

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 1, 2011 IN THE WEST JORDAN COUNCIL CHAMBERS

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

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

OTHERS: Jesus Petrosa

The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed. Item #1B was recommended to be pulled from the Consent Calendar. A clarifying discussion was held regarding the permit time frame and complaints. Recent city council actions were reviewed.

The regular meeting was called to order at 6:04 p.m.

1. Consent Calendar

A. Approve Minutes from October 18, 2011

B. Imperio Mexican Restaurant; 1549 West 7800 South; Temporary Use Permit (150 days); CC-C Zone; Carmen Echeverry (applicant) [#TUP20110040; parcel #21-34-201-029]

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

MOTION: Nathan Gedge moved to pull Item #1B for discussion and approve Item #1A the minutes from the October 18, 2011, meeting. The motion was seconded by Dan Lawes and passed 7-0 in favor.

1B. Imperio Mexican Restaurant; 1549 West 7800 South; Temporary Use Permit (150 days); CC-C Zone; Carmen Echeverry (applicant) [#TUP20110040; parcel #21-34-201-029]

Jennifer Jastremsky said the temporary food vending cart will be located on 7800 South. She pointed out the locations of existing temporary vending carts in the area. The location currently does not meet the 400-foot spacing requirement from the temporary vending cart on the Anaya's property, but the starting time for the subject application will begin the day after Tacos el Cunado stops operations and should not be a conflict. The application meets the required separation distance of 100 feet from permanent similar businesses. The western most two parking spaces of the subject property will be utilized by the applicant, which does not impact the required parking. She stated that there have been problems with the business in the past with the location of the cart being moved throughout the shopping center, operating without a business license, and complaints that customers of neighboring businesses were being solicited. Granting the temporary use permit tonight will bring the applicant into compliance with city code. A business license application has been filed with the city. She read from the recommended conditions of approval.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Temporary Use Permit approval for Imperio Mexican Restaurant located at 1549 West 7800 South in a CC-C zoning district with the conditions of approval 1 through 9 as listed.

Conditions of Approval:

1. Dates of operation shall not exceed 150 days and shall run from February 17, 2012 to July 16, 2012.
2. Obtain and maintain a valid West Jordan City Business License.

3. The proposed business may not solicit customers from adjacent businesses in a manner which could be construed to be harassment.
4. The mobile vending truck shall be located at the same location and in the same designated parking stalls on the site throughout the dates of operation.
5. All drive aisles shall remain clear of traffic impediments.
6. Maintain the temporary stand in good order and keep the parking lot free of trash and debris during the extent of the temporary use.
7. The stand and all associated equipment/materials shall be removed from the site within five days of permit expiration.
8. 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.
9. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Dan Lawes asked for the nature of the complaints and if they were received during the time frame of the last temporary use permit or if they were after the permit had expired.

Jennifer Jastremsky thought they were after the permit had expired. She said they received a couple of complaints from Sizzler and their customers. She understood that the complaint from the resident was that the business was not properly permitted and licensed.

Jesus Petrosa, stated that his wife is the applicant and he is the manager. He wasn't aware of the complaints and asked for clarification.

Justin Stoker said customers were complaining of being approached and solicited as they entered Sizzler.

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

Kathy Hilton said since there had been complaints she recommended adding a condition that the Planning Commission could review the application if there were any more complaints.

MOTION: Nathan Gedge moved based on the findings of fact being satisfied to approve the Temporary Use Permit (150 days) for Imperio Mexican Restaurant; 1549 West 7800 South; Carmen Echeverry (applicant) with conditions of approval 1 through 9 as listed in the staff report, adding:

- 10. If the City receives any additional complaints regarding this temporary use business that the item be brought back to the Planning Commission for reconsideration.**

The motion was seconded by Kathy Hilton and passed 6-1 in favor with Dan Lawes casting the negative vote.

