

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 17, 2016 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Dan Lawes, Kelvin Green, Matt Quinney, David Pack, Bill Heiner, Josh Suchoski, and Judy Hansen.

**STAFF:** Scott Langford, Larry Gardner, Nannette Larsen, Ray McCandless, Mark Forsythe, Nathan Nelson, Julie Davis, Darien Alcorn, and Paul Brockbank.

**OTHERS:** Joe & Jeff Callahan, Amy Martz, Tracy Rose, Joan Floyd, Dan Floyd, Marla Floyd, Kyle Hambright, George Gutzmer, Mike Jones, Jeffrey Vitek, David Barber, Dan Galli, Byron Schmidt, Melissa Bigger, Pov Chin, Craig Larsen, Cameron Duncan, Glen Kinsey, Dave Whitton, and Jared Ford.

\*\*\*\*\*  
The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying questions were answered.

\*\*\*\*\*  
The regular meeting was called to order at 6:03 p.m.

**1. Consent Calendar  
Approve Minutes from May 3, 2016**

**MOTION: Kelvin Green moved to approve the minutes from May 3, 2016. The motion was seconded by David Pack and passed 7-0 in favor.**

\*\*\*\*\*  
**2. Assisted Living of West Jordan; 2031 West 9000 South; Preliminary Site Plan and Conditional Use Permit for Group Home, large; P-O Zone; Assisted Living of West Jordan, LLC/Dan Galli/Gary Boswell (applicant) [#SPCO20160001; CUP20160001; parcel 27-03-302-008]**

Dan Galli, applicant, explained that their residential style of assisted living is in a beautiful, high-end home rather than a hotel setting. The building is 18,000 square feet and has 22 rooms. Their facility will include many amenities such as gardening areas, a kids' play area, a gazebo, water features, and many areas to relax in. He presented an aerial view video of the landscaping and exterior. The home is set back from the parking lot that will be adjacent to 9000 South. The building has false garage fronts so it will look and feel like a residential use.

Nannette Larsen clarified that even though the project name says Assisted Living of West Jordan, the conditional use is for a group home. The definition in the code for assisted living is for people 75 years of age or older, but these residents will be living here due to a disability and inability to maintain typical living standards. The site plan meets all findings of fact and the landscaping to the south meets the city code criteria for buffering.

Conditional Use

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit to allow a large group home located at 2031 West 9000 South in a P-O Zoning District with the conditions of approval as listed below.

Conditions of Approval:

1. Obtain a license from the Utah Department of Human Services to operate a facility for persons with a disability.
2. Obtain a business license from West Jordan City for the operation of a group home.
3. All changes to the site shall be consistent with the submitted Conditional Use application, letter of intent, elevations, and Preliminary/Final Site Plan.
4. The proposed use shall meet all applicable Zoning, Building, Engineering, and Fire Department's requirements.
5. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
6. Approval of a Conditional Use shall become null and void upon twelve (12) months, unless a building permit is issued and construction is actually begun within that period.
7. The decision of the planning commission or zoning administrator shall be final and effective fifteen (15) days from the date of the decision, unless an appeal is filed.

#### Preliminary Site Plan

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Preliminary Site Plan approval for Assisted Living of West Jordan located at 2031 West 9000 South in a P-O zoning district, with the conditions of approval as listed below.

Conditions of Approval:

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The Final Site Plan must meet all requirements of the Engineering and Fire Departments.
3. Approval of a Preliminary Site Plan shall become null and void if development does not commence within two (2) years of Final Site Plan approval.

Clarification was given that a large group home has more than six residents, but there is no maximum listed. There are 22 rooms proposed, and the health department may license up to 35 residents total based on some of the rooms being occupied in a husband/wife scenario.

Dan Lawes opened the public hearing.

Byron Schmidt, West Jordan resident, said that his family owns the subject property and they have long been concerned with how to develop the property in a way that complements the area. He lives in the neighborhood and he felt that this project does. They are excited for this project. He promised the resident who lives across the street from the property, Mike Boska, that he would let the Commission know of his opposition to the project because it obscures his view of the mountains. As owners of the property they are pleased with the development, architecture, and landscaping that they felt it will add to the value of the neighborhood as opposed to other opportunities they have had in the past to sell the property. Regardless of whether it is a two-story building or one-story it will be a problem for the mountain view.

Kyle Hambright, West Jordan resident living south of the property, said his main concern was with the additional traffic because he has small kids. Since this is a two- or three-story building he hoped that there would be enough landscaping that people can't just look down and peer into their yard all day long every day watching his kids play. He said that the building looks like a nice home that will fit in well. He thought that it would trap him in his driveway if the block wall is extended all the way down, so he would be willing to buy some of the property.

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

Dan Galli said this property is zoned P-O and something will eventually be built, increasing traffic somewhat. However, their facility has on average only 2-5 employees at any given time, and none of the residents drive. They do get visitors so they put the parking lot toward 9000 South so it won't impact the neighborhood. He said that generally the residents aren't ambulatory enough to look over the wall. He said that their residents generally love kids and hearing kids play, but as far as just watching Mr. Hambright's kids he doesn't expect that to happen.

Height limit in the P-O zone is 40 feet. The gable of this structure was measured at 38 feet.

Josh Suchoski commended Mr. Schmidt for expressing an opposing position even though he wasn't opposed. He liked the location of the parking lot entrance that won't bring vehicles past the homes. It is also important to state that as long as the buildings are to code and meet the allowed use within the zone, they can't regulate which direction windows face or consider that views will be blocked.

David Pack agreed, but he thought it would be an act of good faith for the developer to do his best to place a tree or something to keep the residents from peering out into the backyard of the neighbor.

Nannette Larsen said as part of the landscaping buffer between the P-O and the residential zone they are required to place trees on the southern property line.

