

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 18, 2011 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Ray McCandless, Scott Langford, Julie Davis, Nathan Nelson, and Mark Forsythe.

OTHERS: David Sessions, Sondra Sessions, Terry Sessions, Shane Sessions, Brett Mackay, Mary Graham, Ray & Vonda Patton, Sonja Dove, Janine York, Sophie Gibson, Ronald Stone, V. Kimball, Wayne & Alene Bailey, Joe & Nancy Goodwin, John Pearson, Sharon Leak, Dennis Leak, Dr. Dirk Woodmansee, Mary Valenzuela, Jose Duran, Roy Dominguez, Dora Poulsen, Bernida Lloyd, Jose Diaz, David and Jolane Herman, K. Anderson, Richard Kenney, Mike Spader, Garrett Farrell, Nicholas Stevenson, Duane Alder, Gregory Martin, Glen & Betty Moosman, Michael Gourley, Robert Dominguez, Kevin Wayman, Judy Melton, Tom Borrowman, Bryan Gordon, Carl Mayers, Anthony Wilding, and Justin Peterson.

The briefing meeting was called to order by Justin Stoker and the agenda was reviewed.

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

**1. Consent Calendar
Approve Minutes from September 27 and October 4, 2011**

MOTION: Nathan Gedge moved to approve Consent Calendar Item #1 the minutes from the September 27 and October 4, 2011 meetings. The motion was seconded by John Winn and passed 6-0 in favor. David McKinney was absent.

**2. Text Amendment – Amend the West Jordan Municipal Code Section 13-2-3 adding the definition *Restaurant, fast food (general)*, and *Restaurant, fast food (limited)*; and amending West Jordan Municipal Code Section 13-5I-4A adding *Restaurant, fast food (general)* as a conditional use in the CC-F (City Center – Frame) zone, and *Restaurant, fast food (limited)* as a conditional use in the CC-F (City Center – Frame) and CC-C (City Center – Core) zones and prohibiting *Restaurant, fast food (limited)* with drive-through within 1,300 feet of a light rail station platform in CC-C (City Center – Core) zone; City Wide; Kimball Inv. Company/Victor Kimball (applicant)
[#TA20110010]**

Scott Langford explained the application for a text amendment to clarify the definition of fast food restaurant, to insert these land uses into the appropriate zones, and to provide appropriate restrictions on the new uses in order to protect the purpose, intent, and integrity of certain zones. He gave a brief history of the City Center zone and read from the purpose statement. It is a unique area that also includes a Transit Station Overlay with the newly started TRAX service. The applicant wishes to redevelop a portion of the southeast corner of the City Center Core area with a coffee shop, which would currently be classified as Restaurant, fast food. The applicant worked with staff regarding the definition compared with various uses throughout the city. They found that not all uses in that category are equal in size and impact to surrounding land uses. He reviewed the square footage for some of the existing fast food restaurants with the larger size being an average of 3,593 square feet and smaller ones are nearer to 1500 square feet. The applicant also did a study in the south end of the valley, and their analysis found that smaller fast food restaurants, like coffee shops, are on average 2,000 square feet. He reviewed the proposal that divides the use into two categories with the difference being in size. Staff arrived at the 1800 square foot limit by dividing the average square footage in the ‘general’ category in half. The proposal is to

conditionally allow the 'limited' use in the Core and Frame and the 'general' use in the Frame. The third part of the amendment would add a footnote reference to prohibited uses in the City Center zone that would now include Restaurant, fast food (limited) with drive through within 1300 feet of the light rail station in the City Center District being prohibited. The number was based on national figures in transit areas as well as a result of walking the site.

Based on the findings of the report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed Text Amendments to Section 13-2-3 adding the definition *Restaurant, fast food (general)*, and *Restaurant, fast food (limited)*, replacing the definition of *Restaurant, fast food*; and amending West Jordan Municipal Code Section 13-5I-4A&B adding *Restaurant, fast food (general)* as a conditional use in the CC-F (City Center – Frame) zone, and *Restaurant, fast food (limited)* as a conditional use in the CC-F (City Center – Frame) and CC-C (City Center – Core) zones and prohibiting *Restaurant, fast food (limited)* with drive-through within 1,300 feet of a light rail station platform in CC-C (*City Center – Core*) zone.

