

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 19, 2010 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Greg Mikolash, Greg Davenport, Julie Davis, Robert Thorup, and Paul Brockbank.

OTHERS: Clive Killpack

The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed. It was pointed out that the proposed text amendments added since the last hearing were noticed separately in the newspaper. Item #4 mostly involved housekeeping items, but staff would summarize the significant substantive changes during the hearing.

A business item will be added to the agenda to appoint a representative to the CDBG/HOME Committee.

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

- 1. Consent Calendar**
Approve Minutes from January 5, 2010

MOTION: Nathan Gedge moved to approve the Consent Calendar. The motion was seconded by David McKinney and passed 7-0 in favor.

- 2. Mona to Oquirrh Transmission Corridor Project; 3 miles of transmission lines from 8600 South to 10200 South between the western city boundary and 5900 West; C-M, A-20, and M-1 Zones; PacifiCorp/Rod Fisher (applicant) [#CUP20090015; 26-11-400-008 and multiple parcels]**

Because further analysis is being requested of the applicant, staff recommended that the Planning Commission continue the Conditional Use Permit request to the February 2, 2010 meeting.

MOTION: Nathan Gedge moved to continue the Conditional Use Permit request for Item #2 Mona to Oquirrh Transmission Corridor Project to the February 2, 2010 meeting. The motion was seconded by David McKinney and passed 7-0 in favor.

- 3. Text Amendment – Continued from 12-16-09; 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]**

Greg Mikolash stated that a question regarding two definitions in the proposal to update the West Jordan Municipal Code regarding Flood Plain criteria were mentioned in the pre-meeting.

David McKinney read a sentence from the definition of Elevated Building that, in part, read ‘sheer walls parallel to the floor of the water’, which didn’t make sense.

Greg Mikolash read the definition from the Federal code as compared to the proposed definition. He stated that there are also definitions within the Federal code that are not within the city’s legislative copy.

Justin Stoker understood that the ordinance needs to be passed, and this had already gone through a complicated review and approval process through the State and with the regional FEMA office.

Greg Davenport stated that the planning commission is giving a recommendation at this time. Staff can verify any information that the commission questions. However, they need to get this passed so the city doesn't lose their flood insurance.

Justin Stoker said they can just remove the portion of the sentence that states 'parallel to the floor of the water'.

Kathy Hilton asked if they are trying to match the Federal guidelines, and if so, why they don't just use the definition in that code.

Robert Thorup said they are not really trying to match the code of Federal regulations. FEMA gave them a model municipal ordinance, and the proposed definition is word-for-word from that model. However, they will check for the possibility of a typo.

Greg Davenport said that staff would double check between now and the city council meeting to make sure that the proposed definition matches exactly the model ordinance. He would rather not make too many changes.

David McKinney also had concerns with the confusing definition of Highest Adjacent Grade.

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.

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

MOTION: David McKinney moved based on staff recommendations, facts, and discussion to forward a positive recommendation to the City Council for the Text Amendment to the West Jordan Municipal Code regarding Flood Plain Criteria; city-wide; City of West Jordan (applicant) with a condition that the staff review the text of the amendment prior to submission to the city council to correct any textural errors that they may find. The motion was seconded by Nathan Gedge and passed 7-0 in favor.

4. **Text Amendment – Continued from 12-16-09; 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 Temporary Use Permits, 13-5E-3, 13-5F-2 temporary assembly uses, 13-7E-7 Effective Date of Conditional Use Permit, 13-7E-14 Appeal to be moved to 15-5-8, 13-5C-7 Development Plan Requirements, 13-5I-13, Development Plan, Land Use Element and Architectural Review, 13-5J-10 Development Plan Process, 13-6G-17 Development Plan,; and Title 15 Section 15-2-2 Review Process Type I: Administrative Decisions, 15-2-4 Review Process Type III: Planning Commission, 15-2-5 City Council Review process Type IV, 15-2-6 City Council Review Process Type V, 15-3 Permitting Procedures, 15-5 Appeals; City-wide; City of West Jordan (applicant) [#TA20090004]**

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

Greg Mikolash explained that last year the entire West Jordan code was recodified, and as staff deals with the code on a day-to-day basis they discovered that there are some areas that need to be corrected or clarified and there are also areas in the code that need to be improved. Rather than go over corrections to the errors, he would review the areas that are more related to improvements.

Page 2 of the staff report explains that the original Title 89 Chapter 2 Zoning Administrator was entirely left out, which was done inadvertently. They just want to replace that same language, including one change. The code allows an applicant to apply for administrative relief on some buffering requirements. The original code allowed up to 5% relief, but that really only provided inches, which wasn't the intent. For example, by policy staff has allowed a 6' buffer in place of an 8' buffer, which equals about 20% relief while also requiring more landscaping. Therefore, the only addition to this section would be the change from 5% to 20%.

Page 3 lists two definitions, which Mr. Mikolash reviewed and explained.

Page 4 #8 explains that temporary use permits would be expanded to include indoor facilities as well. There are occasions where someone would like to use a vacant structure for a temporary use where the use wouldn't be allowed on a permanent basis. They would also like to increase the maximum length of time from 15 days to 30 days for an administrative permit and from 90 days to 120 days for one granted by the planning commission.

David McKinney asked if there had been instances or cases that had prompted the change in time limit. Greg Mikolash said snow cone shacks typically want to go longer than 90 days. He said that the change in the administrative permit is just to be a little more economically friendly, and they almost never get complaints on these permits.

Page 5 #10 was proposed to allow the zoning administrator to approve a modification in parking standards, but that will stay with the planning commission.

The changes in Title 15 will mostly gather the procedures for development plan processing throughout the other titles and place it in one area of the code, which is Title 15, Permitting Process.

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

When asked, Greg Mikolash explained that the development plan process is not changing except that within the development plan process it is proposed to allow staff final approval of the development plan and to allow the planning commission, instead of city council, to review and approve the density allocation and development plan at preliminary.

MOTION: David McKinney moved based upon the findings of fact and the discussion this evening to forward a positive recommendation to the City Council for the requested Text Amendments to the West Jordan Municipal Code making corrections and clarifications to Titles 12, 13, and 15; city-wide; City of West Jordan (applicant). The motion was seconded by Nathan Gedge and passed 7-0 in favor.

5. Business Item CDBG/HOME Committee Representative

Kathy Hilton volunteered to serve in that position.

Tom Burdett gave updates on recent city council actions. He informed the commission of the recent layoff of city personnel. In the Development department that included a planner, a building inspector, and a half-time

administrative assistant. He asked that if any of the commissioners who had worked with Chris Gilbert would like to write comments or letters of recommendation for him he would forward them. The General Plan Committee will meet on February 9th to continue discussions on the economic development element.

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

The meeting adjourned at 6:30 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2010