Kelvin Green felt that there were buildings that could be a lot worse that could locate on the corner of 9000 South in the P-O zone. He understood the concerns with possible increase in traffic and the building size, but if the code allows for 40 feet in height it could actually be more intensive with another type of application. He didn't see any reason to block the conditional use.

Josh Suchoski pointed out that the site plan indicates a distance of more than 100 feet from the structure to the back of the property, so even if someone were looking out of the window, the angle would be quite low by the time it got to the adjacent property.

**MOTION:** Kelvin Green moved based on the positive findings set forth in the staff report and the information received during the meeting to approve the Conditional Use Permit to allow a Group Home, Large for Assisted Living of West Jordan; 2031 West 9000 South; Assisted Living of West Jordan, LLC/Dan Galli/Gary Boswell (applicant) with the conditions 1 through 7 as listed in the staff report. The motion was seconded by Matt Quinney and passed 7-0 in favor.

**MOTION:** Kelvin Green moved based upon positive findings set forth in the staff report and the information received to approve the Preliminary Site Plan for Assisted Living

**of West Jordan; 2031 West 9000 South; Assisted Living of West Jordan, LLC/Dan Galli/Gary Boswell (applicant) with the conditions 1 through 3 listed in the staff report. The motion was seconded by Matt Quinney and passed 7-0 in favor.**

\*\*\*\*\*

**3. Four Seasons Plaza; 2273 West 7800 South; Preliminary Site Plan and Amended Subdivision Plat; C-G (ZC) Zone; Vision Development Group/Joe Callahan (applicant) [#SPCO20160007; ASP20160003; parcel 21-33-226-048]**

Melissa Bigger, architect, gave an overview of the proposed multi-tenant office building. The building will have a mix of stone, with EFIS, and hardiboard. Total square footage is 11,800 with a base footprint of 8,800 square feet. The owner will be taking 6,000 square feet and probably six other tenants will be using 1,000 square feet each.

Nannette Larsen said this project is adjacent to residential property to the south and will provide a landscape buffer. Zoning conditions on this property excluded certain uses, but professional office is not excluded.

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission approve the Preliminary Site Plan for Four Seasons Plaza located at 2273 West 7800 South in a C-G(ZC) zoning district, with the conditions of approval as listed below.

Conditions of Approval:

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Preliminary/Final Site Plan application and site plan.
3. All redline corrections need to be addressed prior to Final Site Plan approval.
4. The final site plan must meet all requirements of the Engineering and Fire Departments.
5. Approval of a Final Site Plan shall become null and void if development does not commence within two (2) years of final site plan approval.

George Gutzmer, West Jordan resident, said that the development along 7800 South and the park itself had added to the City of West Jordan with schools, businesses, jobs, and property values have all gained. Some of the things they haven't gained are the sanity so far as surface roads and traffic patterns are concerned. He had to wait for 42 vehicles tonight to get out of his driveway. He has a beautiful view of the mountains and the July 4<sup>th</sup> fireworks. His views won't be affected by this development, but the property values with intensity of commercial will be affected. If possible he would like someone to let him know how he can get his property valuated and what the zoning could be changed to so he could get out of it what he wanted when he first moved there. He lost his animal rights and his ability to get in and out of it freely.

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

David Pack said the point is well taken; they need development, but there are land use rights to consider. He couldn't find anything outside of the parameters of the code in regards to the application.

Josh Suchoski said they often hear comments that the mountain views will be obstructed and he can feel for those people, but there is no way that can be prevented unless you build in an area that you absolutely know won't be obstructed. It is hard to tell someone that a building has to go in because it meets all of the criteria, but all property owners have the same right to build on their land according to its zoning.

Kelvin Green said the decision for the zoning of the property was done prior to this commission. He thought it seemed a little out of place, but the zoning is in place right now and maybe as it gets developed out it will make more sense.

Josh Suchoski said 7800 South as become a busy corridor and as those types of roads come in the city needs to look at the best places to put future structures that will mirror what 7800 South needs to become. Of all the things that could come to the property he felt that it would be a good addition to the neighborhood because an office use doesn't have high pressure traffic.

**MOTION: Dan Lawes moved to approve the Preliminary Site Plan for Four Seasons Plaza; 2273 West 7800 South; Vision Development Group/Joe Callahan (applicant) with conditions 1 through 5 as listed in the staff report. The motion was seconded by David Pack and passed 7-0 in favor.**

\*\*\*\*\*

**4. Murphy Express; 7532 South Campus View Drive; Preliminary Site Plan; SC-3 Zone; Murphy Oil USA/Gaven Ballenger (applicant) [#SPCO20160006; parcel 21-29-351-020]**

Pov Chin, Greenberg Farrow, representing the applicant, gave a description of the future 1200 square foot building with 8 multi-product dispensers with 16 fuel positions.

Ray McCandless gave an overview of the application. The building is located in the center of the site. A canopy is over the convenience store and the site will be attractively landscaped. The DRC recommended approval with no conditions or changes to the proposal. Exterior materials are brick in two colors, a steel band goes around the canopy, and the pillars are brick to match the building. He pointed out one change in elevations since the Design Review Committee met. Where there were four windows on the building front, now there are two. These are in the freezer area and are made with spandrel glass. He felt that two windows are appropriate for the building.

Preliminary Site Plan:

Based on the findings of the staff report, staff recommended that the Planning Commission approve the Preliminary Site Plan for Murphy Express convenience store located at 7352 South Campus View Drive in the SC-3 (Regional Shopping Center) zoning district, with the following conditions:

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Preliminary Site Plan application and site plan.
3. An approved preliminary site plan shall remain valid for one year following the date of the approval.
4. The preliminary and final site plan must meet all requirements of the Engineering and Fire Departments.

5. Approval of a Final Site Plan shall become null and void if development does not commence within two (2) years of final site plan approval (13.7B.5).

