

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 18, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, David Pack, Zach Jacob, Ellen Smith, Lesa Bridge, Bill Heiner. Sophie Rice was excused.

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Nannette Larsen, Larry Gardner, Nathan Nelson, and Julie Davis.

OTHERS: Chris Gamvroulas, Alexey Givigorev, Steve Smith, Lynn Heward.

The briefing meeting was called to order by Dan Lawes.

The agenda was reviewed. The process for review/revocation of a conditional use permit was reviewed. An explanation of a safe pedestrian route was given, and an amended condition #4 for Item 3 will be recommended. Item #4 is requested to be postponed until May 6th.

The regular meeting was called to order at 6:02 p.m.

1. Consent Calendar
Approve Minutes from February 4, 2014

MOTION: Zach Jacob moved to approve the minutes on the Consent Calendar. The motion was seconded by Bill Heiner and passed 6-0 in favor. Sophie Rice was absent.

2. A & K Recreational Rentals; 8901 South 1300 West; Conditional Use Permit for Motor Vehicle Rentals; C-G Zone; A & K Recreational Rentals/Alexey Givigorev (applicant) [#CUP20140002; parcel 27-02-152-016]

Alexey Givigorev, applicant, stated that he had been operating his business as a home occupation and wanted to expand to the proposed warehouse, which requires a conditional use permit. His business involves renting mostly side-by-side ATV's and he would like to introduce wave runners as well. There will be no motor home rentals at this time. He responded to questions from the planning commission regarding maneuvering on the site. Mr. Givigorev said he was easily able to make a U turn on the property with his longest trailer. There were no other cars in the lot at that time. But he will be the only employee and there are 21 parking spaces on his side of the property and the landlord also lets him use seven additional parking stalls for personal vehicles and customers. He didn't expect to have more than one or two customers at a time. He will try to schedule customers to come at different times. The customers will drive their own vehicles onto the site, but the overhead doors will allow for the trailer to be pulled all the way into the building to unhook the trailer and the customer can exit out of the second door. He said there is no need to test drive the vehicles. If he needs to test them after any repairs, that would be done at an off road location and not on the street. He will only be performing minor maintenance and not major repairs or engine rebuilding.

Larry Gardner stated that the location is surrounded by residential uses so the recommended conditions are structured to mitigate impacts that might infringe on enjoyment of property rights and safety of the

residents, such as noise, storage, backing onto the street, and test driving vehicles. The property was formerly used as manufacturing and retail. Because recreational vehicle rental is a conditional use the planning commission may approve it if the conditions provide mitigation to the impacts or they may impose additional conditions. The applicant told him that he had tested some of the conditions and at this point he indicated that he can work within the conditions.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Conditional Use Permit approval for A & K Recreational Rentals in a C-G zoning district with the conditions of approval as listed.

1. All rental vehicles and trailers shall be stored inside the building.
2. Hours of operation shall be limited to between the hours of 8:00 am to 6:00 pm.
3. All rental vehicles and trailers shall not be displayed outside.
4. All repair work shall be conducted inside the building. All overhead doors and all windows shall be closed while repair work is being conducted to limit noise.
5. Vehicle repair work shall be limited to between the hours of 10:00 am and 3:00 pm.
6. Any air compressor shall be of the type or installed in a way so that it cannot be heard beyond property lines.
7. An exhaust ventilation system shall be approved and installed according to the West Jordan City Building Department and West Jordan Fire Department.
8. All loading and unloading of trailers and vehicles shall be done on site. Loading and unloading of trailers and vehicles on any public right-of-way is prohibited.
9. Backing of trailers and vehicles from 1300 West is prohibited.
10. All maneuvering of vehicles shall be conducted on site.
11. Outdoor storage of vehicles, trailers, parts, fuel, oil, tires, tools and associated equipment is prohibited.
12. Test starting of vehicles outdoors is prohibited.
13. Test driving of vehicles on any public right-of-way, adjacent and nearby parking lots, private streets and adjacent or nearby vacant property is prohibited.
14. The applicant will continuously adhere to the Salt Lake Valley Health Department health regulation #21 "Community Noise Pollution Control."
15. The applicant will provide a revised parking plan showing an accurate layout of parking stalls and backing area based on City Code Section 13-12-7.
16. The applicant will restripe the parking lot accurately showing all parking stalls, dimensioned as per City Code Section 13-12-7.
17. The Conditional Use Permit is subject to review and/or revocation as per City Code Section 13-7E-10.
18. Approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Clarification was given for condition #14 that refers to stationary noise, which applies whether or not the condition is listed. However, that and other conditions were listed in case it ever becomes a constant problem then it would be a reason for revocation.

