

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JULY 19, 2011 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Justin Stoker, Kathy Hilton, Nathan Gedge, David McKinney, Jesse Valenzuela, and Dan Lawes. John Winn was excused.

**STAFF:** Greg Mikolash, Robert Thorup, Tom Burdett, Julie Davis, Scott Langford, Jennifer Jastremsky, Todd Johnson, Paul Brockbank

**OTHERS:** Richard Schmidt, Joe Long, Paul Adams, Bonnie Fernandez, and Ken Menlove.

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The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed. Greg Mikolash said with additional research they can narrow in on the demographics projections to 2030, and he suggested that Chapter 2 be continued to a date uncertain.

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

**1. Consent Calendar**

**A. Approve Minutes from July 5, 2011**

**B. Schmidt's Produce; 9090 South 2200 West; Temporary Use Permit (150 days); Schmidt's Produce/Richard Schmidt (applicant) [#TUP20110033; parcel 27-04-426-008]**

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Temporary Use Permit approval for Schmidt's Produce Stand located at 9090 South 2200 West in a SC-1 zoning district with the conditions of approval as listed below.

Conditions of Approval:

1. Prior to a Business License being issued, a \$2,000 refundable cash bond shall be posted with the City Treasurer to ensure the proper and timely removal of the materials associated with the use.
2. The easement and the parking space created for the pressure reduction valve shall remain clear for the City's access.
3. A sign permit is required for any signage associated with the temporary use.
4. All temporary materials, excluding paving, associated with the use will be removed and the site returned to its original condition within 5 days of the expiration date of the Temporary Use Permit.
5. The applicant shall obtain approvals from the Building and Safety, Business Licensing and Fire Departments.
6. The office shall be located on the west side of the produce stand and shall be locked from 7:00 pm to 9:00 am to prevent public access for the duration of the temporary use.
7. The Temporary Use Permit shall commence on August 1, 2011 and shall expire on October 31, 2011.
8. The days and hours of operation shall be Monday through Saturday from 9:00 a.m. to 7:00 p.m.
9. The overflow parking area shall be paved with compacted road base, gravel or recycled asphalt per West Jordan Municipal Code Section 13-12-5D.
10. The site shall be kept free of litter.
11. No parking on 2200 West Street shall be permitted.

**MOTION:** Nathan Gedge moved to approve the Consent Calendar Items #1A and #1B as listed in the planning commission agenda. The motion was seconded by Dan Lawes.

David McKinney wanted to make it clear to those present that the motion would approve Schmidt's Produce. Justin Stoker asked if there were any in the audience who objected to the motion. There were none.

**VOTE:** The motion passed 6-0 in favor. John Winn was absent.

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**2. Let's Play Soccer; 1100 West 7800 South; Preliminary and Final Site Plan and Final Development Plan; P-C (TSOD) Zone; Eaton Architecture/Paul Adams (applicant) [#SPCO20110010, DP20110006; parcel 21-26-352-003]**

Scott Langford gave an overview of the project, including the location and site layout. The Design Review Committee previously reviewed the site plan, and the architecture was upgraded with more embellishments in order to blend in with Gardner Village. The building has just less than 45,000 square feet and will house two soccer fields. Because this unique site is in the TSOD with the Trax stop located just to the south, they worked with the applicant in reducing the amount of parking by 50%, which allows for a more efficient use of the available land. The site connects well with the main driveway that leads to 7800 South; it also has a strong pedestrian linkage to the shops to the east and is a complementary use. The elevations were shown. The subdivision plat referenced in condition #2 is scheduled to be heard next on the agenda.

Based on the findings of the report, staff recommended that the Planning Commission grant Preliminary/Final Site Plan and Final Development Plan approval of an indoor soccer facility located at approximately 1100 West 7800 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. The subdivision plat, The Gardner Village Subdivision, shall be recorded prior to building permit issuance.
3. The applicant must address all engineering redlines.
4. Approval of a Preliminary/Final Site Plan shall become null and void if development does not commence within two (2) years of Preliminary/Final approval (Section 13-7B-5).

