

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD DECEMBER 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, Robert Thorup, Greg Mikolash, Ray McCandless, Chris Gilbert, Todd Johnson, Jennifer Jastremsky, Rodger Broomé, and Julie Davis.

OTHERS: Morgen Peck, David Barber, Jerry Wagstaff, Cameron Duncan, and Aaron Thompson.

The briefing meeting was called to order by Justin Stoker.

A discussion regarding Item #3 was held concerning citizen feedback for safety issues with pedestrians crossing U-111. It was pointed out that UDOT controls the road and any calming measures that should be installed. Justin Stoker spoke of possible corrections on Item #4. There was discussion regarding the possibility of continuing the item until the questions can be answered. Robert Thorup said the crucial part of having the ordinance in place is the key to having FEMA approve this area for all manner of flood insurance, FHA loans, etc. Any proposed changed will have to be taken back to FEMA for approval. The text as submitted was seen by FEMA and their corrections were made.

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

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

MOTION: Nathan Gedge moved to approve Consent Calendar Item #1 the minutes from December 2, 2009. The motion was seconded by David McKinney and passed 7-0 in favor.

2. Little Mountain Condo Conversion; 1646 West Sunrise Place; Preliminary Condominium Plat; SC-1 Zone; Little Mountain Holdings, LC/Joel Ferry (applicant) [#SDMI20090011; parcel 21-27-451-025]

Ray McCandless gave an overview of the request to convert two existing commercial buildings into commercial condominiums. He pointed out a remnant piece of property that extends to and includes part of Redwood Road. The owner is working to deed that portion of the property to UDOT.

Staff recommended that the Planning Commission grant Preliminary Condominium Conversion approval for the proposed Little Mountain Condominiums located at 1646 West Sunrise Place in a SC-1, Neighborhood Commercial, 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. Address all outstanding Engineering Department redlines.
2. The applicant obtain a letter of acceptance from U.D.O.T. for the proposed road dedication on Redwood Road prior to recording the plat.
3. Show all exterior building elevations for both buildings. Elevation drawings must dimensionally describe all exterior and interior common, limited common and private areas. All drawings must be to scale.
4. The plans must include floor plans for both buildings dimensionally describing the interior ownership spaces within the buildings and exterior wall dimensions. The drawings must describe how these spaces are to be divided into common, limited common or common areas.

5. The Condominium Conversion Plat, Condominium Declarations, Report of Existing Condition, and By-Laws to be recorded with Salt Lake County upon final approval by the City of West Jordan.

Justin Stoker asked if the sliver of land that connects from the buildings to Redwood Road would also be dedicated to UDOT.

Ray McCandless said that will be retained by the owner.

Clarification was made that the buildings exist. The question arose as to when they were constructed.

The applicant was not in attendance.

Morgen Peck, West Jordan resident, noted that the staff report indicates construction of the buildings was in 2003 for the south building and 2006 for the north building.

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

MOTION: Nathan Gedge moved to approve the Preliminary Condominium Conversion Plat for Little Mountain Condominiums; 1646 West Sunrise Place; Little Mountain Holdings, LC/Joel Ferry (applicant) with the conditions of approval 1 through 5 as listed in the planning commission packet. The motion was seconded by Ellen Smith and passed 7-0 in favor.

3. **Holiday Oil; 7015 West 8200 South; Final Site Plan and Final Development Plan; P-C Zone; Holiday Oil, LLC/Jerry Wagstaff (applicant) [#SPCO20090020]**

