

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 16, 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, Greg Mikolash, Chris Gilbert, Nathan Nelson, Rodger Broomé, Robert Thorup, and Julie Davis.

OTHERS: Jerry Wagstaff, Cameron Duncan, David Man, and Cathy Hughes.

The briefing meeting was called to order by Justin Stoker.

Item #2 was briefly reviewed as to soil types. The recommendations of the Design Review Committee were shown. There were questions regarding the need for a wall versus landscaping, noise impacts from the carwash, lighting, traffic calming, pedestrian safety, and improvements to the crossing on U-111. It was clarified that the preliminary development has already been addressed for this area.

The regular meeting was called to order at 6:09 p.m.

MOTION: Nathan Gedge moved to change the schedule and move Item #1 to the end of the meeting. The motion was seconded by Ellen Smith and passed 7-0 in favor.

2. Holiday Oil Store #48; 7015 West 8200 South; Preliminary Site Plan and Conditional Use Permit; P-C Zone; Holiday Oil, LLC/Jerry Wagstaff (applicant) [#SPCO20090020, CUP20090010; parcel 20-34-177-015]

Chris Gilbert gave the overview of the project. The proposal is consistent with the neighborhood commercial land use category and the preliminary development plan for Jordan Hills Villages approved by the city council that allowed uses from the SC-1 category with a conditional use permit. The building will be set on the west side of the lot with the pumps oriented between the building and the highway, which will minimize the impact to the residential area to the west. A required 20-foot landscape buffer as well as the parkstrip is along the west property boundary and includes additional evergreen trees to help buffer and screen the use from the residential areas. He showed two façade alternatives; one with a brick exterior with a stone entryway feature and the other which is all brick, including the entryway. The Design Review Committee recommended an all brick building with a stucco entryway feature. The applicant agrees to make the carwash an all brick building as well. A typical sign design was shown, which will most likely have brick to match the building. He showed the standard canopy that will have brick columns. He reviewed the three potential access points for the site. A right-in slipramp from U-111 is proposed and requires approval from UDOT. The Sycamores trail currently runs between the property and the roadway. Part of the trail will be removed and replaced with a crossing as part of the slipramp. Staff wants appropriate signage north of the slipramp warning drivers of the trail as well as signage for the pedestrians on the trail warning them of the traffic coming off the highway. Staff does not recommend that the applicant allow truck traffic to use the west entrance as it would go through a residential neighborhood. All site lighting has to be 15' or less in height and fully shielded, which is met with this plan. There is between 200 and 300 feet of distance between the carwash and the nearest residential dwelling.

Conditional Use Permit:

Staff recommended that the Planning Commission grant Conditional Use Permit approval for a new convenience store to be located at 7015 West 8200 South in a P-C 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. Approval by these City divisions or departments may be required.

Conditions of Approval:

1. The applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at

the time of this approval.

2. Trash collection and underground tank refueling operations within 300 feet of residential property are to be conducted between 7 A.M. and 9 P.M. in accordance with City Code Section 5-4-2. If the refueling operations cannot be reasonably scheduled outside of these hours, the applicant may desire to provide detailed study information to the city for review that establishes the decibel level of the underground fuel tank refueling operations. Staff recommends that this activity be permitted during overnight hours if the study shows the activities do not constitute a noise hazard of over 50dB, in accordance with City Code Section 5-4-3, measured at the property line of the nearest residential units in proximity to the activity.
3. Provide reasonable safety signage approved by the Utah Department of Transportation warning vehicles of the pedestrian/bicycle trail crossing at the entrance to the property from the southbound U-111 Highway slipramp.
4. Provide reasonable trailway safety signage approved by West Jordan City staff, including its traffic engineer, warning trail users of the dangers posed by vehicles entering the site over the trail crossing from southbound U-111 Highway.

Preliminary Site Plan:

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for a new convenience store to be located at 7015 West 8200 South in a P-C 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. Approval by these City divisions or departments may be required.

Conditions of Approval:

1. The applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time of this approval.
2. Meet all the requirements of the Jordan Hills Villages Development Plan and provide a Final Development Plan for this individual lot that is consistent with it.
3. Meet any additional conditions of approval attached by the Planning Commission, including any recommendations from the Design Review Committee.
4. Final Site Plan and Final Development Plan shall be reviewed and approved by the Planning Commission.
5. Address all remaining outstanding planning and engineering redlines with final site plan approval submittal.
6. Provide copy of Utah Department of Transportation authorization to install the right-in only slipramp off of southbound U-111 Highway.
7. Provide reasonable safety signage approved by the Utah Department of Transportation warning vehicles of the pedestrian/bicycle trail crossing at the entrance to the property from the southbound U-111 Highway slipramp.
8. Provide reasonable trailway safety signage approved by West Jordan City staff, including its traffic engineer, warning trail users of the dangers posed by vehicles entering the site over the trail crossing from southbound U-111 Highway.

