

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 19, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Nathan Gedge, David Pack, Ellen Smith, Dan Lawes, John Winn, Lesa Bridge, and Zach Jacob.

**STAFF:** Tom Burdett Greg Mikolash, Julie Davis, Ray McCandless, Jennifer Jastremsky, Todd Johnson, Paul Brockbank, and Robert Thorup

**OTHERS:** Michael Von Opstall, Jeff Crawford, Gary Nebeker, Sheryl Dickert, Fenton Bates, David Eldredge, Nick Brady, Rosanne Riddle, Dale Fox

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The briefing meeting was called to order by Nathan Gedge and the agenda was reviewed. A correction to the minutes was noted.

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

**1. Consent Calendar**

**A. Approve Minutes from February 5, 2013**

**B. Echo Ridge Wall; 9500 South 6400 West; Request for a light-weight precast wall; R-1-8/R-1-10 Zones; Dannen Development (applicant) [#MISC20130004; parcel 26-10-229-007; 26-10-230-011, 002]**

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Echo Ridge Phases 1 and 2 Wall located at 9500 South 6400 West in R-1-8D/R-1-10E zoning districts with the conditions of approval as listed below:

Conditions of Approval:

1. The streetscape wall around the perimeter of the residential lots backing 6400 West and Wells Park Road shall either meet the standard masonry wall requirements as stated in the Zoning Ordinance Code Section 13-14-3G or be constructed with RhinoRock pre-cast walls. A precast concrete cap shall be placed on every masonry pillar regardless of wall type chosen.
2. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

**MOTION: John Winn moved to approve the Consent Calendar #1A the minutes correcting the spelling 'Jacob' listed under those present and Item #1B Echo Ridge wall. The motion was seconded by Zach Jacob and passed 7-0 in favor.**

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**2. St. George Russian Orthodox Church; 6790 South 1300 West; Preliminary and Final Site Plan; R-1-10D Zone; St. George Russian Orthodox Mission (applicant) [#SPCO20120015; parcel 21-22-429-029]**

Jennifer Jastremsky gave an overview of the application for a new church to be 3,941 square feet in size. The existing home will be removed. Forty-two parking spaces are provided and located in the rear and a single access point is from 1300 West. The applicant is proposing a 6-foot tall vinyl fence along the north and south property lines. The ordinance requires a masonry wall, but the planning commission can approve an alternate material. Staff has not supported vinyl fencing along arterial collector streets due to durability issues, but the fence will not be along the street. A white fence would match the color theme of the building. She reviewed the landscape plan, which includes landscape buffers. The Zoning Administrator granted a 20% reduction in the buffer width, which allows for the 18-foot and 16-foot buffers instead of a 20-foot wide buffer. The building is

24 feet tall with a 22-foot tall spire on top of the building, which is exempt from the height requirement. The building is styled after 12<sup>th</sup> and 14<sup>th</sup> Century Russian church design and will have a white masonry, stone, and stucco façade with a light gray trim. The spire dome will be black.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Preliminary and Final Site Plan approval for the St. George Russian Orthodox Church located at 6790 South 1300 West in an R-1-10D zoning district, with the conditions as listed.

Conditions of Approval:

1. Parking lot lighting shall be arranged to reflect the light away from adjoining lots in all zones per code section 13-12-6E. Lights shall be shielded to reduce or eliminate up lighting, and all light levels shall not exceed one foot-candle power at the property line.
2. Administrative relief has been granted per code section 13-4-12B-6g, allowing a reduction in the landscape buffer yards. The minimum number of trees located within the reduced buffer area shall equal the amount of trees required for the original buffer width.
3. A 6-foot tall vinyl fence may be installed along the north and south property lines per code section 13-14-3E. If a vinyl fence is not used, a 6-foot tall masonry wall or light weight pre-cast fiber reinforced concrete wall shall be used.
4. Address all redline comments from Planning, Engineering, Fire, and Public Works Departments.
5. An approved final site plan shall become null and void if development does not commence within two years of the approval per City Code Section 13-7B-5.

David Eldredge, MJSA Architects, 357 West Pierpont Ave, appreciated working with staff who helped them through the process, and they hoped the commission will vote favorably on the project.

Dan Lawes questioned their request for vinyl fencing.

David Eldredge said the fencing will be next to residential properties, and he felt that vinyl is friendlier to and more typical of the residential character of those neighbors. He had no concerns with the durability of vinyl fencing.