Dan Lawes opened the public hearing.

Steve Smith, West Jordan resident, stated that he lives directly north of the property. For 20 years he had worked hard making his home beautiful and peaceful, and the entire time he had been fighting

with the city on issues with the other property owner. The city has never enforced the litter or noise laws. Even speaking with three different mayors no one has ever done anything about it. The biggest problem is with trash, garbage, and junk everywhere. The police officers are tired of hearing from him. His other concern is that every hour he will hear the vehicles as they are loaded onto trailers, he will smell 2-cycle smoke, oil, and gas in his yard. He didn't like the lighted signage and motion lights that invade his privacy. He asked the commission to consider if they would like this in their back yard. Even if this is a conditional use, no one bothers to follow up on complaints.

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

Alexey Givigorev acknowledged that the parking lot is not in good condition but he told the landlord that it would have to be cleaned up, and he will keep it clean. He plans to paint the walls at his own expense so it will look nice. They started cleaning the parking lot today and they will continue next week as well as restriping the parking spaces. He understood the noise concerns, and he will work with the neighbor to make sure his business will comply with the privacy and noise concerns. Most times the customers come in and take the machines that are already on the trailer. Sometimes the customer will use their own trailers, but they can be loaded inside the building.

David Pack said he always tries to put himself in the place of all parties. He didn't think that the problems with the property are with the applicant, but they are with the former tenants and perhaps with city monitoring and follow up with complaints. If the applicant stays within the parameters of the conditions of approval he didn't see that they should deny the request.

Zach Jacob said the applicant said there is plenty of room inside of the building to load the trailers, and he wondered if they should add that as a condition, which will also help to mitigate issues with potential odors.

Bill Heiner said the applicant is the only employee now, but he was concerned that it may become more congested when the business grows and then there wouldn't be enough room to maneuver without backing onto the street.

It was verified that the overhead door and building is large enough for vehicles to drive inside the building.

Ellen Smith didn't know if they should limit loading to inside the building. Maybe 95% of business could be done inside. But if the applicant is sensitive to the issues and is willing to work with the neighbors, do they need to spell everything out. As long as there is a set protocol that if the conditions aren't being met it can be reviewed. Sometimes you can make things so restricted that it isn't doable.

David Pack asked if Mr. Smith and other residents could be provided with a definite point of contact so he doesn't get the runaround. In his own experience with rental properties within West Jordan, if there is something that is out of compliance he immediately gets a notice listing a contact person so he can rectify the situation. His experience with code enforcement is that they follow up.

Greg Mikolash said they can provide that contact information. He stated that the code enforcement entity was recently revitalized.

MOTION: Ellen Smith moved based on the findings set forth in the staff report and upon the evidence presented in the public hearing to approve the Conditional Use Permit for A & K Recreational Rentals; 8901 South 1300 West; Alexey Givigorev (applicant) with the conditions of approval 1 through 18 set forth in the staff report. The motion was seconded by Lesa Bridge and passed 4-2 in favor with Commissioner Heiner and Commissioner Lawes casting the negative votes. Sophie Rice was absent.

Ellen Smith wanted to really stress that if there are any *proven* problems with this use that it is followed up and taken care of quickly.

David Pack agreed. He had never seen 18 conditions of approval before, so he knows they are trying to mitigate any issues for a win-win situation.

3. Sommerglen Heights; 7300 South 5600 West; Preliminary Subdivision Plat (112 lots on 41.61 acres); R-1-10D/E (ZC) Zone; Ivory Development/Nick Mingo (applicant) [#SDMA20130024; parcel 20-26-400-022, 014; 200-020]

Chris Gamvroulas, Ivory Development, applicant, stated that their preliminary plat complies with all of the ordinances and development agreement and he preferred to wait to speak until after the staff report.