The lighting locations were pointed out. The light closest to a dwelling will be at the northwest entrance and is necessary to provide security and safety for the site. It was uncertain if there is security lighting on the rear of the building itself.

David McKinney asked how the area to the east of the property would be landscaped.

Chris Gilbert said because that area is a trailway it will be left in its natural state. Curb, gutter, and sidewalk will not be installed along the UDOT right-of-way at this time, but could be installed should UDOT upgrade the highway. Improvements within the city right-of-way are shown and will be installed.

Nathan Gedge asked for clarification on condition #2 of the conditional use permit and asked if the city code takes care of that issue already.

Chris Gilbert said the applicant may not have a lot of control over when the trucks can deliver fuel to the tanks. The code allows for nighttime delivery if it can be shown that the noise doesn't reach a certain decibel level. However, the noise ordinance specifically prohibits trash dumping activities between the hours as stated.

Jerry Wagstaff, owner of Holiday Oil, 3115 West 2100 South, said they have been working on this project for over two years with the biggest problem being with UDOT. The site design has a new type of turn lane with one going into their development and one going onto 8200 South. It is important to keep pedestrians safe and to make the drivers aware of them. UDOT has given them conditions. UDOT and West Jordan are working together to make the access from U-111 work. His other concern was with the residential area to the west, but he felt that they had addressed those concerns with landscaping. He likes the building to be lit up in the front, but they will do what the commission requests regarding the rear of the building. He said they have found that it is more secure to have more lights.

Cameron Duncan, Ensign Engineering, 90 East Fort Union Boulevard described the lighting that will be on the building. It has a five-foot overhang on the soffit with tube lighting along that with a 6-inch stucco band that screens the light. This just lights the building and doesn't have the glare that is associated with other types of lighting.

David McKinney asked if the lighting is continuous.

Jerry Wagstaff wasn't sure if the lighting on the building is left on even when they are closed. However, there is a portion of lighting on the canopy that is left on for those using the pumps afterhours.

Cameron Duncan said the lights could be circuited at a half-level or three-quarter-level or whatever the commission wants. The light poles on the driveways are important to the applicant so the patrons can see where the drive approaches are and so that pedestrians are seen. The engineering department wanted street lights in the parkstrip on the west side of the drive approach on 8200 South and another one by the drive approach on 7025 West. He wanted to work with staff to put their light on one side and the city light on the other side in order to get some good uniform lighting in those areas.

David Man, West Jordan resident, stated that he lives four houses away from this, and if he knew that this would be a gas station he would not have purchased the home. He thought that there were enough gas stations in the city already, and they don't need one by homes. He wondered how many customers they expect to have each day, because if there are an estimated 300-500 cars each day it would be the sound of a car door closing 1,000 times and 500 times they would hear engines starting. He said there are many pedestrian activities in the neighborhood such as jogging, walking dogs, and kids playing. His biggest concern was with the exposure that his kids and the neighborhood kids would have to all the strangers coming to the gas station. He didn't feel it was fair to bring all these other people to their neighborhood.

Cathy Hughes, West Jordan resident, felt that the convenience outweighs the traffic concerns. Looking at where the homes are and where the traffic would be, she didn't see a problem. The people who have been there for 3 to 4 years are excited for the project. She felt that the cars would be coming in from U-111 and exiting on 8200 South, so she didn't think they would come through the residential area and affect the neighborhood.

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

Ellen Smith asked if there were any concerns about cut through traffic through the gas station if traffic backs up on U-111.

Nathan Nelson didn't know the numbers for traffic volume, but UDOT takes that into account when issuing the permit and determining the length of the ramp.

Ellen Smith just felt that if it were used as a short cut to get to 8200 South it could be a safety concern with the amount of foot traffic that will be in the area.

Nathan Nelson stated that he initially asked about the purpose of the access point to the northwest, and the applicant stated that the trucks would come in that entrance to fill the tanks and then go out at 8200 South. (The applicant stated from the audience that is possible, but the main purpose was access for the residents to the west.) He was also told that this wouldn't have a great impact on the residents because the vehicle headlights wouldn't affect them. They didn't discuss the potential for short cut traffic. It is a possibility depending on how busy the intersection becomes. He stated that they could look at the issue and bring back some more information at the final approval. One solution might be making it an 'in' access only from the west.

Justin Stoker asked how many street lights are proposed for 7025 South.

Nathan Nelson said typical spacing is 300 feet, at intersections, and then at driveways so that ingress and egress are clearly marked. Neighborhood street lights have 20-foot poles and collector roads have 30-foot poles. These poles would be like the typical residential acorn style at 20 feet high.