Jeff Crawford, West Jordan resident, said when he developed the subdivision across 1300 West there was a problem with the storm drain, and he wondered what the arrangements were for that concerning this facility.

Gary Nebeker, West Jordan resident, said he is 250 feet east of the proposed structure. He is inclined to have the church instead of the field, but his concern was with public access on 1300 West. In that area the road narrows from three lanes to two lanes and then back to three lanes north of Winchester, and it is a dangerous situation to turn into his neighborhood. He asked if there is a proposal to expand this section to include adequate turn lanes, and he encouraged the commission to consider that.

Nathan Gedge said the street is not a part of this proposal, but the concern will be forwarded on to public works staff.

Fenton Bates, West Jordan resident, said his property abuts the southern property line, and he objected to the vinyl fencing. He said a pure white fence along 160 feet would cause a lot of glare and heat to reflect into his yard. He was also concerned with the water runoff of the retention pond on the property. The plans indicate a swale to carry runoff out to 1300 West. It appears by the elevations that to stop that from overflowing and flowing to the south there is only a 12-inch rise in the berm. With the gophers they've had for many years it has been breached many times and a masonry wall would give more protection to his property. He said he spoke to some people in northwest Washington state who reported that every Sunday morning at 6:00 a.m. a Russian

Orthodox church in their neighborhood would ring bells to call the members to service, and he wondered if that would be the case here.

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

David Eldredge said at the city's request in addition to the detention pond, there is an underground retention system that will keep all water on-site. So there will be no water contributed to 1300 West. He didn't think there was an issue with durability or sound with the vinyl fence, but that is at the Commission's discretion.

Michael Von Opstall, 5556 Hollow Springs Drive, current rector of the St. George Russian Orthodox Church, stated that they have no plans at this time to install bells. Sunday services start closer to 9:30 a.m., and before undertaking that as an additional project they would have to approach the city to verify the regulations and respecting those and the opinion of the neighbors.

Dan Lawes was in favor of the masonry wall.

Lesia Bridge said it is her recommendation as well.

Ellen Smith pointed out for clarification that if there are drainage issues the wall footings would still be affected by too much water, so the issue of drainage is a moot point with regards to the type of wall.

**MOTION: Dan Lawes moved to approve the Preliminary and Final Site Plan for St. George Russian Orthodox Church; 6790 South 1300 West; St. George Russian Orthodox Mission (applicant) with conditions of approval 1 through 5 amending:**

- 3. A 6-foot tall masonry wall or light weight pre-cast fiber reinforced concrete wall shall be installed along the north and south property lines per code section 13-14-3E.**

**The motion was seconded by Lesia Bridge**

Greg Mikolash asked for clarification if they are leaving the type and color of the wall up to staff.

**AMENDED**

**MOTION: Nathan Gedge moved to amend the motion to state the final design of the fencing to be approved by staff. The amendment was accepted by Commissioners Lawes and Bridge and the amended motion passed 7-0 in favor.**

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- 3. SnugZ USA; 6250 West Dannon Way; Preliminary and Final Site Plan, Preliminary and Final Subdivision Plat, and Waiver of Sidewalk Requirement; Tom Stuart Construction (applicant) [#SDMI20130003, SPI20130001, MISC20130003; parcel 26-02-300-039-4002, 26-02-300-032]**

Jennifer Jastremsky gave an overview of the application for a new 34-foot tall building with 117,800 square feet with room for future expansion. The provided parking would accommodate the future expansion. Landscaping is ample. Construction is tilt-up concrete walls with metal awnings above all windows and main entries, and there are pop-outs on all four sides of the building. The subdivision plat will combine three existing parcels into one lot and the applicant is dedicating five feet of right-of-way on both Prosperity Road and Dannon Way, which will allow for turn lanes. The applicant is asking for a waiver of installing sidewalk improvements, which is allowed by the zoning ordinance. None of the surrounding developments in this vicinity have sidewalks, but the applicant proposed a 10-foot wide sidewalk easement should it make more sense to have one in the future.

*Preliminary and Final Site Plan:*

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Preliminary and Final Site Plan approval for SnugZ located at 6250 West Dannon Way in an M-1 zoning district, with the conditions as listed.

Conditions of Approval:

1. Address all redline comments from Planning, Engineering, Fire, Public Works and Legal Departments.
2. An approved final site plan shall become null and void if development does not commence within 2-years of the approval, per City Code Section 13-7B-5. For purposes of this section, "commencement of development" means installation of building foundations. A one 6-month extension may be granted by the Zoning Administrator, if, upon written request by the owner/developer, the Zoning Administrator finds that the extension will not adversely affect the public health, safety or welfare of the city.

