

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

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

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

The briefing meeting was called to order by Nathan Gedge.

There was a discussion on the temporary use permit process and fee system. The agenda was reviewed and clarifying questions were answered.

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

1. Consent Calendar

A. Approve Minutes from March 5, 2013

B. Tacos el Chango; 7991 South Redwood Road; Temporary Use Permit (150 days); CC-C Zone; Karen Martinez (applicant) [#TUP20130003; parcel 21-34-201-046]

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Temporary Use Permit approval for Tacos el Chango located at 7991 South Redwood Road in a CC-C zoning district with the conditions of approval 1 through 7, as listed.

Conditions of Approval:

1. Dates of operation are from April 1, 2013 to August 28, 2013, or shall not exceed 150-days consecutive.
2. 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.
3. Maintain the temporary stand in good order and the parking lot free from trash and debris during the extent of the temporary use.
4. The stand and all associated equipment/materials shall be removed from the site, and the site fully restored, within five days of permit expiration.
5. Provide for a safe pedestrian standing area next to the temporary stand. This area must be blocked off to prevent vehicular traffic from entering by either traffic cones or by other appropriate device, as approved by staff.
6. Obtain and maintain a valid West Jordan City Business License.
7. Obtain approval from the Salt Lake County Health Department.

MOTION: John Winn moved to approve the Consent Calendar Items #1A and #1B. The motion was seconded by Dan Lawes and passed 6-0 in favor. Lesa Bridge was absent.

2. **UTOFC Condominiums; 7532 South Center View Court; Preliminary Plat for a Condominium Conversion; P-O Zone; Brackets N Bones, LLC (applicant) [#SDMI20130004; parcel 21-29-301-009]**

Ray McCandless said the applicant wished to be excused from the meeting. Staff could see no issues with the application.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Condominium Plat and grant final approval authority of the plat to staff for the proposed UTOFC Condominiums located at 7532 South Center View Ct. in a P-O zone with the following conditions:

1. Address applicable Engineering Department Redlines.
2. The Condominium Conversion Plat, Condominium Declaration, Report of Existing condition, and By-Laws to be recorded with Salt Lake County upon final approval by the City of West Jordan.
3. All common areas shall be shown on the plat drawing and be consistent with the Condominium Declaration
4. The preliminary plat shall expire on March 19, 2015 unless the final plat is recorded.

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

MOTION: Dan Lawes moved to approve the Preliminary Condominium Plat and grant final approval authority to staff for UTOFC Condominiums; 7532 South Center View Court; Brackets N Bones, LLC (applicant) with conditions 1 through 4 as listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Lesa Bridge was absent.

3. **Text Amendment – Amend the 2009 West Jordan Municipal Code—Adding new Section 13-8-21 “Ease of Removal and Prevention of Graffiti” as part of a major revision of the City’s Anti-Graffiti Program; City-wide; City of West Jordan (applicant) [#TA20130005]**

Robert Thorup explained that multiple city departments had been working on this amendment. A portion of the change is within the zoning code. The amendment will ensure that the color formula for long walls and surfaces be given to the public works department in order to assist in graffiti removal. While it is true that the current code obligates property owners to remove graffiti from their property, the amendment focuses developers on the fact that they are custodians of their construction sites, and they are asked to promptly remove graffiti. The third element of the amendment directs the city review staff to look for ways to design the walls (and other large surfaces) to be less graffiti attractive, such as breaking up long expanses, considering lighting, and determining if there are surfaces that are more graffiti resistant. The city engineer will have the involvement to say what is reasonable or not, but we need to help the Public Works department in controlling the problem.

Based on the findings set forth in the staff report, and upon the evidence and explanations received, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed Title 13 text amendment as discussed in the report.

Dan Lawes asked how we are defining ‘immediately’ under heading A.

Lesa Bridge arrived at 6:08 p.m.

Robert Thorup said they debated whether or not to list a number of days, and they may do that at a later date. Enforcement will consist of notifying the property owner of the graffiti and they will be asked to act quickly.

Zach Jacob asked other than emphasizing that the developer is custodian of the property during construction, if this section is redundant in a way since the current code states that the property owner is responsible.

Robert Thorup said the developer or contractor is not always the property owner, so this code would indicate that whoever is building on the site needs to take care of graffiti removal.

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

Nathan Gedge said although it might be a little redundant, he felt that graffiti is becoming a problem and anything that can be done to help enforce or reduce the instances he was in favor of. He felt that the criteria had been satisfied.

Zach Jacob was concerned with the burden the code would place on a developer and what kind of a message it sends to those who want to develop here. He attempted to find a similar ordinance in other surrounding cities and he couldn't find any. He was hesitant to go ahead with something that may look like an excessive regulation.

Dan Lawes had a little bit of concern with victimizing the victim and asked what resources the city could provide if it should become a repetitive issue with a developer. If it is an everyday occurrence it could become costly.

Robert Thorup didn't think it would be an everyday occurrence. The best way to discourage graffiti is to remove it quickly. The city is currently and will continue to be significantly involved in the graffiti removal effort. If the city were approached by a developer he suspected that the city would try to help.

MOTION: Nathan Gedge moved based on the criteria being satisfied to forward a positive recommendation to City Council to amend the 2009 West Jordan Municipal Code to have a new Section 13-8-21 "Ease of Removal and Prevention of Graffiti". The motion was seconded by Ellen Smith.

Zach Jacob spoke against the motion saying that focusing the City's efforts on enforcement of existing issues would be a more appropriate response. He also felt that this amendment places an undue burden on developers and he didn't think it met criteria #2 in the staff report, because it is possibly limited but somewhat inappropriate.

ROLL CALL VOTE:

Commissioner Bridge – yes

Commissioner Smith – yes

Commissioner Gedge – yes

Commissioner Winn – yes

Commissioner Jacob – no

Commissioner Lawes - yes

Commissioner Pack – yes

The motion passed 6-1 in favor.

Tom Burdett gave an update on recent City Council actions. Staff would like to schedule a future meeting with City Council and Planning Commission to discuss designations for multi-family residential and regional parks.

MOTION: John Winn moved to adjourn.

The meeting adjourned at 6:18 p.m.

NATHAN GEDGE
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2013