Clarification was given regarding the 'Restaurant, general' use that does not include a drive through component and focuses on sit down dining.

Victor Kimball, 2530 Wilshire Circle, applicant, asked the Commission to consider increasing the 'limited' designation to 2,000 to 2,200 square feet, which still stays within the intent of the ordinance.

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 discussion this evening to forward a positive recommendation to the City Council for the proposed text amendment to Section 13-2-3 adding the definition *Restaurant, fast food (general)* and *Restaurant, fast food (limited)*, replacing the definition of *Restaurant, fast food* and amending West Jordan Municipal Code Section 13-5I-4A&B adding *Restaurant, fast food (general)* as a conditional use in the City Center Frame zone and *Restaurant, fast food (limited)* as a conditional use in the City Center Frame and the City Center Core zones, and prohibiting *Restaurant, fast food (limited)* with drive through within 1300 feet of a light rail station platform in City Center Core zone. The motion was seconded by Nathan Gedge.

Justin Stoker and Kathy Hilton were in favor of increasing the size of the 'limited' designation.

AMENDED

MOTION: Justin Stoker moved to amend the motion to increase the limit to 2,000 square feet for *Restaurant, fast food (limited)*.

There was a discussion regarding the pros and cons of increasing the square footage. Limiting the size may slow redevelopment of the property. Staff explained that the difference between 1800 and 2000 square feet is inconsequential. Staff's concern was the drive through connection and not so much the size of the structure.

Dan Lawes and Nathan Gedge accepted the amendment.

VOTE: The motion passed 6-0 in favor of the amended motion. David McKinney was absent.

**3. Comprehensive General Plan Update (2011) – Continued from 10-4-11 - West Jordan
Comprehensive General Plan revisions to the Future Land Use Map; City-Wide; City of West
Jordan (applicant) [#TA20110006]**

Justin Stoker explained to those in attendance that the request was not a zone change; it is amendments to the master plan for what might happen in the future. He previously asked the audience which map amendments they were interested in, which is how the items will be heard.

Ray McCandless explained that the land use map is not the zoning map; it is what decision makers look at when a rezone application occurs. There are 17 different land use types that can be found on the map including commercial, residential, and manufacturing uses. The city is currently updating the Comprehensive General Plan, which includes both a written text of goals and policies and a map that guides the physical development of the city.

Map #3

Ray McCandless reviewed the request to go from residential to commercial in order to be consistent with the property to the west.

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

The motion for this property will be made at the end of the hearing.

Map #4

Ray McCandless explained that the property is located at a dead end street with no connection to the commercial area to the south, and staff does not see that it will ever be connected. The recommendation is to change the use from Community Commercial to Medium Density Residential.

Gregory Martin, West Jordan property owner of the dental complex to the south, stated that someone brought a notice to his office yesterday and said that the dead end road would be extended through his property to 7800 South. That road would be ten feet from his dental office and would take out some of his parking.

Justin Stoker said the presentation from staff indicated that the road is not going through, but the request is to change the property to residential to match the other adjacent residential property.

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

MOTION: Nathan Gedge moved to forward a positive recommendation to the City Council for map amendment #4 to change the future use designation from Community Commercial to Medium Density Residential for the property generally located at 7759 South Alida Drive. The motion was seconded by Kathy Hilton and passed 6-0 in favor. David McKinney was absent.

Map #5

Ray McCandless pointed out the northwest corner of 7800 South and 3200 West. The current land use map has a green dot that represents a future park area. Staff first thought it would be best to fix the location of the park, but the General Plan Committee didn't feel that a park was needed at this location and recommended a Professional Office designation for the northern portion. Staff agreed with the assessment and is changing their recommendation to professional office in that area, which would make a good buffer to the residential properties on the north.

Sophie Gibson, West Jordan property owner of the corner restaurant site, asked if her property was included in the commercial area portion.

Greg Mikolash said the corner piece is not included in the change, but the use would remain commercial.