There was a discussion regarding the signage. The monument sign is permitted, and wall signs are also allowed. However, the signs are reviewed independently from the site plan and must meet the code. There was some concern with the size of the price sign on the canopy. It was pointed out that there is an application in the office for review of the entire Jordan Landing sign plan that will also come to the Planning Commission in the future.

Dan Lawes opened the public hearing.

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

**MOTION: Kelvin Green moved based on the findings set forth in the staff report and information received during the meeting to approve the Preliminary Site Plan for Murphy Express Convenience Store; 7532 South Campus View Drive; Murphy Oil USA/Gaven Ballenger (applicant) with the conditions 1 through 5 as listed in the staff report. The motion was seconded by Josh Suchoski and passed 7-0 in favor.**

\*\*\*\*\*

5. **My Place Hotel; 7424 South Campus View Drive; Preliminary Site Plan and Conditional Use Permit for building height; P-O Zone; Hotel Barons, LLC/Craig Larsen (applicant) [#CUP20160005, SPCO20160010; parcel 21-29-301-016]**

Craig Larsen, representing the owner, explained that this is a newer brand with the first Utah property opening a month ago in West Valley City. It is a mid-scale quality hotel at an economy price. They provide a nice hotel room and take out some of the amenities that most people don't use in order to keep the rates low. They fit a nice niche between lower priced economy properties and the mid-scale properties. They have been well accepted around the Country. They felt that the Jordan Landing area is in need of another hotel and they want to provide that option.

Larry Gardner gave an overview of the application. This use is permitted in the P-O zone. The hotel has more than the required parking and meets the criteria for emergency vehicle turnaround. The four-story structure will require a conditional use permit to allow for a height greater than 40 feet. Materials are stone and hardiboard. The Design Review Committee reviewed it and gave a positive recommendation. The roof structure will be above the 40 foot level up to 51 feet at the building apex. He didn't think that the height would be overpowering for the Jordan Landing area.

#### Preliminary Site Plan

Based on the findings of the staff report, staff recommended that the Planning Commission grant Preliminary Site Plan approval for My Place Hotel site plan located at 7424 Campus View Drive in a P-O zoning district, Airport Overlay with the following conditions:

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Preliminary Site Plan application, letter of intent, and site plan.

3. The final site plan must meet all requirements of the Planning, Engineering and Fire Departments.
4. An approved preliminary site plan shall remain valid for one year following the date of the approval.(13.7B.5)
5. Approval of a Final Site Plan shall become null and void if development does not commence within two (2) years of final site plan approval (13.7B.5).

Conditional Use:

Based on the findings of the staff report, staff recommended that the Planning Commission grant Conditional Use approval for a Hotel for My Place Hotel located at 7424 Campus View Drive within a P-O zoning district, Airport Overlay with the following conditions:

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Conditional Use application, letter of intent, and site plan.
3. The proposed use shall meet all applicable Zoning, Building, Engineering, and Fire Department's requirements.
4. The development is located within the Ah airport overlay zones and shall be required to execute an aviation easement through the Salt Lake City department of airports. This easement shall be recorded with the Salt Lake County recorder and a copy of the as recorded easement shall be provided to the city prior to any final project approvals being granted.
5. Approval of a Conditional Use shall remain valid for twelve (12) months, unless an extension is granted by the Planning Commission. (14.7E.8)

Judy Hansen said they hadn't been able to see the landscaping plan at either the DRC meeting or tonight to see how well it will be landscaped. She asked if they considered the proximity to the military and private airports to the west, which are used constantly.

Larry Gardner said the only controls we have over that is the requirement to obtain an aviation easement from the regional airport. He didn't know if the applicant had done research on the amount of air traffic, which is not near the level as the international airport. However, there are a lot of helicopters during military drills. He assumed that they know it is next to a military airport and will take that into consideration. The landscaping plan is required at final approval and not preliminary, but he assured her that they will have to meet all landscaping criteria.

Craig Larsen said they looked into the airport and proximity of the runway. He spoke to the corporate pilot for the My Place franchise who made him feel comfortable that the size of the aircraft isn't large enough to create a huge disruption. Also, the west side of the building has no windows and the stairwell is located there. They want to provide a nice landscape plan so they have a nice property for their guests, and they anticipate filling all requirements and then some with the final site plan.

Dan Lawes opened the public hearing.

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

**MOTION: David Pack moved based on his reading of the staff report and the evidence and further explanations and discussions received today to approve the Preliminary**

**Site Plan for My Place Hotel; 7424 South Campus View Drive; Hotel Barons, LLC/Craig Larsen (applicant) with the conditions 1 through 5 as listed in the packet. The motion was seconded by Bill Heiner and approved 7-0 in favor.**

**MOTION: Kelvin Green moved based on his reading of the staff report and the evidence and explanations and discussions received today to approve the Conditional Use Permit for My Place Hotel; 7424 South Campus View Drive; Hotel Barons, LLC/Craig Larsen (applicant) with conditions 1 through 6 as listed in the staff report. The motion was seconded by David Pack and passed 7-0 in favor.**

\*\*\*\*\*

**6. Rocky Mountain Waterproofing; 8401 South 4300 West; Preliminary and Final Site Plan with street facing loading doors; M-1 Zone; Rocky Mountain Waterproofing/McKay Douglas (applicant) [#SPI20160003; parcel 21-31-451-009]**

Cameron Duncan, Ensign Engineering, said the business has been in West Jordan since 1997 but they have outgrown the facility at their current location and want a larger building. They have been working with staff to meet all site requirements, but they need approval for the overhead door. Rocky Mountain Waterproofing uses material that is water-based and needs to be stored inside. The trucks will go through the door on the south side and exit the building on the north side. The door won't be used as a dock door, because most of the vehicles they use are smaller trucks. Landscaping has been placed on both sides of the door and screened with hedging.