Justin Stoker thought that the street lights in the area would probably generate more light influence on the neighborhood than the actual site lights.

Nathan Nelson said that is right, because the street lights are 360 degree lights, and those on the site plan are either directed toward the site or shielded.

John Winn said he is a resident of the area and is excited for the convenience of the store. However, he worried about the potential hazard for the kids from the middle school crossing the road to get to the store. There will also be people on the east side of U-111 who will now be crossing the road at 8200 South to come to the store. He asked when a traffic signal would be installed at that location.

Nathan Nelson said he didn't have an actual time frame. U-111 is a state road, and UDOT waits until the traffic volumes meet a certain number before the traffic light is installed. The applicant has been working with UDOT for 2 years and there have been several conversations, but nothing has been issued in writing regarding their conditions or a signal. The city will require a permit or a list of conditions from UDOT before they can move forward to final approval.

David McKinney said that the public comment reaffirms the balancing act of the decision that the commission faces. Regarding traffic, in the short term this site will likely primarily serve the immediate neighborhood. It is adjacent to the right kind of highway and it is the right kind of development for the area. He felt that the site plan conditions should include language to deal with the adjustments to the geometry of the slipramp and to have all parties discuss traffic calming features to prevent cut through traffic and reduce traffic speed in the site. He was generally in favor of it.

Ellen Smith asked if there is a time frame when the traffic will be re-evaluated to determine if a traffic signal is needed.

Nathan Nelson said not a specific time frame, but whenever there is a concern they can ask UDOT to do a warrant study.

Ellen Smith didn't want this concern to be forgotten once it is approved, so she wondered what the trigger would be for the study.

Nathan Nelson said there isn't an automatic trigger within the system; it is just through their own due diligence. They can schedule it on a calendar or on a future planning commission calendar to report on the conditions.

Ellen Smith asked if the residents could request the study.

Nathan Nelson said staff gets calls from residents all the time and they try to respond to those as best they can. This isn't published as a safe walking route for the elementary schools, but it is a high-speed road, and it warrants their concern.

Ellen Smith felt the project will be wonderful for the area, but it will also bring a lot of people and traffic because it is the only one in the area. She asked if the commission will see the final site plan automatically.

Greg Mikolash said it does unless they condition it otherwise.

Ellen Smith would like to see the ideas and solutions for the cut through traffic.

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for Holiday Oil Store #48; 7015 West 8200 South; Holiday Oil, LLC/Jerry Wagstaff (applicant) with the four conditions of approval listed in the planning commission agenda, modifying:

2. Trash collection and underground tank refueling operations within 300 feet of residential property are to be conducted between 7 A.M. and 9 P.M. in accordance with City Code Section 5-4-2. If the refueling operations cannot be reasonably scheduled within these hours, the applicant may desire to provide detailed study information to the city for review that establishes the decibel level of the underground fuel tank refueling operations. Staff recommends that this activity be permitted during overnight hours if the study shows the activities do not constitute a noise hazard of over 50dB, in accordance with City Code Section 5-4-3, measured at the property line of the nearest residential units in proximity to the activity.

The motion was seconded by David McKinney.

Commissioner McKinney explained that it appears the condition intended to state 'within' the hours rather than 'outside' of those hours.

Chad Nichols wanted to be certain that the planning commission will have a chance to review the west access at the time of final to determine if it should be ingress only. Staff indicated that they would.

VOTE: The motion passed 7-0 in favor.

MOTION: David McKinney moved to approve the Preliminary Site Plan for Holiday Oil #48; 7015 West 8200 South; Holiday Oil, LLC/Jerry Wagstaff (applicant) with the conditions of approval 1 through 8 as listed, modifying:

7. Provide reasonable safety signage approved by the Utah Department of Transportation warning vehicles of the pedestrian/bicycle trail crossing at the entrance to the property from the southbound U-111 Highway slipramp. The

applicant shall coordinate with city staff and Utah Department of Transportation to consider the geometric design and inclusion of traffic calming features in the U-111 southbound slipramp to help mitigate traffic concerns with traffic exiting U-111 at high speed and to reduce the potential for cut through traffic on the site.

The motion was seconded by Nathan Gedge and passed 7-0 in favor.

**1. Consent Calendar
Approve Minutes from September 2, 2009**

MOTION: Nathan Gedge moved to reconsider Item #2 Wilshire Place from the September 2, 2009, Planning Commission meeting. The motion was seconded by Ellen Smith.

David McKinney asked staff to explain the process of what they are contemplating and what will happen based on what they are considering.

Tom Burdett read from the by-laws that identified the process. He said they need to identify some findings or reasons for the reconsideration. Then if they make the motion tonight do they discuss the item tonight or put it on a future meeting. If they are not opening the meeting for additional testimony they could discuss it at either time. This application is coming to the city council next Tuesday for the development plan and the waiver request only.

