

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JUNE 1, 2010 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Jennifer Jastremsky, Ray McCandless, Julie Davis, Greg Davenport, Mark Forsythe, and Rodger Broomé.

OTHERS: Corey Nebeker, David Neal, T. Bach, Adam Woolsey, and Donald & Paula Poole.

The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed. Conditions of approval for Items #1B and #1C were explained.

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

1. Consent Calendar

A. Approve Minutes from May 18, 2010

B. Paige Meadows Subdivision; 7480 South 2540 West; Modification to Design Standards to Section 8-11-4 Regarding Storm Water Detention; R-1-10B Zone; DWS Ventures/David Neal (applicant) [#SDMA20090006; parcels 21-28-403-026, 027]

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

C. Larcart Sunglass Sales; 2640 West 9000 South; Temporary Use Permit; SC-2 Zone; Mitch Larsen/Larcart LLC (applicant) [#TUP20100014; parcel 27-04-251-016]

Staff recommended that the Planning Commission grant Temporary Use Permit approval for Larcart Sunglass Sales located at 2640 West 9000 South in a 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. Dates of operation are from June 1, 2010 to September 30, 2010.
2. A \$300 site restoration bond shall be placed with the City. The bond will be released after the use has ceased operation and the site has been cleaned and restored to previous conditions.
3. Maintain the temporary stand in good order and the parking lot free from trash and debris during the extent of the temporary use.
4. The stand and all associated equipment/materials shall be removed from the site, and the site fully restored, within five days of permit expiration, or by October 5, 2010.
5. Obtain and maintain a valid West Jordan City Business License.
6. Provide for a safe pedestrian standing area next to the temporary stand. This area must be blocked off to prevent vehicular traffic from entering by either traffic cones or by other appropriate device, as approved by staff.

MOTION: Nathan Gedge moved to pull Item #1B for discussion and approve Items #1A and #1C as listed in the planning commission packet. The motion was seconded by Ellen Smith and passed 5-0 in favor. Kathy Hilton and John Winn were absent.

1B. Paige Meadows Subdivision; 7480 South 2540 West; Modification to Design Standards to Section 8-11-4 Regarding Storm Water Detention; R-1-10B Zone; DWS Ventures/David Neal (applicant) [#SDMA20090006; parcels 21-28-403-026, 027]

Ray McCandless stated that the applicant is requesting modification to an engineering design standard. In the course of the review it was noted that the applicant needed to provide on-site detention for the development, and the applicant is now asking that instead of on-site detention that the development tie in to an existing city storm drain system. Engineering staff has stated that there is enough capacity in the regional detention basin, but they recommend that the approval be subject to the city being compensated for the loss of city capacity.

Staff recommended that the Planning Commission forward a favorable recommendation to the Council to approve the modification to the design standards for storm water improvements if the developer will grade the proposed large lots so that a majority of the storm water infiltrates into the ground and discharge the remaining storm water into the City system provided it is compensated for the loss in City capacity.

David Neal, 6716 Nottingham Drive, applicant, stated that his letter of intent addressed the issues that concerned him. There are two incomplete stubbed streets with 187 feet between them. He agreed with staff that there shouldn't be a reason to require on-site detention on an infill situation such as this, because it is not practical or reasonable on such a small parcel of property. The city has a standing policy to encourage infill development and has provided flexibility in order to meet that goal, and he is asking for that flexibility. His main concern is with the requirement to pay the city a substantial amount of money for the use of the basin. He reminded them that the city is receiving in exchange a currently undedicated easement that runs 20 feet down the southern property line. He will record the easement to protect the city's right to access that storm drain. He asked that the commission forward a recommendation to approve the modification of design standard without the requirement for additional compensation to the city. He stated that all the infrastructure that gives the ability for this and surrounding properties to reach the basin is done through this property in an unrecorded easement that will be recorded with the completion of the subdivision.

Justin Stoker said the establishment of the necessary public infrastructure along with any necessary easements on the site is pretty common across the entire city. The property is three acres in size, which is substantial.

David Neal said the majority of the property will naturally retain water. The only detention that is being addressed is for the 187 feet of roadway.

Justin Stoker stated that Mr. Neal's testimony is that the cost would be substantial, but if it is only for 187 feet by 60 feet it may only be a few thousand dollars.

David Neal said staff indicated it would be about \$4,000, which is a lot of money when he is already losing money on the entire project. If he doesn't complete the subdivision then the city doesn't get the easement for the storm drain. He stated that the surrounding subdivision owners did not have to pay for storm drainage into that basin, and he is asking for the same consideration.

Justin Stoker said those properties were put in place before the ordinance.

David Neal said this property was always anticipated to be developed and the roadway connected to the stubbed streets. It would be fair to say he wanted the property to be grandfathered. When asked for his preference on a positive recommendation without the fee waived or a negative recommendation, David Neal said the only option that he would recommend is to forward a favorable recommendation without the fee, based on sensibility and fairness. He stated that his request meets the criteria, so there is no reason to not forward a positive recommendation. The only question is if they want to deal with the fee, which will be addressed with the city council. He felt that an infill development surrounded by existing properties should be given a slightly different

treatment with more flexibility with the implementation of the code requirements compared to an undeveloped area where it can naturally be done with the flow of development.

Justin Stoker didn't think that mechanism existed in the code.

David Neal said that was the whole problem with the requirement, because as outlined, it doesn't differentiate between these two different situations.

Justin Stoker said in all fairness, everyone else who does development in the city is expected to contribute either in the way of detention or compensation for not providing detention.