Mark Forsythe explained that site plans in the manufacturing district are normally approved at the staff level, but the code requires planning commission approval for street facing loading doors. He reviewed the site layout. The building is two stories in height, but only one story will be built internally at this time. The warehouse materials are composed of gray metal wall panels with one white accent column per façade. A stone wainscot will be on the street facing north and west facades. The main storefront entrance on the west will be recessed three feet into the building and will have storefront windows and will be covered with a contemporary style metal awning. Because the driveway is only ten feet long there are clear vision areas on either side. In order to meet those safety requirements and to provide screening and relief for the door, the applicant is proposing a row of dwarf bushes no taller than three feet on each side that will serve to add a design quality to the building.

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Preliminary Site Plan approval for Rocky Mountain Waterproofing located at 8401 South 4300 West in an M-1 zoning district, with the Conditions of Approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements found in Titles 13 and 14 of the West Jordan Municipal Code.
2. The hedge row on both sides of the street-facing loading door shall be pruned to a height not to exceed 3 feet.
3. The Final Site Plan shall meet all requirements of the Engineering and Fire Departments.
4. Approval of the Preliminary Site Plan shall become null and void if development does not commence within two (2) years of Final Site Plan approval.

Josh Suchoski asked if the code requires an automatic door opener so that the traffic will not be obstructed.

Mark Forsythe said there is nothing in the planning code.

Dan Lawes opened the public hearing.

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

David Pack said in the interest of transparency and disclosure he is a friend to Cameron Duncan although they hadn't had any business dealings or kept in contact so that wouldn't affect the way he sees the application one way or the other.

Josh Suchoski wanted to ask the applicant if there is an automatic garage door opener.

**MOTION: Kelvin Green moved to suspend the rules to let the applicant speak. The motion was seconded by Josh Suchoski and passed 7-0 in favor.**

Cameron Duncan said the intent is that the vehicles will enter from the south side through the parking and then exit from the north side. The applicant said he would be more than willing to put an automatic door there.

Judy Hansen said she would like to see the wainscoting along the entire building. Eventually there will be neighbors to the building and it should be equally aesthetic on all sides, including the east side.

Josh Suchoski felt that there should be an automatic opening door to assuage any problems.

**MOTION: Josh Suchoski moved based on the positive findings set forth in the staff report and information received during the meeting to approve the Preliminary Site Plan for Rocky Mountain Waterproofing; 8401 South 4300 West; Rocky Mountain Waterproofing/McKay Douglas (applicant) with the conditions of approval 1 through 4, adding:**

- 5. An automatic opening garage door opener for the access door located on 8370 South and that the applicant provide wainscoting on the east side of the building as well.**

**The motion was seconded by Judy Hansen.**

David Pack agreed with the comments, but he wondered the Planning Commission could mandate it.

Josh Suchoski said there is a safety issue if the vehicles obstruct the street. They aren't planning to use that side for loading, but the loading pattern may change. If the automatic garage door opener is provided then it takes away that problem.

Scott Langford agreed that criteria 5 talks about traffic circulation related to public safety, so if the Commission can draw those safety conclusions then they can make it a condition of approval. However, the exterior code requirements are being met as far as the wainscot and he would feel less

comfortable making that a condition of approval. They have provided the vertical relief on the building elevations.

There was clarification on the vertical relief columns on the building that are white metal projecting a minimum of 8 inches with a minimum width of 24 inches.

Scott Langford clarified that the request tonight is for preliminary and final approval.

**AMENDED**

**MOTION:** Josh Suchoski moved to amend the motion to approve the Preliminary and Final Site Plan including the conditions 1 through 4 as listed in the staff report, adding:  
5. An automatic opening garage door opener for the access door located on 8370 South.  
Judy Hansen accepted the amendment and the amended motion passed 7-0 in favor.

\*\*\*\*\*

- 7. Winner Circle Estates; 7551 South 5490 West; Future Land Use Map Amendment for 5.01 acres from Very Low Density Residential to Low Density Residential and Rezone from RR-1D (Rural Residential 1-acre lots) to R-1-12F (Single-family residential 12,000 square foot lots); Bowler Properties LC/Randy Bowler (applicant) [#GPA20160004, ZC20160007; parcel 20-25-300-010]

Jared Ford, Ensign Engineering, representing the applicant, stated that they want to rezone the property to R-1-12, which is the same zoning the city recently approved for the property to the north.

Josh Suchoski said in past meetings, the discussion of this area brought up concerns with traffic flow, and the concept shows another cul-de-sac. He asked if they had considered extending the road through to 5490 West.

Jared Ford said they get about twelve lots with the current layout, which could vary depending on the detention requirements, etc. and they elected to use the public road to the east.

Larry Gardner said the layout will be discussed during the subdivision process, so tonight it is good to focus on the land use. The concept layout is required but it could change during the subdivision process. Last year when the northern property was rezoned the applicant agreed to upsize a certain portion of sewer pipe that will meet capacity for this property, the property to the north, and ten acres to the north of that. This request will match the approval of the property directly to the north.

Future Land Use Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend the Future Land Use map from Very Low Density Residential to Low Density Residential for approximately 5.01 acres of property located at 7551 South 5490 West.

Zoning Map Amendment

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone approximately 5.01 acres of property generally located at 7551 South 5490 West from RR-1D (Rural Residential, 1 acre lot minimum) to R-1-12F (Single-family Residential 12,000 square foot lots "F" size homes) zone.

Kelvin Green asked how many homes could fit on the property with an RR-1D zoning.

Larry Gardner said five.

Dan Lawes opened the public hearing.