Helen Christensen, West Jordan property owner, gave her address and asked if it would be included in the commercial area or if professional office is considered commercial. She was told by a realtor that because that area is one big square that it could be easily developed commercially.

Some of the differences were explained. The General Plan Committee recommended professional office.

Helen Christensen wanted it to remain commercial.

Carl Mayers, West Jordan property owner of the ground next to Ms. Christensen, agreed that the entire 12 acres should be zoned the same so it can be master planned for a better development.

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

MOTION: Nathan Gedge moved based on the testimony received this evening to forward a positive recommendation to City Council for map amendment #5 for property at 3202 West 7800 South to change the future land use map from Community Commercial /Future Park to Community Commercial. The motion was seconded by Dan Lawes and passed 6-0 in favor. David McKinney was absent.

Map #15

Ray McCandless said this property is north of the TRAX station on 2700 West, which can accommodate higher densities. Staff is now recommending medium density residential for a more thoughtful transition from the TRAX station to the low density residential to the north. This will also be more consistent with the property to the north. He explained that low density typically means single-family and medium density might allow for townhomes.

Dennis Leak, West Jordan resident, said the subject property is his mother's estate and asked that his property at 8281 South be included with whatever is recommended for the larger piece.

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

MOTION: Nathan Gedge moved based on the testimony received to forward a positive recommendation to the City Council to amend the future land use map amendment #15 for property 8305 South 2700 West and the property at 8281 South 2700 West from Low Density Residential to Medium Density Residential. The motion was seconded by John Winn and passed 6-0 in favor. David McKinney was absent.

Map #16

Ray McCandless said these residential uses are located between a very low density area and the golf course. The existing lots are primarily single-family residential, and the recommendation is to change to low density residential in order to be more consistent with the majority of the lots.

Glen Moosman, West Jordan resident, said there are 15 families along the golf course and eight of those are related. The property owners have been able to give some of the property to their children, and some of the people with larger lots would like to be able to do that as well. He commented on the strict requirements for subdividing property and thought the city should work more with the property owners. Most of the people he

spoke to wondered why this is happening since the area is stable and people are getting along; they would like it to remain as it is. When people bought their properties they understood it would be six units per acre and allow for multiple family dwellings. He indicated that several of the homes in that area have apartments in their basements, and he thought the city should have an ordinance to allow that.

Brad Middleton, West Jordan resident, said the proposal will make future development on his property more restrictive. He asked why they are doing this now and not even going from high to medium instead of low. He also said that people purchased the property with the understanding of being able to have higher density.

Greg Mikolash indicated that the current zoning is R-3-6. Their initial assessment was that the homes were single-family. It might be more reasonable to go to medium density residential.

Michael Gourley, West Jordan resident, said he and his brother had plans to develop the ground, and he would like to be able to give a piece of property to his children. He used to have horses, but that isn't feasible now.

Tom Borrowman, West Jordan resident, was surprised to hear of the rezoning. His neighbors to the north and south have apartments in their homes, and others have done the same thing. He and his wife have always planned to either build a mother-in-law cottage onto their home and/or build another smaller house on the front of the property for retirement. He thought that they should either be left alone or maybe go to a medium density. They have all been going along each year with a dream of what they want to do with their property and now their dreams are being interrupted by making it more restrictive.

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

Justin Stoker said the overwhelming opinion is to leave it alone.

MOTION: Nathan Gedge moved to recommend to the City Council that no action be taken on map amendment #16 for properties at starting at 8819 South 2700 West and that they remain High Density Residential as currently indicated on the future land use map. The motion was seconded by John Winn and passed 6-0 in favor. David McKinney was absent.

Map #13

Ray McCandless said the area is developed as Fox Park Crossing office and Strange Performance is located at the southern point. Staff didn't see the site being developed for residential purposes at this point. They recommend reassigning it to professional office, which, except for Strange Performance, is being used as office.

Kevin Wayman, West Jordan property owner of the retail building, asked if this change would restrict their business license in the future. He didn't oppose it being changed from the residential designation.

Greg Mikolash said as long as he continues the retail use it will perpetuate in that use.

Mr. Wayman was okay with that.