Chris Gilbert gave an overview of the application, which the commission heard originally in September 2009. He showed the site plan that substantially complies with the preliminary approval given. There is a right-in only access off of U-111, a full access point on 8200 South, and another full access onto 7025 West that goes directly into the residential neighborhood. The landscaping exceeds the minimum required and in particular a considerable amount for buffering purposes on the west side. One of the concerns raised at preliminary was with the site lighting. A lighting plan is shown in the final development plan and meets the ordinance that requires there is no light cast greater than 1 foot candle over the property line. All lighting units are fully shielded and appear to meet all code requirements. The lighting on the west side of the property is 15 feet in height because it is near residential. The lighting then goes to 25 feet in height at the mid-point of the site, which covers the bulk of the parking area. It then drops down again to 12 feet on the east in order to meet the requirements of Rocky Mountain Power for lights under the overhead transmission lines. After the lighting study, the owner realized how much lighting is generated from the canopies, so the applicant toned down the under canopy lighting. Another concern at the preliminary hearing was regarding the northwest access point. The applicant provided a letter explaining why that access is so important. Staff felt that the site could function with or without it, and if the commission required that it be removed the area would have to be filled in with landscaping. The other issue was with the possibility of the site becoming an attractive nuisance to the students at the middle school across U-111 highway. Since UDOT controls all warrant processes for whether or not the intersection will become signalized, staff recommended that the owner consider labeling the property to prohibit unaccompanied minors on the site during school hours as one way to discourage the students from crossing the highway. There are times of the year when students are not in school, but as a general rule this option may work well.

The school district buses the students across the highway, but that doesn't mean that the students won't cross the road and avoid taking the bus. The city traffic engineer stated that the options for the intersection are dependent upon UDOT. A pedestrian overpass would require state funds, and those funds might not be available in the near future. They suggest that the applicant work with the school safety committee and UDOT to consider some other options.

Staff recommended that the Planning Commission grant Final Site Plan and Final Development Plan approval for a new convenience store for Holiday Oil 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. Address the single remaining Engineering plan redline regarding consistency in water meter sizes.
3. Negotiate agreement terms with the City regarding direct stormwater discharge into the City detention basin adjacent to property.
4. Provide a copy of Utah Department of Transportation authorization to install the right-in only slipramp and related improvements off of southbound U-111 Highway.
5. 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.
6. 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.
7. Recommend the applicant post signage on the property prohibiting minors unaccompanied by adults from being in the store or loitering outside between 7:00 a.m. and 4:00 p.m., Monday through Friday.

David McKinney referred to the lighting plan and pointed out that the photometric and electrical site plans show two light poles that are located differently from those on the site plan itself. He didn't know if the placement of the poles made a difference, but it may change the photometric information.

Chris Gilbert said the applicant had pointed out at the preliminary hearing that there was some uncertainty as to where the northwest light might best be located. Staff recommended that the lighting be placed in accordance with the lighting plan, because it shows that there is no light cast off the property.

David McKinney asked how the concept of closing the site to unaccompanied minors is to be enforced.

Chris Gilbert said it would work well as a deterrent, but enforcement is more up to the owners.

David McKinney asked if there were anywhere else in the city where this had been done.

Chris Gilbert said this was a novel solution for this project, because the city doesn't control U-111. Staff considered a lot of different options on how to best keep children from crossing the road. This was the best, cost effective option to at least discourage it from happening.

David McKinney said then it hasn't been done before in the city and we are uncertain if it will work.

Greg Mikolash said he had seen other gas station facilities outside of West Jordan that had the same type of notice. The idea beyond that would be that the property owner would have to agree to it and enforce it themselves. The city wouldn't enforce it.

David McKinney said then it falls under the category of the property owner having the right to regulate who can be on their property.

Greg Mikolash said this is an attempt to help mitigate people from crossing U-111, although it will probably still happen since people cross Redwood Road and 9000 South currently.

There was a discussion regarding school hours and suggestions of possible hours of prohibition of students. It was also pointed out that this would prohibit them during vacation periods. Greg Mikolash said this is just a suggestion; there is no way for the city to enforce it. The applicant and the developer should consider the suggestion and enforce it themselves.