*Preliminary and Final Subdivision Plat:*

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Preliminary and Final Subdivision Plat approval for SnugZ located at 6250 West Dannon Way in an M-1 zoning district, with the conditions as listed.

Conditions of Approval:

1. A waiver to code section 14-5-7B has been granted. In lieu of providing a sidewalk along Prosperity Road and Dannon Way, the applicant shall provide a 10-foot wide sidewalk easement along the property lines which may be developed into a sidewalk at a future date.
2. Address all redline comments from Planning, Engineering, Fire, Public Works and Legal Departments.
3. An approved, unrecorded final subdivision plat shall remain valid for 2-years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city per Code Section 14-3-8.

David Pack said this area isn't currently a high-traffic area for residents, but there is a school nearby where students might walk as well as employees who might need a safe way to get inside the area. He asked the applicant how they would address the need to clear an area for pedestrians, especially in the winter.

Nick Brady, Sam Brady Architects, 136 East South Temple, said most of the access to the building will be directly from the parking lot, which has the required access and inner circulation with minimum 6-foot pedestrian walkways. They also have dedicated a 10-foot right-of-way for future sidewalks if and when they are installed by the city. The facility is large enough that the parking lot is self-contained with access to the site, bicycle parking, and additional pedestrian access. There is not a direct access through sidewalks as there are none in the vicinity.

Rosanne Riddle, Chief Operations Officer for SnugZ USA, 1901 South 5070 West, asked that the Commission give their approval of the project. They have purchased the land and are excited to move to West Jordan and continue business expansion.

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

Nathan Gedge felt that the waiver of the sidewalk is warranted in this case, especially with the provision of the easement.

**MOTION:** Nathan Gedge moved to approve the Preliminary and Final Site Plan for SnugZ USA; 6250 West Dannon Way; Tom Stuart Construction (applicant) with conditions 1 and 2 as

**listed in the agenda based on the findings of fact being satisfied. The motion was seconded by Dan Lawes and passed 7-0 in favor.**

**MOTION: Nathan Gedge moved based on the findings of fact being satisfied to approve Preliminary and Final Subdivision Plat approval for SnugZ USA; 6250 West Dannon Way; Tom Stuart Construction (applicant) with conditions 1 through 3 as listed in the agenda. The motion was seconded by Dan Lawes and passed 7-0 in favor.**

Nathan Gedge pointed out that condition number one is the sidewalk waiver.

**John Winn was excused at 6:30 p.m.**

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**4. Stone Creek Park 2-5 Plats 2012; 7982 South 4800 West; Preliminary Subdivision Plat (4 lots approx. 21.15 acres); P-C Zone; City of West Jordan (applicant) [#SDMA20120016; parcels 20-36-251-014; 180-001; 151-002; 182-001; 100-024]**

Greg Mikolash showed the Stone Creek master plan and pointed out the trail system. This application will record Phases 2-5 of the park. A portion of phase 3 includes a manicured park with basketball and volleyball courts, parking lot and a gazebo. Phase 2 will have no manicured park but would include native seed and the trail. Phase 4 will include 900 feet of trail. Phase 5 is trail and native seed. The intent of this project has been master planned all along and the dedication of the property will transfer and dedicate the open space from Peterson Development to West Jordan.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval of the Stone Creek Park/Open Space Plats, Phases 2, 3, 4, & 5, located at approximately 7982 South 4800 West in a P-C zoning district.

Sheryl Dickert, West Jordan resident, said she backs Phase 4 of the park and asked if anything will change on that property; will they always have natural habitat in that area.

Greg Mikolash said tonight they are talking about the dedication of the land itself.

Sheryl Dickert asked if it will always be open space or if they ever plan to change it into anything else.

Greg Mikolash said it is the intent for it to remain open space. As of right now this area is landlocked, and the creek corridor and the trail would prohibit any development in that phase.

Ms. Dickert said there was a rodent issue in the area and asked if that could be addressed through the city.

Nathan Gedge said staff will forward that on to the appropriate people.

Dale Fox, West Jordan resident, said eight years ago when they moved in they were told it would be a green space park through the whole area and they were willing at that time to pay a special assessment for that park. He asked if by deeding this property it opens up the special assessment process so they will now be assessed without having the park they originally expected.