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

MOTION: Nathan Gedge moved based on the testimony received and the discussion to forward a positive recommendation to the City Council to change the future land use map amendment #13 property starting at 9287 South Redwood Road from Very High Density Residential to Professional Office. The motion was seconded by Jesse Valenzuela and passed 6-0 in favor. David McKinney was absent.

Map #26

Ray McCandless said the zonings in the area are R-3-12, P-O, and R-1-8A and that it is in an established residential neighborhood. They received several calls with concerns that there is a proposed development and that they city is taking property, which is not the case. The intersection of 7800 South and Bangerter is one of the busiest in the city, and staff initially looked at this as a benefit to the residents to the south to have a professional office buffer to noise and visual issues. The General Plan Committee asked for a further extension to the south for more room to develop. Staff looked more closely at the area and noted that there is a median on 7800 South, which would make it difficult to access for a professional office development. Some options to consider are to designate the currently zoned professional office area and leave the rest, to designate the entire area as professional office, or to place the entire area in a small area study boundary.

Justin Stoker said a small area study could result in a conclusion against the residential nature of the area.

Greg Mikolash said that would also be the case if they changed the land use at this time, only it just wouldn't have the study saying that professional office is appropriate. A study could show that it should stay residential as well.

Anthony Wilding, West Jordan resident, stated that the people in the area want it to be left as it is.

Jose Diaz, West Jordan resident, was in favor of the proposed change. It would be better for the city and the residents, because the property would increase in value.

David Sessions said his parents have lived in the area for more than 40 years, and there wouldn't be a way to compensate for their loss at this stage in their life if they had to start over.

Justin Stoker clarified that any change being made on the map wouldn't take away the homes. It is just a concept that if some time in the future someone bought the property and wanted to change it then the plan would indicate the desired use. This change won't force anyone out of their home.

David Sessions said that was his concern. He would prefer that the use remain residential.

Anthony Wilding said changing the use of the map could potentially bring in developers even if it is years in the future, and they want it left residential.

Ronald Stone, West Jordan resident, said he used to be a planner and knows what the ramifications are to the area, which had been impacted by two of the biggest gorillas known to man: Bangerter Highway and Jordan Landing. He wanted to express his appreciation that the Planning Commission and City staff recognized that even though the homes are older they deserve some preservation and protection. He wasn't aware of any other kind of district that could afford that to the residential neighborhoods than what the professional office would offer. He realized that anything is open for change over a period of time, but as it stands right now the properties can be picked off one lot at a time and be anything, including standard commercial districts that don't afford opportunities to protect the residential district. He has been there for 35 years and he knows change will continue to come, and he appreciated them at least putting something there that would give some level of protection. He knows what the impacts will be if it is allowed to be high density residential or commercial.

John Pearson, West Jordan resident, lives south of the area and agreed with Ron, but he said the most important thing is to protect the area as residential at the present time.

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

Justin Stoker said most of the people want to leave it as it is.

John Winn agreed. If a developer wants to come in at a later time they could go through the rezoning process.

Nathan Gedge said that he would like to clean up the future land use map and at least change the areas that are currently zoned and being used as professional office and then leave the rest.

Justin Stoker said he would rather leave the entire area residential. He doesn't like spot zones and if there is a small portion of professional office along 7800 South it may give the suggestion to other people that it is okay to create even more spot zones. He would like to keep the area residential.

Kathy Hilton agreed.

MOTION: Justin Stoker moved to remove from consideration map amendment #26 and leave the existing neighborhood a High and Medium Density Residential land use and make no change to the existing maps. The motion was seconded by Kathy Hilton and passed 5-1 with Nathan Gedge casting the negative vote. David McKinney was absent.

Map #40

Ray McCandless said staff reviewed the open space plan and there isn't a trail in this location, so they have revised their recommendation to leave the land use as it is with the green line going through the school property.

Justin Peterson, Peterson Development, said the new recommendation resolves his concern. Hopefully they can work with the school to continue the trail through the school, which is naturally inherent open space.

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

MOTION: Nathan Gedge moved to delete the recommended changed to map amendment #40 and leave it as it is currently on the future land use map. The motion was seconded by Kathy Hilton and passed 6-0 in favor. David McKinney was absent.