Jerry Wagstaff, owner, 3115 West 2100 South, said they have addressed this subject several times in other communities, and the best solution they have found is to work with the school. Options included posting an officer or a teacher to police the situation. Their intent is not to have it as a cafeteria for the junior high. They also want to control the traffic of young people in the store because of shoplifting that occurs with that age group, so they will often limit the number of students in the store at one time. They do not allow them to just hang out at the store, and they post signs prohibiting skate boarding, etc. In order to run their business efficiently they need responsible people to come in, buy the product, and then leave. He didn't know how to control the situation with the signs as recommended. He would rather they work with the school, which seems to solve the problem in every other case they've had. He asked that they have some latitude there. Regarding the driveway on the west side, they did a traffic study for that area. UDOT was concerned about the traffic flow, and the study shows that if they can even out the traffic there will be less chance of accidents. They try to have a safe environment, and if they don't have the west driveway then people will have to make a couple of left hand turns. He had spoken to some of the neighbors in the area and they think it is a good idea, although he hadn't spoken with the residents on that specific street. He feels that entrance is very essential. He noted that the carwash will be all brick.

Nathan Gedge asked where they envision the actual location of the northwest light.

Cameron Duncan, Ensign Engineering, 90 East Fort Union Boulevard, said the city engineering staff was asking them to install street lights at the time, so the lights were offset when the photometric plan was conducted. He would like to explore the options of having it on the north side even if they need to regenerate the photometric plan. One big concern is making sure the entrances are well lit for the safety of cars accessing the site and to pedestrians on the sidewalks.

John Winn asked if UDOT had expressed any concerns about a signal light or proper crossing on U-111.

Cameron Duncan said they hadn't talked about a signal. UDOT's big concern was making sure they have adequate sight triangles to see oncoming traffic. There are ASHTO standards for intersections

that they had to comply with. He noted that they got approval from UDOT yesterday, and that approval had been submitted to the engineering staff.

It was indicated that both the carwash and the store will be full brick. The canopy columns will be brick to match the store. However, Mr. Wagstaff referred to a picture that he had shown to Greg Mikolash that showed round, silver columns that staff was in favor of. He said the station at 9000 South and State Street had that style of column, and he asked if that could be an option. Greg Mikolash said the commission could give staff authority for an administrative interpretation if they wanted.

David Barber, West Jordan resident, asked the commission to consider a pedestrian tunnel for pedestrian safety. There is one on Airport Road that the National Guard uses and it works very well and is more cost effective.

Aaron Thompson, West Jordan resident, thought an underpass can be a great idea, but he wouldn't encourage it, because pedophiles find more opportunity there. He asked that they look to the future and address an overpass especially once the high school is built. He said this is the only Chevron in the area, so people from many other neighborhoods will come to it. He said that there is no way to enforce the hours when kids come to the store, so he didn't think that they should require the sign.

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

Jerry Wagstaff said one thing they were told is that they were looking at an overpass in that area, but it would probably be on the south side of the intersection. He didn't know when that might come about.

Chad Nichols referred to the previous comment and said that discussion came from Representative Bird. They are working on the overpass at Bangerter and 7800 South and by elevating Bangerter at that location it removes the overpass. So rather than it being destroyed it could be relocated to U-111. That is a long-term plan and the overpass is slated for Utah's 2012 budget. However, he didn't know if that would be the solution. He didn't think there was much the commission could do other than raise their voices, since it is a UDOT intersection. He would be in favor of at least a signal as soon as possible. He commended Holiday Oil in their efforts of considering the safety issues. At the previous hearing he may have hinted being against the access from 7025 West. However, he sees it as more of a convenience than a nuisance, and he didn't see a problem with it.

David McKinney said with U-111 being a state highway the city doesn't have the ability to determine the timing of a signal or pedestrian bridge, but he encouraged the concerned citizens to take those issues to UDOT so they are aware of the issues. He felt that the concern regarding cut through traffic had been addressed in the report and thought that it would be relatively small and would not cause a problem.

John Winn said he is a resident of the area and noted that the roads in the area are rather narrow, and it is hard to get through that area with cars parked at the model home and on the street. He was against the entrance into the neighborhood. He agreed that this is a state road, and we can't force UDOT's hand. He personally would love the convenience of the store, but the commission can say that it would cause too many safety problems and relook at the site when there is a signal or other ways to cross the road safely. He noted that before there was a light at 7800 South and U-111, Life Flight had to come

to the intersection two or three times per week. He said it isn't just the kids crossing the road, but it will cause additional traffic.