Paul Adams, Eaton Architecture, didn't think their operations would conflict with peak times of Gardner Village.

Dan Lawes said the parking was reduced by 50%, so he was concerned that there would still be parking on the street during large events.

Joe Long, Managing Member of Gardner Village, understood the proposed facility doesn't open until 4:00 to 5:00 in the evening and runs until midnight. Youth leagues are usually from 4:00 to 8:00 p.m. and adult leagues are from 8:00 to 11:00 p.m. He stated that Let's Play has 24 units across the nation, so they are familiar with the layout. The ideal parking configuration is around 110 stalls, and their site alone will meet their needs. Gardner Village will be adding parking area to support the retail uses plus some overflow. He said the only time they have major parking issues is during the month of October with the Witches Festival. They hope to market the train during those events in order to alleviate some parking issues.

David McKinney pointed out the 'future parking' area on the site plan and asked why it wasn't being installed now.

Explanation was given that the plans had been updated and those stalls will now be reserved as parking for a future pad site, so the acreage of the subject property went from 3.24 acres to 3.11 acres. As part of the subdivision plat there will be shared access agreements and easements in place that must be recorded.

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

Nathan Gedge felt the proposal was a good product for West Jordan's demographics and even if the soccer concept doesn't fit, the building could be used for another appropriate use in the future.

**MOTION: Nathan Gedge moved based on the findings set forth in the staff report and the testimony received today to approve the Preliminary and Final Site Plan and Final Development Plan for Let's Play Soccer; 1100 West 7800 South; Eaton Architecture/Paul Adams (applicant) with the four conditions of approval as listed in the planning commission packet. The motion was seconded by Dan Lawes and passed 6-0 in favor. John Winn was absent.**

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**3. Gardner Village Subdivision; 1100 West 7800 South; Preliminary Subdivision Plat; P-C (TSOD) Zone; Gardner Village LC/Joe Long (applicant) [#SDMI20110009; parcel 21-26-352-003; 21-26-376-012, 013, 015; 21-35-126-007**

Scott Langford stated the subject area includes approximately 19.7 acres in the P-C Zone and consolidates five existing parcels into two lots and one remainder parcel. Lot 1 is approximately nine acres, Lot 2 includes the Let's Play Soccer site and is 3.11 acres, and Parcel A is reserved for future development. As specific uses are identified for that piece, the site plan approval will come to the commission. The applicant intends to improve a lot of the existing gravel parking with 84 new, paved parking spaces to serve the existing businesses in Gardner Village. The access from 7800 South will also be improved in order to funnel the traffic in a more efficient manner.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Gardner Village Preliminary Subdivision Plat located at approximately 1100 West 7800 South in a P-C (TSOD) zoning district with the conditions of approval as listed below:

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
2. Per Subdivision Code Section 14-3-8A, Preliminary Subdivision Plats shall remain valid for one year following the date of approval and recordation of the Final Subdivision Plat. One 6-month extension may be granted by the zoning administrator upon written request and application.

David McKinney asked about the status of parcels fronting 7800 South not included in the subdivision.

Scott Langford explained that they include the monument owned by West Jordan and other properties, such as the canal. They will work with those owners regarding the realigned access as part of the subdivision plat. There are no current plans to underground any part of the canal.

Joe Long, Managing Member, Gardner Village, was available to answer questions.

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

**MOTION: David McKinney moved based upon the findings set forth in the staff report and the evidence and information provided this evening to approve the Preliminary Subdivision Plat for Gardner Village Subdivision; 1100 West 7800 South; Gardner Village LC/Joe Long (applicant) with conditions of approval 1 and 2 as presented in the staff report. The motion was seconded by Kathy Hilton and passed 6-0 in favor. John Winn was absent.**

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**4. Critters Self Storage Waiver Request; 4196 West Farm Road; Request for Waiver of Requirement to Underground Utilities; M-1 Zone; Menlove Construction, Inc./Ken Menlove (applicant) [#MISC20110006; parcel 21-31-476-002, 006]**

