

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 7, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: David McKinney, Ellen Smith, Dan Lawes, Nathan Gedge, John Winn, Jesse Valenzuela, and Lesa Bridge.

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Julie Davis, Scott Langford, Nathan Nelson, and Paul Brockbank.

OTHERS: Debbie Walker, Carlos Garcia, and Megan Dahlgren.

The briefing meeting was called to order by David McKinney.

The agenda was reviewed. Scott Langford distributed a memo from the Building Official listing other requirements by the building and fire departments that aren't included in the planning conditions for Item #2. Paul Brockbank explained that these conditions will have to be completed within a certain period of time to be established at a meeting next week. Clarification was given regarding exterior doors as they relate to the parking proximity. It was noted that church uses are conditionally allowed in the residential zones. Parking stall requirements were explained.

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

**1. Consent Calendar
Approve Minutes from January 24, 2012**

MOTION: Nathan Gedge moved to approve Consent Calendar Item #1 the minutes from the January 24, 2012 meeting. The motion was seconded by John Winn and passed 7-0 in favor.

2. Iglesia Cristiana Obra de Utah; 2295 West Sugar Factory Road; Conditional Use Permit; R-2 Zone; Iglesia Cristiana Obra de Utah/Carlos Garcia (applicant) [#CUP20120001; parcel 21-33-431-004]

Scott Langford gave an overview of the request for a church in the former Jordanelle reception center. The ordinance requires seven criteria be met in order to approve the conditional use permit, which he reviewed. Traffic will be the main impact, but there is good access to public roads. The use won't be detrimental to the surrounding neighborhood. The most challenging requirement for this church is the parking. Parking is based on one space for every 100 square feet of main non-fixed assembly area. A worst case scenario for the parking calculation is 24 required spaces. Since the building is old it doesn't have the correct fire suppression sprinklers installed, so the basement can only be used as storage and not assembly or occupancy. There is a caretaker facility on the east. In order to accommodate the parking they will have to remove the existing shed, which will allow stalls on the south end of the building with one-way traffic flow coming from 2300 West and exiting onto Sugar Factory Road. Wheel stops will be required for the parking stalls on the south side to protect the building. The existing stalls next to Sugar Factory Road are in the City's right-of-way and back onto a public street, but the zoning code allows for this situation with the City Engineer's review and ratification by the Planning Commission. A metal grate is recommended to be placed over the open window well on the east side of the property to prevent vehicles from getting stuck and blocking circulation. Because this is a low to medium turnover use, the parking stalls are allowed to be reduced to 8'6" widths. The landscaping is sufficient, but it is at the minimum.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission ratify the City Engineer's decision to allow for the continued use of parking spaces located immediately adjacent to Sugar Factory Road and approve the Conditional Use Permit for the Iglesia Cristiana Obra de Utah Church, located at 2295 West Sugar Factory Road, in an R-2 Zone, with the conditions of approval as listed below.

Recommended Conditions of Approval:

1. The applicant shall comply with all Building and Safety and Fire Department Regulations concerning design and construction, as may be required for any demolition or construction.
2. The shed located on the southwest corner of the main building shall be removed and replaced with paved parking spaces (in order to meet the minimum parking requirements).
3. All required on-site parking areas must be resurfaced and/or repaved in order to provide a permanent and durable surface as stated in Section 13-12-6C of the Zoning Ordinance.
4. The parking spaces located immediately adjacent to Sugar Factory Road may continue to be used as long as they do not encroach any further in the dedicated right-of-way.
5. The site must be restriped with a minimum of 24 parking spaces as per the requirements listed in Section 13-12-3B of the Zoning Ordinance. The angled parking spaces along the south side of the building shall include appropriate wheel stops placed a minimum of 2 feet from the building to prevent vehicles from hitting the structure when parking.
6. The window well located on the east side of the building must be covered with a metal grate to prevent vehicles from accidentally driving into the well. The metal grate must be strong enough to support the weight of a vehicle.
7. The Conditional Use Permit is subject to review and/or revocation as per Zoning Ordinance Section 13-7E-10.
8. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
9. Occupancy load shall be posted per building code requirements.
10. Basement shall be used for storage purposes only until such time that adequate fire suppression is added to the building.

Lesa Bridge asked if the one-way traffic will be properly signed.

Scott Langford said the City traffic engineer is requiring those signs to be installed with 'do not enter' off of Sugar Factory Road and 'one way' directional signage coming off of 2300 West.

Nathan Gedge wanted to make note of the letter that was distributed from the City building official regarding additional building and fire code requirements.

David McKinney wanted to be sure that the conditions made reference to the requirements in the letter.

Scott Langford pointed out condition #1 that would cover those requirements.

There was clarification given regarding doors on the south side of the building. When the shed is removed it will reveal a door that would have to be blocked off.

David McKinney asked what would happen with the parking requirement if Sugar Factory Road is widened.

Scott Langford said the City engineer said there aren't any current plans for those improvements. However, if the improvements were made there is sufficient room to move the parking right against the building. There is a code provision that allows for non-conforming situations when public improvements create the non-conforming situations.

Jesse Valenzuela asked questions regarding the proximity of fire hydrants and available fire access to the building.