Amy Martz, West Jordan resident, said she loves her big lot that has only one neighbor to the north, and now she would have three to four neighbors. The other cul-de-sacs in the area have between four and seven homes, so she felt that 12 would be too many. Many of the neighbors are looking to move from the main road onto a cul-de-sac with larger lots, and it wouldn't be serving that purpose if it had 12 lots. She asked if there was a possibility of taking part of the land to use for an elementary school and blocking it off would eliminate any future possibility.

Tracy Rose, West Jordan resident, also wanted the property to develop with larger lots with approximately 6 to 8 lots on the cul-de-sac.

Glen Kinsey, West Jordan resident, said he still had the same concerns as he did last year when the property to the north was rezoned. The traffic will be coming past his house instead of being accessed from the private lane. The sewer lines have to be upgraded. This is a very busy corner that will have 24 more houses. He is okay with housing, but just not so big.

Dave Whitton, West Jordan resident, endorsed the other comments as well. He thought that the property to the north was rezoned for 1/3 to 1/2-acre lots. So he also preferred only 6 to 8 homes.

David Barber, West Jordan resident, asked if the existing home on the subject property would be razed. He said there is a wall on 5490 West that joins the alley from 7800 South to their street and he asked if that wall will be required on both pieces of property. Also, when previous lots to the south were developed he understood that the owners were responsible to install curb and gutter with drainage on the west side of the wall. He asked if that would be required with this property. David Barber said he owns the ten acres to the north and they could solve the traffic problems by having an entrance to the east but also having a road going to the north. He could get with Mr. Bowler and give him the property for the road and Mr. Bowler already has control of the property going to 5600 West. That flow would make it so traffic wouldn't have to go to the east and down to 7800 South.

Larry Gardner said the layout is conceptual, and he couldn't answer the question regarding the wall. The developer would have to provide curb and gutter.

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

David Pack responded to some of the comments by stating that the sewer lines will have to be upgraded and a traffic study had been done with the earlier application, and he also wanted to be sure it was still within acceptable level. Also, he stated that no matter who presents before the Commission

they take the application at face value and there is no favoritism shown either to the applicant or the public.

Judy Hansen said conceptual plans can be confusing to the public, because it may not be the final layout. The Commission can't address those issues, because their review tonight is for a land use amendment and zoning.

Dan Lawes said if this property is subdivided then the residents will be noticed again and they will see what the actual layout is at that time.

Josh Suchoski asked them to consider some of the pros and cons for the R-1-12 zone since it had been expressed from those in the area to have between five and eight lots in the cul-de-sac rather than allowing for 12 in order to be consistent in the neighborhood. However, they also look for a development to have variety. He asked the Commission to consider what they would want if they lived next to the property. He would like it to remain as larger lots.

Kelvin Green said fundamentally he didn't have a problem with changing the land use request, because Big Horn Circle and Bridle Vista Circle are both low density and it would be consistent. His difficulty is going from 30,000 square foot lots to 12,000 square feet. The R-1-12 meets the zoning of everything around it. He is tired of seeing R-1-8 requests, so anything better than that is good. On the other hand he agreed with Commissioner Suchoski. He asked if there were zoning districts with lot sizes in between the two.

Larry Gardner said there is an R-1-14 and RE-20 zone.

Kelvin Green said maybe there could be a transition. He also had a problem with developing cul-de-sacs all the way up the street and he thought they should look at it more comprehensively.

Larry Gardner said when the property to the north came in for a zone change there was outcry that it didn't connect to the west. At the City Council hearing several residents to the east said they didn't have a problem with the development as long as it was in a cul-de-sac because it would soften the amount of traffic cutting through. So the logic was that if everything else in that area abutting the rural residential zones are cul-de-sacs now then maybe that is what the city wants for this area. He didn't know if that is how it will play out when the subdivision comes in. He stated that conceptually several of the lots are in the 20,000 square foot range and cul-de-sac lots are usually larger. He added that he didn't believe that there will be any property devaluation between a 30,000 square foot lot and a 12,000 square foot lot with the same use. The fear is that the developer will create all 12,000 square foot lots, but he didn't think that was the intent.

Dan Lawes pointed out that the lots to the east are R-1-10 and said that R-1-12 isn't wholly inconsistent with the neighborhood.

David Pack was grateful for the question of 'what would you do'. He likes to consider if he were a resident in the area or the subject property owner or developer. This is quasi-judicial decision that requires findings of fact based on the city code. He didn't see a problem with the proposal and couldn't objectively identify something that is outside of the findings.

Josh Suchoski referred to Finding A regarding if it meets the goals and objectives in the general plan, so there is latitude to discuss whether or not they want to make the change. There are residents from the south side and north side who have expressed concerns to the change. It conforms to the general plan right now, but will it conform in the future. He likes low density projects and he probably wouldn't have a problem with the change except that a lot of people in the area expressed a concern and they need to weigh that. He respects the vision of the applicant, but they also need to consider what the rest of the residents of the area want.

Dan Lawes said if it were flipped the other way he wasn't sure that Commissioner Suchoski would feel the same way.

David Pack said having served on the General Plan Committee, he doesn't take a change to the general plan lightly, but during that review they didn't necessarily go through every parcel in the city. Goal 3 says they need to promote land use policies that are at the standard and to use each parcel to its best and highest purpose, but the general plan doesn't assign a specific zone to every parcel.

Bill Heiner said they went through this same process on the property to the north and made the change to R-1-12F. He asked if that puts them in a precarious position too.

**MOTION: Kelvin Green moved based on the findings set forth in the staff report and upon the evidence and explanations to forward a positive recommendation to the City Council to amend the Future Land Use Map for Winner Circle Estates; 7551 South 5490 West; Bowler Properties LC/Randy Bowler (applicant) for 5.01 acres from Very Low Density Residential to Low Density Residential. The motion was seconded by Dan Lawes and passed 5-1 in favor with Josh Suchoski casting the negative vote and Matt Quinney abstaining.**

Judy Hansen noted that when a zoning is recommended in the motion it isn't stating how many lots will be approved for the property.