David Neal argued that the fee is not a part of the consideration for modification to the design standard.

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

Greg Davenport gave clarification on the 36" pipe that runs through the subject property. The storm drain system was built in the 1970's to relieve storm water on 2700 West. The pipe runs from 2700 West through the church property, the subject property, and then goes to a regional detention basin that accepts storm water for multiple subdivisions. He didn't know if the city installed it or if the developer of the surrounding subdivisions did, but it has been part of the city's storm drain system for a long time. He verified that there are some manholes on the property but no inlets into the pipe from this property; however, this plan calls for inlets.

David McKinney asked if it were correct to say that over the years none of the runoff from this property had gone into the pipe, but with this development it now will.

Greg Davenport stated that there has probably always been a small amount of water that had gone into the regional basin. The new road will concentrate the storm water and it will come in greater amounts.

David McKinney asked if the footprint of every building on the property will also create runoff that wasn't created before.

Greg Davenport said there will be some additional, but the applicant can provide some detention on the lots that will mitigate that issue. Most of the water will come from the street.

David McKinney felt that the question is of magnitude of runoff and not whether or not there is additional stress being put on the city storm drain system. With that being the case and the fact that the ordinances in place when the surrounding subdivisions were built were different than they are now, he felt that everything applies to this development as it has been recommended by staff. The applicant's concerns are with how much compensation is to be given to the city and not whether the city deserves it at all, because this development will add storm water runoff to the city system. The commission is obligated to apply the ordinances uniformly.

MOTION: Nathan Gedge moved based on the discussion to forward a positive recommendation to the City Council to approve the Modification to Design Standards for storm water improvements for Paige Meadows Subdivision; 7480 South 2 540 West; DWS Ventures/David Neal (applicant) if the developer will grade the proposed large lots so the majority of the storm water infiltrates into the ground and discharge the remaining storm water into the city system provided the city receive the mitigation fee for the loss in city capacity. The motion was seconded by David McKinney and passed 5-0 in favor. Kathy Hilton and John Winn were absent.

2. Monk Wise Martial Arts; 8576 South Redwood Road; Conditional Use Permit for Personal Instruction Services in the Redwood Road Overlay; RR-.5A Zone; Amor Animal Hospital/Corey Nebeker (applicant) [#CUP20100002; parcel 21-34-378-007]

Ray McCandless gave an overview of the request to use a portion of the existing Amor Animal Hospital for martial arts instruction. There shouldn't be a conflict in parking due to the hours of operation. All operations will be conducted in a fully enclosed building, and they don't see any impact to the neighbors.

Staff recommended that the Planning Commission grant Conditional Use Permit approval for the Monk Wise Martial Arts business located at 8576 South Redwood Road in a Rural Residential RR-.5D / Redwood Road Overlay 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 requirements of the Building & Safety, Fire, and Engineering Departments as is necessary.

Corey Nebeker, 8576 South Redwood Road, applicant, stated that his animal hospital had been in operation for about 10 years. There is an unutilized training center in the back of the building that would be used for the proposed business. The only changes to the building would be painting/decorating.

Paula Poole, West Jordan resident, asked if the use would generate any noise.

David McKinney asked Ms. Poole how she felt about the proposed hours of operation from 4:30 p.m. to 8:30 p.m.

Paula Poole felt it was a little late for her. She said it is noisy in that area and she didn't want any additional noise.

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

Corey Nebeker said noise shouldn't be an issue, because it is just exercise-related noises inside of the building. There is a parking lot and an exercise field for a buffer with probably 1/2 acre or more between the building and the back property line. They might have 6 to 15 people in a class, but he didn't think the noise would penetrate the building that has 6-inch, fully insulated walls. Currently there are dogs housed in the building, which he felt would be noisier than the martial arts studio.

There was a discussion about the west field that is used during the day as an exercise area for dogs. It was suggested by Commissioner McKinney that maybe the landscaping needed to be increased on that property line in order to alleviate noise from the use as well as the increase in the number of vehicles coming into the parking lot. The applicant said he wouldn't be opposed if noise were truly a problem, but there is almost a full acre of a buffer between the building and the houses. Additional discussion was held regarding types and numbers of trees and/or shrubs that might be required.

Nathan Gedge didn't feel that the business traffic will increase the noise any more than is already heard from the adjacent plant nursery and Redwood Road. He was against any additional restriction.

Justin Stoker agreed that most of the noise would be from Redwood Road and not from the vehicles at the business. He felt there is a pretty good buffer already with the 30-35' grassy strip.

David McKinney said the statement regarding the noise from Redwood Road is probably accurate and any additional noise from the business wouldn't be greater than the noise from the road.

MOTION: Nathan Gedge moved based upon the discussion to approve the Conditional Use Permit for Monk Wise Martial Arts; 8576 South Redwood Road; Amor Animal Hospital/Corey Nebeker (applicant) for personal instruction services in the Redwood Road Overlay Zone with the one condition of approval as listed in the planning commission packet. The motion was seconded by Ellen Smith and passed 5-0 in favor. Kathy Hilton and John Winn were absent.

Ray McCandless noted that site and buffering issues were already addressed when the original commercial business was reviewed.

Tom Burdett updated the commission on recent city council actions.

Greg Mikolash stated that there weren't any items scheduled for the June 15th meeting, but there may be a need to hold a meeting on June 22nd. He asked if the commissioners would be available on that night, if needed.

There were several who indicated they would not be able to attend. It was determined that the next meeting would be on July 6th.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 6:44 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2010