Paul Brockbank said there is one hydrant three houses to the west and another one three or four houses to the east, so they are well within proximity for water supply. There is also plenty of access. They have to be able to access all portions of the exterior of the building within 150 feet from a fire apparatus access road. Sugar Factory Road and 2300 West both meet those qualifications, so he didn't see a problem as far as distance from the building.

Debbie Walker, 6554 South 1710 East, representing Carlos Garcia, pastor of the church, said Mr. Garcia is happy to agree to the conditions and to conform to everything. Debbie Walker clarified that there is an exterior door at the east end and one behind the shed. Carlos Garcia said the doors go into a hallway. There are two front doors that go into the meeting area.

Jesse Valenzuela asked the applicant if he was clear on the requirement that they cannot use the basement area as assembly space until the fire sprinkler system and alarms are in place.

Carlos Garcia said he understands the requirement and he is okay to use it as storage until the sprinkler system is in.

Paul Brockbank explained that in an effort to allow the church to operate in the building, they have made certain restrictions until they put in the fire sprinkler system. He said the basement is the driving force behind the need for the sprinkler system. Also, there is no fire wall separation between the church and the apartment unit. He referred to Bill Bailey's letter that includes restricting the basement use to only storage. The utilities are downstairs and need to be accessed, but they can't meet there or use the kitchen, etc. Over a period of time they will identify which items can be done quickly and easily and there will be longer term projects such as ADA ramps and handrails, and they have to retrofit the building with the sprinkler system within 6 months. The fire code is clear that this should be done now, but we are allowing use of the building as long as they stay within the restrictions. The fire department will be allowed to do periodic unannounced spot checks to see if they are abiding with the restrictions. With these restrictions, he felt they can safeguard the life, health, and safety of those using the facility until the six months when they either show that everything has been done or if they need to close operations until the conditions are met.

There was a discussion regarding whether or not the sprinkler system would still be needed if they don't use the basement for anything other than storage indefinitely, which could be done if they were certain it would only be used as storage. However, the apartment plays a part in the fire sprinkler equation. If the firewall separation is established for the apartment it would satisfy the building and safety staff, but it is a combination of the basement and apartment that is driving the requirements. Staff will meet with the applicant next week to set the timeframe.

Debbie Walker spoke from the audience and said they didn't want to commit to the six months because Bill Bailey said it could be longer.

It was noted that the six-month timeframe is not in the planning commission conditions, so it will be decided between staff and the applicant.

Megan Dahlgren, West Jordan resident and owner of the duplex to the east, said it has been wonderful having them as neighbors. She lived here when the reception center was in use and it was very disruptive. The people associated with the church have been very kind to them and made improvements to the property and have brought calmness to the neighborhood. She supported the proposal.

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

Nathan Gedge felt that the seven criteria established for a conditional use permit are satisfied, especially with the conditions of approval and in particular conditions #1 and #8. If the requirements are not met then the fire department or building official has the authority to shut down operations. However, he felt that regarding the action that is before the Planning Commission tonight the criteria for a conditional use permit have been satisfied.

Jesse Valenzuela stated that he was not in favor endorsing something that has code violations, because the code is in place for a purpose. If the property were able to meet the code rather than having the checklist of items to correct then he would be in favor. However, this could go on for possibly twelve months with code violations and that could put the City at a legal level of supporting a bad situation. He understood the economic situation of trying to bring the building up to code, but based on his experience in this type of situation when the project isn't fully ready to go he can't support it.

Lesa Bridge felt that with staff's presentation and the comments from the fire marshal, she felt that the fire marshal had gone above and beyond to work with the applicant and is willing to police the operation to make sure they are in compliance with the requirements. If they are willing to allocate the time to do that then she didn't have any issues with the request.

MOTION: Nathan Gedge moved based on the presentation and discussion and findings of fact to ratify the City Engineer's decision to allow for the continued use of parking spaces located immediately adjacent to Sugar Factory Road and approve the Conditional Use Permit for Iglesia Cristiana Obra de Utah Church; 2295 West Sugar Factory Road; Iglesia Cristiana Obra de Utah/Carlos Garcia (applicant) with the 10 conditions of approval as listed in the planning commission agenda. The motion was seconded by Dan Lawes.

ROLL CALL VOTE:

- Commissioner Bridge – yes
- Commissioner Smith – no
- Commissioner Gedge – yes
- Commissioner Winn – yes
- Commissioner Valenzuela – no
- Commissioner Lawes – yes
- Commissioner McKinney – yes

The motion passed 5-2 in favor.

3. Video Presentation – American Planning Association's "The Great Street Toolkit"

Tom Burdett introduced a video concerning design features to consider when creating a city center. He reviewed the current climate for possible redevelopment of West Jordan's city center area.

John Winn left the meeting at 7:15 p.m.

An update was given on the new library, Discovery #3 subdivision, a new performance based overlay district (PBOD) to replace the WSPA, general plan adoption, human service establishment code amendment, new tenants at Jordan Landing, and the Mountain View Corridor.

MOTION: Dan Lawes moved to adjourn.

The meeting adjourned at 7:24 p.m.

David R. McKinney
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2012