**MOTION: Judy Hansen moved based on the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council to rezone 5.01 acres for Winner Circle Estates; 7551 South 5490 West; Bowler Properties LC/Randy Bowler (applicant) from RR-1D Zone to R-1-12F Zone. The motion was seconded by Dan Lawes and passed 4-2 in favor with Kelvin Green and Josh Suchoski casting the negative votes and Matt Quinney abstaining.**

\*\*\*\*\*

- 8. Jordan Valley TOD Amended Development Plan; 3295 West 8600 South; Amend the Preliminary Development Plan Phase 2A (Garage Elevations); P-C (TSOD) Zone; Bangerter Station, LLC/Jeffrey Vitek (applicant) [#DP20160006, AR20160010; parcels 27-05-229-001; 27-05-227-014]**

Jeffrey Vitek, Boulder Ventures Development, applicant, gave a history of the 45-acre Jordan Valley TOD that has been in development for many years. They are constructing the first two residential buildings that are scheduled to open in July and September with about 270 residential units. These are adjacent to and screen two large parking structures containing over 1100 stalls. A portion of the

development plan talks about screening parts of the structure. As they near completion of the units they need to put some certainty on the finish of the parking structure. A sound barrier was constructed after 2010 intending to screen view corridors looking south and to deflect noise from the trains. He showed recent photos of the first building and the architect's rendering of the parking structure with the proposed metal screening. The screening provides security for the patrons, ventilation with at least 50% of the space open, and aesthetics. They need to balance issues with the neighbors and provide a design aesthetic that is consistent with what was contemplated as well as one that will complement the balance of the development. The original entitlement was in July 2010. As they travel around the country in places such as Denver, Seattle, San Francisco, Portland, and Dallas they try to identify best practices to make sure they are keeping up and this screening is compatible with a first class TOD. He showed pictures in Dallas and Salt Lake of the metal screening.

Dan Lawes asked what kinds of properties those examples are adjacent to.

Jeff Vitek said one is a multifamily structure, an office with multifamily, a medical building, and the VA hospital in Salt Lake. He said that the metal screening will patina and they will make sure the rusting will not adversely affect the stucco or the exposed exterior of the structure. He said there had been many changes to the plan since 2010, some of which were not brought forward by them, the developers. When the transit authority pulled permits and moved forward with construction of the parking structures they did it in a way that was materially different than what was depicted in the preliminary development plan, so they were forced to react to that. A larger portion of the structures are subterranean. Over time they have come to staff and made requests as recently as August 2013 when they reallocated square footages, changed the site plan, moved commercial buildings from one end to another, converted retail space to live/work space and they did all that under the flexibility guidelines afforded to them in the development agreement. Those requests were approved by the City Planner Greg Mikolash. He said they feel that this is a similar request, but they now have to go through this process.

Kelvin Green asked why they didn't ask for the amendment six years ago.

Jeffrey Vitek said it is a preliminary development plan and as things change and they develop and refine plans they are forced to address physical limitations. He didn't feel that this was a significant change.

Dan Lawes felt that it was visually a pretty significant change from the final plan.

Jeffrey Vitek agreed that on certain portions of the parking structure there are some major visual differences, but the majority of the structures are entirely screened and covered, although differently than what was in the original plan. Colors schemes, elevations, heights, and building fascia have all changed.

Dan Lawes asked what the physical limitations are.

Jeffrey Vitek said the two parking structure levels were built entirely subterranean, which wasn't contemplated in the plan and that changes the entire floor of the building.

Josh Suchoski referred to the original plan that shows beautifully wrapped structures with relief in elevation on the top, and multiple finishes. Now they are going to a cinderblock building with a rusted metal screen. He understood the subterranean issue that can't be surfaced, but why is the finish different.

Jeffrey Vitek said the plan doesn't allow for necessary ventilation if built to the original plan. UTA permitted the building and the City approved it. The elevation and materials had changed because one of the three floors was removed. The drawing on page 7 that was referenced is the west face of parking structure two, which is immediately juxtaposed to another apartment building and is not likely to be seen by the public, and it is incompatible, because the development plan provides for a commercial building to be built immediately in front of and adjacent to it. The intentions were good when the proposal was made, but they weren't details that were thought through to finality, but the entitlement allows for a building to be built right in front of it, and the two cannot coexist.

Dan Lawes asked for the cost analysis between the two plans.

Jeffrey Vitek didn't know exactly, but it is within a couple hundred thousand dollars. It is a lot of money, but the first two phases of the building was \$39 million. There is a financial implication, but it isn't driven uniquely by financial circumstances, but by need, the wishes of the transit authority, the physical constraints of the property, compatibility of zoning, and trending design throughout the country.

David Pack said the subterranean issue was addressed but he still couldn't understand why there is such a significant change in materials and aesthetics.

Jeffrey Vitek said the materials are in keeping with what is being done around the country. The preliminary plan was conceptual. While it is attractive, they don't think it was aesthetically compatible with the rest of the buildings being constructed. They have a color palette of nine different stucco exterior colors, two different metal colors and horizontal concrete element, and full landscaping.