Jennifer Jastremsky explained that Critters Self-Storage had applied for an amended site plan, which triggered the code requirement to underground overhead utility lines at the time of site plan development and is the purpose of the waiver request. The code allows for waivers if the planning commission finds that topography, soil, surface water, or other conditions make undergrounding installation unreasonable or impractical. The request encompasses two lots. She pointed out the locations of existing structures and future expansions. The power lines run on Farm Road and Cyrus Lane and are 12.5 kV. The code requires that lines less than 69 kV to be undergrounded. There is a branch on the power line that runs across Farm Road to service another site. The property fronting Farm Road is developed and has five mature trees and landscaping. The right-of-way also contains gas and water lines. LAR Manufacturing, adjacent to the subject site, obtained a waiver in July 2010. Given that all properties in the immediate areas are developed and contain overhead power lines and the fact that the undergrounding of the lines would create significant off-site impacts and affect gas and water utilities and the existing trees and the public road, staff found that the proposed application does meet the requirements for the waiver.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant a waiver to Section 8-2-4 requiring the undergrounding of overhead utilities for property located at 4196 West Farm Road.

Jennifer Jastremsky responded to questions from the commission regarding the number of poles that would be removed compared to the number of new poles installed. There are currently two on Cyrus Lane and three on Farm Road that would be removed compared to one new pole on Cyrus Lane and 2 new poles on Farm Road. It was also clarified that if the applicant were not amending the site he would not have that requirement.

Justin Stoker noted that the commission sees a lot of these types of requests. In situations where the area is built out it doesn't make sense to underground parcel by parcel but rather consider a "fee in lieu of" so they can underground entire streets at one time.

Greg Mikolash said they had looked at that and other options; they just need to be instructed to proceed.

There was a discussion regarding what the commission would like to see implemented; criteria or other systems. Justin Stoker felt they needed criteria first, because every site is different and they need to avoid the perception of being arbitrary and capricious. Secondly, they can look at a fee in lieu of opportunity for situations where it doesn't make sense to underground one parcel at a time, but where they keep the spirit of the ordinance so it can be done for entire streets at once.

Tom Burdett said both of those tasks have legal issues associated with them. Staff had performed research to see how other cities are managing programs to underground utilities. From time to time city council policies change, so they may need to revisit this with a fresh city council that is willing to look at all the ramifications. There had been some interest in the past, but it had been overshadowed by other city objectives.

Ken Menlove, applicant, Menlove Construction, 4243 West Nike Drive, said the presentation was very clear and he was available to answer questions.

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

**MOTION: Dan Lawes moved based on the findings in the staff report and the evidence and explanations received today to grant a Waiver for Critters Self Storage; 4196 West Farm**

**Road; Menlove Construction/Ken Menlove (applicant) to Section 8-2-4 requiring the undergrounding of overhead utilities. The motion was seconded by Nathan Gedge.**

**AMENDED**

**MOTION:** David McKinney recommended an amendment to the motion to include a specific mention of the reasons for granting the waiver. Those reasons are primarily that this is an industrial zone that is completely developed and that the undergrounding of utilities in this location would not provide a significant net reduction in utility poles.

Dan Lawes felt that the statement in the original motion that refers to the findings in the staff report was explanation enough.

**VOTE:** The original motion passed 6-0 in favor. John Winn was absent.

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**5. Comprehensive General Plan Update (2011) – Update Chapter 1 Introduction; Chapter 2 Population and Demographics; and Chapter 8 Historic Preservation of the West Jordan Comprehensive General Plan; City-Wide; City of West Jordan (applicant) [#TA20110006]**

**MOTION:** Nathan Gedge moved to continue Chapter 2 Population and Demographics chapter of the Comprehensive General Plan Update to a date uncertain. The motion was seconded by Kathy Hilton and passed 6-0 in favor. John Winn was absent.