Ellen Smith was still concerned with cut through traffic onto 7025 West; however, if she were a customer using this site she would much rather prefer to go back out at 7025 West where she had room to make a left turn in order to get back onto U-111. It also increases the options for traffic circulation through the site. She was concerned with the pedestrian safety of crossing U-111. She wondered if they could look at the situation in six months after construction to see if it is an issue. She was uncomfortable, because the loss of even one life is too much. However, you can't make rules against everyone. There will be someone who crosses the street who shouldn't, but there should be something they can do to minimize it. She thought that the applicant should work with the schools like they indicated. She didn't know if they should have signage, because the applicant can police their own business.

Justin Stoker understood that 7025 West is congested right now because of the model home, but when that home is sold the parking problems at that access point will be alleviated. He thought that the additional access would be good for residents of the area or for those wanting to get back onto U-111. There was a thought that maybe this is not appropriately timed, but the UDOT trigger for a signal is use of the intersection. If the project is held off, then that will just be reason for UDOT to hold off on the installation of the signal. The project is well thought out; he felt that they just need to push UDOT and the governor's office to make safety at that intersection a priority.

John Winn understood the triggers for the intersection, but he wouldn't be able to look into his neighbors' faces should something happen to one of their children, and he will refrain from voting on the issue.

Ellen Smith asked if they could ask for a study in six months, because right now they don't have the numbers to show to UDOT.

Greg Mikolash explained that this isn't a conditional use permit, so it isn't brought back. He said development itself will dictate the increase in numbers and need for a signal. There will be commercial developments on the other corners as well. Residents of the area can talk to the state legislators, the governor, and UDOT.

Ellen Smith wanted something more automatic to occur after a certain time.

Tom Burdett said those types of mitigation processes can be used with large projects concurrent with the applicant. For example, if there is a large development and the city is not sure where the best place to put the mitigation is, they can do a post-development analysis for that mitigation and then place it where the most likely safety problems are. But in this case they would have to have a concurrent agreement with the applicant, and they wouldn't do that with a \$1 million overpass for this size of a project.

Ellen Smith said for the record that she is frustrated that UDOT is looking at this as a state bureaucratic agency. She hoped that someone from UDOT would look at options as this goes along.

MOTION: David McKinney moved to approve the Final Site Plan and Final Development Plan for the Holiday Oil; 7015 West 8200 South; Holiday Oil, LLC/Jerry Wagstaff (applicant) with conditions 1 through 7 in the staff report, adding:

8. The applicant make the lighting plan and site plan consistent and provide an acceptable updated photometric site plan.

The motion was seconded by Nathan Gedge.

Nathan Gedge pointed out that condition #7 is a recommendation to the applicant and not a requirement.

AMENDED

MOTION: Justin Stoker moved to amend the motion to add to condition #7 the recommendation that the applicant work with the school district and with the community to work out safe crossings or some sort of solution at that intersection. The amendment was accepted by David McKinney and Nathan Gedge.

Chad Nichols agreed that condition #7 wasn't really needed, because if Holiday Oil sees the problem they will do it on their own, but if they make the suggestion he would like to amend it.

AMENDED

MOTION: Chad Nichols moved to amend the motion to change the wording of the sign to say "during school hours" so that covers summer hours.

David McKinney said he would just rather leave the condition out.

Ellen Smith suggested instead that they replace the original condition #7 with one that recommended they work with the school district and the community.

David McKinney withdrew the motion.