Scott Langford said the project is coming along nicely and is a very good development for West Jordan. The application is regarding garage 1 and garage 2 associated with the first two residential buildings. The residential buildings under construction do a good job of wrapping a good portion of the parking structures. He pointed out an area to the west side of garage 2 that was deferred to a future date and will be future commercial. Development plans have been established by the City Council to address large master planned communities such as this. Because of the large scale of the development they have to do them in phases. The Preliminary Development Plan was approved in 2010, including building elevations, etc., which granted a density of almost 1400 units. He showed in more detail approved features with galvanized wire mesh. Today there is a lot of cable railing in place for safety. The preliminary plan had a dressed up façade with score lines in the plaster finish, there were accent button lighting shown. Each view was shown. The applicant stated that his predecessors have already approved some significant changes. The only reason Mr. Langford felt that this should be brought back to the Planning Commission and City Council was during the preliminary approval there was a lot of dialogue from the neighbors regarding the screening and aesthetics of the development. There have been many calls from the public since that time and knowing how sensitive the issue was in the public process, he felt it was appropriate for it to go through the public comment process with the decision by the City Council. There are no direct findings of fact associated with the application, so he encouraged

them to make reference to the points listed in the purpose and intent of the P-C zone as they make a motion.

Staff recognized that aesthetics can be a very subjective topic to review; therefore it was recommended that the Planning Commission consider the following when forward a recommendation to the City Council:

- 1) *Historic Context:* The neighborhood expectations created during the original public approval process and then the repeated assurances from city representatives to residents that the garage facades would be improved as shown in the development plan.
- 2) *Purpose and Intent of the PC (TSOD) zone:* The Planning Commission should consider and specifically refer (in their motion) to items listed in Section 13-5C-1 of the City Code (listed in the “motion” section of this report) when forwarding either a positive or negative recommendation to the City Council.

Dan Lawes asked if the prior changes had set a precedent.

Scott Langford said 13-5J-10E allows the zoning administrator to approve minor changes to approved development plans. There are also certain things he can't change such as density and significant changes to site design. If this hadn't been a huge issue for the public at the original hearing, then they may have been able to work it out administratively. Each change is reviewed individually, so prior changes shouldn't have a bearing on future requests.

Dan Lawes said it had been six years since approval and the applicant had looked at other more current designs. He asked if it was unreasonable for those types of expectations to change.

Scott Langford said it isn't unreasonable, and that is why he is taking it back to the Council to decide if it is appropriate.

Dan Lawes said it was mentioned that significant changes were made to the parking structures from the approved final plan, so how does that affect this application.

Scott Langford said a lot of the changes were done outside of the control of the applicant and the city. It is a public/private project and UTA and their contractors constructed things that weren't originally reviewed and designed, so they had to work through those. But overall the visual impact of the neighborhood is less because they did go subterranean. He wasn't involved with the change orders.

Dan Lawes opened the public hearing.

Joan Floyd, West Jordan resident, said she was unhappy that her mountain view was taken away. She said she was promised they would get something attractive and upscale, but it is hideous. She said some of the lights had changed too, so now they shine into her house all night. She didn't think that the type of fencing found in the New York City slums was attractive. She wanted the things they were promised in the beginning.

Dan Floyd, West Jordan resident, said the façade was approved as part of the final plan, so he didn't know why these details would even be represented unless the intention was to provide it. He

understood the need to make changes, but the concrete and metal scenario doesn't cut it. They will have a hard time keeping graffiti off of the concrete facades as they are now. It sounds like the developer has already purchased the rusted metal screens, which was a gamble. There is some nice stucco on the other buildings, and if the north side of the structure looked like the south side then he wouldn't be at the meeting. He felt that the building needed a corrosive drip edge, and the screen should be higher to keep the lights out. The design goes from circles and squares with horizontal lines to just bare concrete. A lot of trees are shown in the plan, but he felt that the developer thinks they are done on the north side.

Marla Floyd, West Jordan resident, said the view from their home has been an eyesore, but it was supposed to have a nice exterior. When the parking garage was first built she went to the top level and she could see into her backyard. The lights shining in the bedroom window are a concern. She has had kids jump their wall and cut through the yard as a shortcut. As long as they have to look at this she wanted something other than bare concrete.

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

Jeffrey Vitek was sorry the residents thought the design was hideous. He said they don't control everything with the development. The lights spillage is from posts installed by the transit authority in public rights-of-way and roads that were dedicated to and accepted by the City. The lights on the parking structure were installed by the transit authority. He is sensitive to lights spillage and privacy, and their project has light diffusers and all exterior light is screened and pointed down. They have graffiti-resistant exteriors on the apartments. They don't have control over the landscaping that the transit authority installed and the City accepted. They proposed a project and feel that it is generally compatible with what was approved. They will be back to the Planning Commission quickly with two new communities. They want to have a nice neighborhood and being part of a good community while also being compatible and consistent with a transit oriented development. If there were things he could do to mitigate the neighbors' concerns he was opened to listening. He said they have residents scheduled to move in July and they are looking for some resolution.

**MOTION: David Pack moved to take a recess at 8:24 p.m.**

The meeting reconvened at 8:28 p.m.

Judy Hansen said she reviewed the minutes of the City Council when this was approved. There was a great group of residents in the subdivision to the north who were promised something pleasing to look at, which was approved. After she took office in 2012 she was constantly getting calls because the garage was just left open. She said a lot of people had moved due to the problem, and she believed that the people are owed what was promised in 2010.

Kelvin Green thought six years to finish the project is unreasonable and wondered why it took so long. He thought Section 13-5J-10E that allows minor modifications to be made by the zoning administrator may be an inappropriate delegation of the legislative authority. The applicant said it only had to be 'generally' compatible with the approved development plan, but he thought it has to be very close. When this was approved in 2010 the applicant would have known that they needed 50% open air space. He thought the parking structures were flat and ugly and don't give the neighbors what they were promised. Regarding the purpose and intent of the P-C Zone, he didn't feel that the plan allowed

for an imaginative concept in the design, it doesn't create the distinctive visual character and identify for the planned development, it violates number ten because it doesn't achieve physical and aesthetic integration of uses and activities in the development, and it doesn't assure compatibility and coordination with each development with the existing and proposed surrounding land uses, and he will be recommending that the City Council doesn't approve.

Dan Lawes asked for clarification that this developer did not construct the parking terraces.