Map #32

Ray McCandless said this change is a side note to the item on map #32. Staff included another piece of property that is highlight in yellow. Peterson Development intends to change that piece from community commercial to high density residential.

Greg Mikolash said this change was brought up as a comment by Peterson Development at the public open house. They have been talking to Peterson Development about this conversion specifically because of the road changes taking place in that area. Per the conceptual plans so far it makes a great deal of sense to make the change.

Justin Stoker asked how large the high density residential area will be once it is joined with the existing area to the north.

Greg Mikolash didn't think that they could fit three buildings in that additional piece because of the road changes.

Justin Peterson said the acreage might be comparable to Boulder Canyon or Wilshire Place at about 15-17 acres.

The residential densities in the area were reviewed. Kathy Hilton was concerned with the density.

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

Justin Stoker was also concerned with 17 acres of high density residential right there. He said there was overwhelming opposition to high density residential in this area.

Kathy Hilton said there will be commercial in that area and she could see a mixed use rather than straight high density.

Greg Mikolash said mixed use could lead to even higher density. He said this is in the WSPA. He reminded the commission that community commercial may be just as or more impactful than density itself. Any developer in the WSPA will have to meet all of the requirements in the ordinance. This is next to regional commercial, so they could leave it as is, but he didn't think a change would be a detriment to the plan.

MOTION: Nathan Gedge moved to forward a positive recommendation to City Council to change the future land use map for amendment #32 the property at 8990 South 5600 West from Public Facilities to Regional Commercial. The motion was seconded by John Winn and passed 6-0 in favor. David McKinney was absent.

MOTION: Nathan Gedge moved to forward a recommendation to the City Council to change the future land use map for the Peterson Development property directly north of New Bingham Highway outlined in yellow on map amendment #32 from Community Commercial to High Density Residential. The motion was seconded by John Winn and passed 5-1 in favor with Kathy Hilton casting the negative vote. David McKinney was absent.

Justin Stoker asked if any of the Commissioners wanted to specifically discuss any other areas.

Nathan Gedge said he was concerned about changing to residential areas along U-111 where the new large power poles will be located [#42].

Map #47

Ray McCandless said staff had talked about designating the area in blue to Research Park, which is included in the small area study (#46) but since this area is in the area designated for a small area study, staff's recommendation would be to address this area as part of the small area study rather than to designate it as Research Park at this time.

Justin Stoker was in favor of incorporating this area into the small area study instead of designating it as Research Park at this time.

Ray McCandless said staff had talked about designating the area in blue to Research Park, but since this area is near a small area study there is the option to extend the boundary and incorporate it.

Justin Stoker was in favor of extending the boundary.

Map #48 through #53

Ray McCandless said rather than recommending specific changes there is the option to include them in a small area study as they talked about at the workshop on September 27th.

Map #9

Justin Stoker had questions regarding the note on the handout that the current veterinary hospital is not permitted in a professional office zone where this is recommended for professional office land use.

Ray McCandless pointed out the hospital and homes that are included. There are existing professional offices across Redwood Road. The current clinic was approved as a conditional use in a low density residential district. A medical office would fit in the professional office land use.

Greg Mikolash pointed out that this property is in the Redwood Road corridor study area, so the Commission could choose to leave this out for now to be considered in the study.

Justin Stoker thought they could leave this amendment in and maybe it would revert to a regular medical office in the future rather than going to a commercial zone by itself.

Map #19

Justin Stoker said he was in favor of extending the boundary as suggested.

Justin Stoker opened the public comment for all areas that hadn't been previously heard.

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

MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for the remaining map amendments that haven't been motioned on, amending map amendment #9 to leave all as Professional Office even with the veterinary hospital located within that designation; map amendment #19 to use the extended boundaries as discussed; map amendment #47 to use the extended boundaries as discussed; map amendments #48 through #53 to be included in a small area study as a future planning area. The motion was seconded by Kathy Hilton and passed 6-0 in favor. David McKinney was absent.

Tom Burdett gave an update on recent council actions.

MOTION: Nathan Gedge moved to adjourn

The meeting adjourned at 7:51 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2011