Tom Burdett said this dedication is to turn over the maintenance to the city, and the city is exploring a special assessment area to provide maintenance, which has not yet been established, but is underway with the city council. Property owners will be noticed of future meetings on the topic, but this is one step to take to put it into public ownership.

Dale Fox said he is in favor of the city taking over ownership even if it just gets mowed, because there have been fires and it also causes weed problems. They can have the conversation at a later time about whether or not the special assessment meets with the expectations for the open space. Because of how his property faces he tends to get all the noise from the park, so if the city can do anything to enforce the time restrictions on the park that would be helpful. He hoped that the dedication would make people more aware and take care of it.

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

**MOTION: Dan Lawes moved to approve the Preliminary Subdivision Plat for Stone Creek Park Open Space Plats Phases 2-5; approximately 7982 South 4800 West; City of West Jordan (applicant). The motion was seconded by Zach Jacob and passed 6-0 in favor. John Winn was absent.**

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**5. Text Amendment – Amend the West Jordan Municipal Code making miscellaneous amendments to the West Side Planning Area (WSPA) affecting Title 13, Article J and other related sections of city code as needed; City-wide applicability; City of West Jordan (applicant) [#TA20120002]**

Ray McCandless said in January 2012 the City Council voted to split the WSPA into the PBPA and to retain the WSPA to handle properties deemed by the city to be vested under those standards. Tonight they are considering changes to the WSPA, which only applies to the Highlands development of 370 acres between 5600 West and 6450 West and 7800 South and 8200 South. This property was vested through a settlement agreement with the city and will remain in effect in order to handle the development of the Highlands. Over the years they have found things that are important to correct that make the code easy to administer and to understand by everyone. He said that the list of permitted and conditional uses will not change. It will remain in Article J and not as an overlay because it describes a separate geographical area. The only significant change to the density incentive chart was to incentivize energy efficient design. Other significant changes attempt to clarify development review process.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Text Amendment as discussed in the staff report.

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

Nathan Gedge felt that the proposal was straight forward.

**MOTION: Zach Jacob moved based on the findings set forth in the staff report and upon the evidence and explanation received today to forward a positive recommendation to the City Council for the proposed Text Amendment to the WSPA as discussed. The motion was seconded by Ellen Smith and passed 6-0 in favor. John Winn was absent.**

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**6. West Jordan Comprehensive General Plan and Future Land Use Map Amendments – Amend the West Jordan Comprehensive General Plan, replacing references to the Performance Based Overlay District (PBOD) with the term Performance Based Planning Area (PBPA) and amend the Future Land Use Map removing the Transit Station Overlay Districts from the Future Land Use Map at 7800 South and 9000 South on 5600 West; City of West Jordan (applicant) [#TA20130002]**

Ray McCandless said the first purpose of the application is to fix a clerical error changing the words Performance Based Overlay District to Performance Based Planning Area. The second is to remove from the

Future Land Use Map the Transit Station Overlay District at 7800 South and 9000 South at 5600 West. When the General Plan was updated it was anticipated that bus rapid transit would be along 5600 West, which may or may not now occur. The TSOD at the southwest corner of 7800 South and 5600 West will remain, because it was specifically zoned that way as part of the Highlands development.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Future Land Use Map as discussed in the staff report.

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

**MOTION:** Nathan Gedge moved based upon the presentation received to [forward a positive recommendation to City Council to] amend the West Jordan Comprehensive General Plan replacing the references to the Performance Based Overlay District (PBOD) with the term Performance Based Planning Area (PBPA) throughout the Comprehensive General Plan. The motion was seconded by Dan Lawes and passed 6-0 in favor. John Winn was absent.

**MOTION:** Nathan Gedge moved based upon the evidence and explanations received today to forward a positive recommendation to the City Council for the proposed Future Land Use Map as discussed. The motion was seconded by Dan Lawes and passed 6-0 in favor. John Winn was absent.

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Nathan Gedge noted that a representative was needed for the CDBG/HOME Committee. Tom Burdett explained that West Jordan is an entitlement city for CDBG Block Grant funds. How we use the funds to serve low and moderate income residents is a matter of city council decision making and approval. A committee is formed each year to review the requests and balance the anticipated funds for the coming year into a proposal that is forwarded to the city council.

Lesa Bridge and David Pack volunteered for the committee and Lesa Bridge was appointed. David Pack could be an alternate, if needed.

Tom Burdett gave an update on recent City Council actions and past Planning Commission items.

**MOTION:** Dan Lawes moved to adjourn.

The meeting adjourned at 7:00 p.m.

NATHAN GEDGE  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013