Nannette Larsen gave an overview of the item including the established zoning conditions. The proposal is for 111 lots on approximately 41 acres for a density of 2.67 units per acre. Four parcels will also be subdivided with this plat. Parcel A will be dedicated to Rocky Mountain Power, and parcels B, C, and D will be dedicated to the City of West Jordan with maintenance provided by the Special Assessment Area. Four phases of development are shown with the first phase starting on the east. A second access to 5600 West is required with the first phase of development. Lot 139 will be temporarily opened as the second access and is noted as a condition of approval. The temporary access can be removed once the second phase is completed and a second access to the subdivision is provided. Staff is asking that condition #4 be amended to read 'A safe pedestrian route is required to be provided for student access to the designated school facility. This off-site infrastructure matter will be specifically refined during the final plat review process and the final plats will be reviewed by the planning commission'. Staff recommended this amended language based on the school designation being split in two with some assigned to Falcon Ridge elementary school and some designated to Fox Hollow elementary school. Presently there is not a safe route for potential students to travel to school and it is within an area that is not bused by the school district.

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Preliminary Major Subdivision approval of Sommerglen Heights Subdivision located at approximately 7300 South 5600 West zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The final subdivision plat must meet all requirements of the Engineering and Fire Departments.
3. At the time a second permanent subdivision access to an established roadway is complete the

temporary easement will be removed to allow the lot –the temporary access was placed upon-to be a buildable lot.

4. A safe pedestrian route is required to provide for student access to designated school facilities.
5. The surrounding subdivision fence will need to meet fencing standards within the Highlands Master Plan Area and match existing developments within the vicinity.
6. Any existing above ground power lines under 69kv shall be undergrounded.
7. During Final Subdivision approval a 70' right-of-way within Parcel A must be dedicated to the City on the end portion of 7400 South.
8. Approval of a Final Subdivision Plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator. (14.3.8.B)

Clarification was given that the temporary access will be created as if it were a permanent access until an actual second permanent access is completed.

Nannette Larsen gave further explanation regarding parcel D, which will have underground utilities and will be dedicated to the city. Additional design will be reviewed with the final plat. The maintenance will be provided by the SAA.

Dan Lawes opened the public hearing.

Lynn Heward, representing Craig Debry who owns property to the east, didn't have a problem with approval of the subdivision. However, he felt there should be a condition that the developer will notify future owners that there is a 10-acre pig farm and slaughterhouse in the area to the east and that there is no limit to the number of animals. Property owners south of his client were unable to sell their property for development because of the farm.

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

Chris Gamvroulas, Ivory Development, said they are well aware that the farm is across 5600 West, which is a wide road. The farm has the right to be there and they support property rights. As a developer they turn property that was once a farm into subdivisions. They have standard language in their contracts and disclosure documents that the purchase is not subject to any surrounding land uses or future land uses. They will notify people of the subdivision zoning and that they can go to the city website to find the current general plan and zoning and they can make a decision on a real estate purchase by observing for themselves if it is a nuisance for them. The reason he waited to speak until after the staff report was because he wanted to hear the replacement language for condition #4. They do not agree to the current language, but they are willing to agree to language that they will work with the city for a solution and they will come back to the planning commission at final approval. They don't want to be required to provide an off-site walkway carte blanche. They will work with the city to find a reasonable solution and will agree to participate at some reasonable level in that solution. They will not agree to build an off-site walkway to a school. If they are in phase four and a new school is built would that mean they have to build another walkway across someone else's property? It is too open ended. This is the preliminary plat and there are strict requirements that they have to comply with in the development agreement and the zoning and development code.

Dan Lawes asked if the ordinance requires new development to provide notice of agricultural uses.

Tom Burdett said the nuisance ordinance does not require notification of agricultural operations. Through normal processes that are already established in approving developments the city notifies the surrounding property owners.

Zach Jacob thought that the issue of the 'pig farm' shouldn't play into the approval process of this subdivision at all. The fact that another property owner had a failed sale shouldn't affect the request to develop this property. He asked for further explanation of parcel A and how that relates to the future trail.