- 2. Text Amendment – Amend the West Jordan Municipal Code making miscellaneous amendments and corrections to Title 2, Title 12, Title 13, Title 14, and Title 15; City-wide applicability; City of West Jordan (applicant) [#TA20110008]**

Greg Mikolash explained that most of the amendments were dealing with corrections such as additions to the definitions section but not policy changes.

Title 2

This addresses changes to the types of applications the Design Review Committee will review, including projects in all commercial and multiple-family residential zones rather than just those in the WSPA and planned development districts.

Title 13

Amendments to the Title include five new definitions, ten modified, and one eliminated. Greg Mikolash corrected the legislative copy for 'Temporary Construction' by adding '/Development Office'.

Another major change was to the residential lot and bulk table. The recommendation is to eliminate the two districts on the far extremes; R-1-4 and R-1-16 designations. He said these districts are not included on the zoning map. Staff also proposed creating a 5,000 square foot lot, which would more realistically fit a home and garage. The 4,000 square foot lots could only accommodate an attached home, which would still be allowed in the R-2 zone.

There was a discussion regarding whether or not the R-1-5 zone would be needed, because if 5,000 square foot lots were approved they would probably be in a planned development zone.

Justin Stoker recommended that they eliminate the zones as indicated, and they don't add the R-1-5 zone, because it is hard to develop into a nice project. With that zoning there would be pressures to amend the street width and sidewalk standards. He was in favor of just making R-1-6 as the smallest lot size.

David McKinney said economic pressures could create the need for smaller homes.

Greg Mikolash reviewed the matrix chart that shows what types of homes are able to fit on each lot size. Dwelling type and subzone remains the same, and the minimum living space changes a little. The minimum setbacks would remain unchanged.

A policy change is proposed for the parking calculations for fitness center, health club, and gym from 1 space per 50 square feet to 1 space per 150 square feet. Indoor recreation would be changed to indicate a required 70 spaces for every playing field.

Title 14

The new road classification systems only deals with neighborhood, collector, and arterial streets without indicating 'major or minor', and the change to the sidewalk section reflects this.

Title 15

There have been problems with inactive applications during the permitting process, and the proposed change will put a time limit that voids the application after 180 days of inactivity.

There was a discussion regarding Item #12 and the requirement for a 6-foot setback from the home for accessory structures. Justin Stoker felt that it would be easier to place the structure if it could be against the home. Paul Brockbank stated that the height of the structure is more of a building issue and the fire code deals more with building separation.

Justin Stoker was in favor of removing the 6-foot setback from the zoning code and just leaving it up to whatever is required by the building code.

An explanation was given for the removal of the 'private clubs and lodges' definition. The zoning code still has a definition of 'club'.

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

There was additional discussion regarding setbacks for accessory structures. It was explained that the International Building Code in conjunction with the International Fire Code is what creates the building code. If

you accept the IBC you are accepting the IFC. Paul Brockbank thought that the fire code recommends a distance of 6 to 10 feet. Tom Burdett explained that the idea is if the structure is next to the home, then it should be part of the principal structure and subject to those codes. If not, provide the separation in order to address fire hazards.

John Winn agreed to leave that requirement up to whatever the building code dictates.

Justin Stoker said the reason the code is changing is to make it consistent with the IRC. So instead of adding stipulations to the zoning code, we can just leave it to the IRC.

Tom Burdett explained that whatever is in the fire code will be listed in the brochure.

Robert Thorup pointed out that the required separation is also listed in the bulk standards chart.

Justin Stoker felt the separation made sense for a garage, but not for a shed.

Robert Thorup said maybe staff should look at a possible exemption tailored for that type of use.

Justin Stoker said they could drop the issue for now.

MOTION: Nathan Gedge moved based on the discussion to forward a positive recommendation to the City Council for the proposed text amendments to Title 2, Title 13, Title 14, and Title 15 as discussed. The motion was seconded by Dan Lawes and passed 7-0 in favor.

Tom Burdett gave an update on the closure of 3620 West. A discussion regarding the construction schedule was held.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 6:43 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2011