasn't sure it should be required in this situation, and she was glad that a pedestrian access would be provided. Regarding cut-through traffic, she would be more concerned about it if the connection went all the way to 2700 West, but it doesn't. So she would only use the road as a shortcut if she were making a right turn onto 9000 South.

John Winn said he could see where there might be some concern with access, but after hearing testimony from the fire department that there have been no issues related to the access for more than 30 years, that relieved his concerns. Also, the residents were content with the current layout. He was inclined to go forward with the staff recommendation.

David McKinney addressed the concern of a single access point in the situation that was mentioned and said that would be the situation for any cul-de-sac in the city. He felt so long as the emergency personnel are satisfied that there is sufficient emergency access then he would be inclined to be in favor.

MOTION: John Winn moved to approve the Final Subdivision Plat for Swiss Gardens; 9063 South 3200 West; Howard Schmidt (applicant) with the conditions of approval listed in the Planning Commission packet. The motion was seconded by Nathan Gedge and passed 7-0 in favor.

MOTION: John Winn moved to forward a positive recommendation to the City Council for Swiss Gardens Modification to Design Standards; 9063 South 3200 West; Howard Schmidt (applicant) with the conditions as listed in the Planning Commission packet. The motion was seconded by Nathan Gedge.

Ellen Smith said she was going to vote in favor, but she wanted to say that all it takes is one time, and they need to carefully weigh the issues to make sure that the 'one time' isn't on their shoulders.

VOTE: The motion passed 7-0 in favor.

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Tom Burdett gave an update of the recent City Council workshop regarding parks. A motion was made to fund the Oaks East Park on 8200 South, the Maple Hills Park north of fire station 55, and the Wildflower Park. Some other parks being considered are improvements to the Plum Creek Park and Bateman Pond. The Rotary Club has proposed to install a playground designed for disabled children to be located next to the Field of Dreams at Veterans Memorial Park. He gave a brief update of the progress with the General Plan Committee.

MOTION: Nathan Gedge moved to adjourn. The motion passed 7-0.

The meeting adjourned at 6:42 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2009