MOTION: David McKinney moved to approve the Final Site Plan and Final Development Plan for Holiday Oil; 7015 West 8200 South; Holiday Oil, LLC/Jerry Wagstaff (applicant) based on the findings of fact presented by staff, the testimony that has been given, and the discussion by the commission and with conditions of approval 1 through 7 in the staff report, but replacing the text of condition #7 to read:

- 7. Recommend the applicant take reasonable steps to discourage the presence of unaccompanied minors at the location.**

And adding:

- 8. The applicant make the lighting plan and site plan consistent and provide an acceptable updated photometric site plan.**

The motion was seconded by Nathan Gedge.

ROLL CALL VOTE:

Commissioner Valenzuela – yes

Commissioner Stoker – yes

Commissioner Nichols – yes

Commissioner Gedge – yes

Commissioner Smith – yes
Commissioner McKinney – yes
Commissioner Winn – abstained

The motion passed 6-0 in favor.

4. Text Amendment – Amend the West Jordan Municipal Code – Regarding Flood Plain criteria; Section 13-6E Flood Plain Overlay Zone, 13-2-3 Definitions, and 13-7G-3 Variance Criteria; City-wide; City of West Jordan (applicant) [#TA20090005]

Jennifer Jastremsky gave an overview for the request that will have the code match the updated standards from FEMA. The city has been working with FEMA to update our code as well as the flood insurance rate map to match the new Federal standards. The map was previously approved by city council, and this will update the Flood Plain Overlay zone in the code.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request as stated, based on the findings of fact as mentioned in the staff report.

Nathan Gedge said if it is the feeling of the commission, he would like to continue this to a future meeting in order to have more time to make redline suggestions to the code amendment.

MOTION: Nathan Gedge moved to table Item #4 until the January 19, 2010 meeting. The motion was seconded by John Winn.

Robert Thorup said they want to continue the item and not table it.

Nathan Gedge withdrew the motion.

MOTION: Nathan Gedge moved to continue Item #4 to the January 19, 2010 meeting. The motion was seconded by John Winn and passed 7-0 in favor.

5. Text Amendment – Amend the West Jordan Municipal Code making corrections/clarifications to: Title 12 12-1-4 Definitions for sign area, Section 12-2-5S Handheld Signs; Title 13 Sections 13-12-4 Parking Standards, 13-5C-4, 13-5D-2, 13-5E-3, 13-5I-4, 13-5J-4C Adding Commercial Preschools to the Commercial Use Tables, 13-13-8:A1 Landscape Standards for Single-Family and Two-Family Developments - Four trees required on a corner lot, 13-2-3 Definitions adding/modifying “subdivision”, “Private Clubs and Lodges”, and “Outdoor Operations”, 13-5B-2 Residential Use Table eliminating reference to Daycare, limited in a dwelling, 13-4 and 13-4-12 renaming Chapter 4 and re-inserting the powers and duties of the zoning administrator, 13-8-3 Accessory Buildings, 13-5E-3, 13-5F-2, 13-5F4D, 13-14-3B Outdoor Storage, 13-5C-7, 13-5I-13, 13-5J-10, 13-6G-17, Development Plans, 13-7F-7 Temporary Use Permits, 13-5E-3, 13-5F-2 temporary assembly uses; and Title 15 Section 15-2-2 Review Process Type I: Administrative Decisions, 15-2-4 Review Process Type III: Planning Commission, 15-2-6 City Council Review Process Type V; City-wide; City of West Jordan (applicant) [#TA20090004]

Staff recommended that the Planning Commission continue the request for amendments to the West Jordan Municipal code as stated above to the January 19, 2010, meeting.

MOTION: Nathan Gedge moved based on staff recommendation to continue Item #5 to the January 19, 2010 meeting. The motion was seconded by David McKinney and passed 7-0 in favor.

Tom Burdett gave updates regarding recent council actions.

There was a brief discussion regarding the status of the chicken ordinance, which is now proposed to be outside of the zoning code and will not come back to the planning commission.

Nathan Gedge thanked Councilmember-elect Nichols for his service on the commission.

MOTION: Nathan Gedge moved to adjourn. There were none opposed.

The meeting adjourned at 7:10 p.m.

Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development

Approved this _____ day of _____, 2010