Greg Mikolash made mention that previously on June 29, 2011 a joint meeting with City Council, Planning Commission, and General Plan Committee received an introduction that summed up the history of the update process. It was a good process that included great subcommittees. Chapter 1 includes a new introductory statement that clarifies that the plan is consistent with State code, makes reference to new reference sources, and adds mention of text that was added to the city’s capital facilities plan and strategic plan. There were a number of grammatical changes on the purpose statements. Some of the pictures were changed from the last edition. He noted that all editing will take place after it goes to city council.

Chapter 8 included mostly grammatical changes as well as a discussion about a Certified Local Government program and National Trust for Historic Preservation. A goal to support the West Jordan museum was also added.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the city council to approve the recommended revisions to Chapter 1, Introduction and Chapter 8, Historic Preservation elements of the Comprehensive General Plan 2011 as detailed in the strike and bold and legislative drafts.

Bonnie Fernandez, West Jordan resident, referred to page 4 and said the date for the Sugar Factory demolition should be corrected to either December 2010 or January 2011. On page 7, Policy 3, implementation #4, she suggested that the name be corrected to the “West Jordan Historical Museum” and to reword the sentence since West Jordan City does not own the museum. West Jordan City should not be preserving or enhancing something they don’t own. However, because we care a great deal about the museum, she suggested that it be reworded to language that would encourage the continued viability (preservation, functioning, operation, etc.) of the West Jordan Historical Museum and/or the West Jordan Historical Society.

Nathan Gedge was also concerned with the same language. He didn’t think that a non-city building should be listed in the general plan. His initial suggestion, prior to hearing Ms. Fernandez, was to strike it completely because Policy 2, Item #1 encourages residents to support the historical society.

Kathy Hilton said in this situation the city owns the property that the museum sits on, and perhaps in the future if people aren't interested in it, then the structure may not be kept up. It is the city's responsibility to make sure it stays up to a certain standard.

David McKinney said a property owner has the obligation to preserve and enhance their property, so if city does own the property and leases it to the Historical Society he felt that the policy is appropriate with the correction of the name.

There were questions regarding the terms of the lease and the disposition of the structures should the 501(c)(3) be dissolved.

Tom Burdett thought the lease showed another joint partnership between a non-profit and the city to provide an area for activities that are undertaken by the museum and the West Jordan Historical Society. It is up to the commission whether or not to reword the policy or take it out. If it is reworded he suggested language such as "Support the preservation and enhancement of the West Jordan Historical Museum where practicable". He felt the lease is working well for both parties, is mutually beneficial, and will continue for a number of years.

Kathy Hilton agreed. She also noted that when the Steadman barn was moved to the property, the boundary of the leased area was amended.

Nathan Gedge said with that amended language his concerns were addressed.

**MOTION: David McKinney moved based on the findings of city staff presented in their report and the evidence and discussion here this evening to forward a positive recommendation to approve the proposed changes to Chapter 1 Introduction of the Comprehensive General Plan (2011). The motion was seconded by Nathan Gedge and passed 6-0 in favor. John Winn was absent.**

**MOTION: David McKinney moved based on the findings set forth in the staff report and the discussion and evidence presented this evening to forward a positive recommendation to approve the proposed changes to Chapter 8 Historic Preservation element of the Comprehensive General Plan (2011) with two changes. On page 4 of the legislative copy second paragraph, last sentence corrected to state, "In January 2011, the Utah-Idaho Sugar Factory was demolished due to structural and safety concerns." In the Goals and Policy Section Policy 3 Item 4 to state, "Support the preservation and enhancement of the West Jordan Historical Museum as practicable." The motion was seconded by Nathan Gedge and passed 6-0 in favor. John Winn was absent.**

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Tom Burdett gave updates on recent city council actions. The new Mid-Jordan Trax line was discussed regarding grand opening events and safety measures. A brief discussion was held on the new HAWK signal at the Gardner Village station on 7800 South. It was suggested that education on the system be given to the public.

**MOTION: Nathan Gedge moved to adjourn.**

The meeting adjourned at 7:08 p.m.

Justin Stoker  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011