Nannette Larsen said the applicant presently owns parcel A and with this proposal it will be dedicated to Rocky Mountain Power and will remain open space. That parcel is within the master trails plan as a future trail.

Greg Mikolash said it parallels the power corridor going north and south. Although it isn't definitive that a trail will be there it is on the master trails plan. Ivory Development has done the right thing to dedicate it to RMP as it won't be used for anything else but open space.

Zach Jacob asked how that parcel affects the open space requirements.

Greg Mikolash said properties with density bonus buy-ups would consider open space, but this property is a typical Euclidian zoning and they are given the density allowed by that zoned.

David Pack asked if the requirement for the safe pedestrian route would be addressed on future approvals if condition #4 were removed.

Nannette Larsen said they would be adding language on condition #4 that the final plat would come back to the planning commission for approval or denial.

Ellen Smith said the last sentence in the replacement language is okay, but she asked if they can require installation of a sidewalk across someone else's land.

Robert Thorup said the land in question is owned by the city.

Dan Lawes said he wouldn't be opposed to striking the first sentence, because they can consider it at final review without locking it in at this point.

Ellen Smith said they would have to add some kind of language that states that the safe pedestrian route infrastructure matter will be specifically refined during the final plat review process.

Dan Lawes asked if the city has the responsibility to provide the safe route.

Robert Thorup said if the city is going to approve a subdivision and the subdivision will bring people, and the people have to get from point A to point B, and if the subdivision weren't there then people wouldn't have to get from point A to point B, then if the city ultimately has to install some kind of safe walking route in coordination with the school to get the people there and it will cost the city a certain amount to do that, and if the developer wants to locate in this area where there isn't the infrastructure or sidewalks, then the city has to suggest that maybe they have a role to play. What that role is they

will determine when they talk to the developer and the school district and refine what needs to happen. From his standpoint he wouldn't want, if there is any way, to not go forward tonight with the belief that there is a need to resolve the safe school route issue.

David Pack said it is true it won't build out for another five to seven years and there might be other subdivisions or different schools, so he agreed with the applicant that they don't need to carte blanche require it. But he wants to make sure that there is a safe walking route.

Lesa Bridge suggested that the language state, 'The applicant will work with the city to find a reasonable solution for a safe walkway to nearby schools which will be considered by the planning commission upon presentation of the final subdivision plat for approval'.

There was a discussion regarding what the term 'nearby' would suggest. The applicant suggested that the condition be specific to Phase 1.

MOTION: Lesa Bridge moved based upon the positive findings set forth in the staff report and information received during the meeting to approve the Preliminary Subdivision Plat for Sommerglen Heights Subdivision; 7300 South 5600 West; Ivory Development (applicant) with the conditions of approval 1 through 8, striking condition #4 and replacing it with:
4. The applicant, during phase 1, will work with the city to find a reasonable solution for a safe walkway to nearby schools which will be considered by the planning commission upon presentation of the final subdivision plat for approval.
The motion was seconded by Ellen Smith and passed 6-0 in favor. Sophie Rice was absent.

4. Text Amendment – Electronic Billboards; Amend portions of Title 12 Sign Regulations and Title 13 Zoning Regulations or other sections of the West Jordan Municipal Code relating to billboards and electronic billboards; City-wide; City of West Jordan (applicant) [#TA20120008]

Greg Mikolash said staff is asking that the item be postponed to May 6, 2014.

Tom Burdett said Reagan Outdoor Advertising requested additional time to work on language. He didn't know what the concerns were at this time.

MOTION: Zach Jacob moved to table the Text Amendment for Electronic Billboards until May 6, 2014, at the request of the city. The motion was seconded by Ellen Smith and passed 6-0 in favor. Sophie Rice was absent.

Tom Burdett gave an update on recent and upcoming city council items and goals. The next planning commission meeting will be focused on training. Zach Jacob asked if they could also have training on what proper protocol is for their pre-meeting discussion.

MOTION: Zach Jacob moved to adjourn

The meeting adjourned at 7:13 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014