David McKinney said first they vote to reconsider, and once that happens they discuss it as a commission and they can revote on the issues that were shown in the minutes.

Robert Thorup said the motion to reconsider can be made before the minutes from the meeting are approved tonight. However, in fairness they should take the vote after putting a notice that they are going to reconsider in order to let the applicant know about the meeting.

Justin Stoker asked if they aren't taking new testimony from the applicant or the public does it have to be noticed.

Robert Thorup clarified that he was saying that a vote to reconsider is not reconsidering. The actual reconsideration should be brought back as a business item and noticed on an agenda.

Tom Burdett said that is usually the case to place the item on a future agenda so the applicant can at least be in attendance.

Nathan Gedge said he made the motion because he knew some of the commissioners had concerns. However, he is going to vote against it, because he didn't think his vote would change one way or the other.

Ellen Smith said even if the commission voted to reconsider it wouldn't have an impact, because the city council will hear it before then.

Tom Burdett said that staff would tell the city council that the commission had a motion before them to reconsider at a future meeting, but the original motion would be presented with the pending reconsideration.

Justin Stoker stated there were several motions at the previous meeting, and he asked which motion they are reconsidering.

Nathan Gedge stated that his motion to reconsider did not consider any of them, so he withdrew the motion.

Greg Mikolash said this item is coming back to the commission, so any concerns they have can be brought up again at the final site plan, and staff will have new or updated information at that time.

Justin Stoker said the consideration was based upon 6400 West and the timing of the construction. Since it is only at the preliminary stage, and even if they enter into a deferral agreement it will still come back to the planning commission.

David McKinney said it sounds like the concern is there is additional factual information that wasn't quite accurate or that painted a slightly different picture at the previous hearing. If they were to vote now to reconsider the previous actions that fact would be passed on to the city council and would be there for their consideration. The city council can reverse or approve the commission recommendation. A member of the commission could present their lingering concerns at that meeting. He didn't see a problem with reconsidering the motion, because it is important to get things right. It is usually more wrong to feel rushed into a decision, which is how some might feel about the previous decision.

Justin Stoker didn't think there was new information or testimony. Maybe they felt rushed into the decision and that the applicant might not have been totally honest about his time frame, but he didn't know if that changes their decision or affects the impact. He agreed with Commissioner Gedge that he would probably vote against the motion.

David McKinney said it is hard to say what information would change someone's mind unless they check and see. If they did reconsider it should be done during a hearing that has been noticed to the applicant, because their concerns are based on hearsay as there isn't actual evidence with new information, but they *think* there may be new information.

John Winn asked if the commission could require the applicant to provide factual information regarding his time frame if they vote to reconsider.

Robert Thorup said they can ask for that information at the scheduled business item.

Justin Stoker asked if the time frame really changes the fact that the commission asked for a deferral agreement.

Greg Mikolash said the item is going to the city council next week with the commission's recommendation for a denial of the waiver request. That leaves the option of the city council to either grant the waiver or require that they go through another method such as a deferral agreement, which the applicant has applied for. The details of the agreement are being worked out now regarding reimbursement, length of the deferral, and whether or not a pioneering agreement will be secured as well. The recommendation of the commission for the alternative sets the course, which staff felt would be best. The commission gets to hear this again anyway, so he didn't know what path they were trying to take. If the commission knows that there is new information they should go to the city council meeting and make them aware of that information.

Tom Burdett said we don't know how this will ultimately be decided. Whether or not they want to engage a change depends on the area of concern. If it is just the timing of the development of the project, that can't take place before it comes back to the commission. If it is related to the physical design such as access that may be different, and they may want to send a different message to the city council.

Chad Nichols agreed with Commissioner Gedge that he wouldn't change his opinion. The concern is putting off the development of 6400 West. However, the developer needs to put the financing together for the project to work or it will not happen. If the financing goes through and the developer can't finish it for some reason, then the HUD loan will cover it. If everyone wants to reconsider he would be in favor, but his opinion won't change from the previous motion.

John Winn said it sounds like the best thing for them to do might be for one of the commissioners to go to the city council meeting to state how they voted and to indicate their concerns about the timeline contradictions and that they felt rushed in their decision. He offered to represent the commission.

MOTION: Nathan Gedge moved to approve the Consent Calendar Item #1 the minutes from the September 2, 2009 Planning Commission meeting. The motion was seconded by Chad Nichols and passed 7-0 in favor.

Tom Burdett gave an update of the recent city council actions.

MOTION: David McKinney moved to adjourn and the motion passed 7-0 in favor.

The meeting adjourned at 7:15 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2009