Scott Langford said that is correct. There was a condition placed that said before occupancy of the first residential building that the garages be screened.

Dan Lawes asked if this would have taken 20 years to complete would they still want the 20-year old design, or would they want it to be modernized. He asked if there was something else that could be done to modernize it.

Kelvin Green said he wasn't opposed to the modernization if it gave the residents something similar to what was promised with texture and permeability and façade, etc.

Josh Suchoski thought they could still achieve within an affordable realm the same kind of concept. The original design called for circles that may not meet the ventilation requirements on the original drawing, but why can't they put circle-shaped mesh to break up some of the square lines. He didn't know why they couldn't coat the outside of the block structure and the concrete with the same kind of finish that was proposed with the half-inch relief, and he didn't know why they couldn't still plant trees. They could probably come up with a similar design that meets the permeability requirements.

Dan Lawes and Josh Suchoski proposed that they could take the same proposed materials and add aesthetics within it to create some of the shapes, colors, and depth. They could have rusting around the circle, but the center would be galvanized steel or something, just to break up some of the lines.

Judy Hansen said the mesh will create rust that may drip, and that was her concern for two or three years from now.

Dan Lawes said the applicant said they would maintain responsibility for it.

David Pack felt it was worthy to note that along with Judy Hansen's experience on the City Council, at one time or another he, Commissioners Hansen, Heiner, and Suchoski have all served on the Design Review Committee so what they are trying to do with materials and aesthetics is not a personal judgment call, but they have some experience with what the citizens want. He agreed that 2010 is different than 2016 in terms of materials and aesthetics, but it does need to be compatible and similar to the same quality as what the residents were promised.

Josh Suchoski acknowledged that when a structure is built differently than expected it can be challenging for the developer to make it beautiful, but he felt they could make some changes that will make both parties happy. He thought that it either be brought back to them or pushed forward with a recommendation that changes could be made. He proposed that the rusted metal grates be multi-metal surfaces that still try to conform to the circle shaped that was in the approved plan, surrounded by another material that can still be permeable for the 50% ventilation. On the approved plan on the top of

the elevator structure there is a crown molding metal soffit that should be put back on, on the outside where it is just concrete they could require the proposed cement plaster with the horizontal lines on the outside.

Judy Hansen asked if there was room for trees between the wall and the shoulder of the road.

Scott Langford didn't know who maintains the vegetation on the north side of building two, so they would have to look into that.

Kelvin Green agreed with Commissioner Suchoski to provide something imaginative and creative that doesn't look like just another parking garage. The approved plan had some character, so anything that creates that depth, relief, texture, and color would be important.

Scott Langford asked that if they forward a motion that they incorporate a compatible color into the plaster.

David Pack said they are trying to come up with anything that can enhance the proposal. It is hard to say they want something more aesthetically pleasing and give enough direction without locking down something too specific. He felt that the recommendation from Commissioner Suchoski was good.

Dan Lawes asked if they are only considering the exposed areas of the parking garage.

Scott Langford said yes, the first two buildings provide a great wrap. He encouraged the Commission to go look at the project. He said it is a fantastic project and he is very impressed with the high quality finishes and it will be a very unique and needed project for West Jordan.

They specifically discussed the sides that need to be addressed. The future commercial area was pointed out, which will be used as a temporary dog park with amenities. The plaza area will lead people to the transit platform.

**MOTION:** Josh Suchoski moved to forward a negative recommendation to the City Council to amend the Jordan Valley TOD Preliminary Development Plan; 3295 West 8600 South; Bangerter Station, LLC/Jeffrey Vitek (applicant) because it does not meet the following purpose and intent of the P-C Zone as listed in Section 13-5C-1 of the 2009 West Jordan City Code, specifically, it does not meet items 2, 4, 5, and 14. Where we found the discrepancy is in compatibility with color and plaster and recommended that there be a change in compatibility with color and plaster on the outside of the structure with two-inch wide scoring. We found discrepancy in where the circular design in the mesh and screen could break up linear elements to imitate the circular design that was originally approved. It does not provide the metal crown or soffit to the relief on top of the elevator shafts that were shown in the original drawing and it does not provide landscaping where the owner is in control of the land to provide relief to the building. If that were to be addressed, then we probably would approve it. The motion was seconded by Kelvin Green and passed 7-0 in favor of a negative recommendation.

\*\*\*\*\*

**9. Lamar Jones Family Rezone; U-111 Old Bingham Highway; Rezone 230.69 acres from A-20 (Agricultural; 20 acre minimum lot size) Zone to M-1 (Light Manufacturing) Zone; Lamar Jones Family (applicant) [Scott Langford parcels 26-10-300-003, 26-10-400-001]**

Scott Langford noted that the property owner representatives are from out of state, so he will make the presentation. He gave an overview of the zoning and location. The request for M-1 zoning is compatible with the general plan. He showed a rough concept plan and stated they had been working with the applicant to make sure there is enough infrastructure to serve the proposed data center. The purpose of getting this application to the City Council as soon as possible is to allow the city to negotiate terms with the potential company. If the company decides not to purchase the property the city council will not officially adopt the rezone request, because a rezoning of 230 acres from agricultural to industrial will have a significant tax impact for the property owners. The application meets the criteria for rezoning and staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone the property located at approximately U-111 Old Bingham Highway from an A-20 (Agricultural; 20 acre minimum lot size) zone to the M-1 (Light Industrial) zoning district.

Dan Lawes opened the public hearing.

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

**MOTION: Josh Suchoski moved based on the findings set forth in the staff report and upon evidence and explanations received today to forward a positive recommendation to City Council for Lamar Jones Family Property Rezone; U-111 and Old Bingham Highway; Lamar Jones Family (applicant) to rezone 230.69 acres from A-20 Zone to M-1 Zone. The motion was seconded by Matt Quinney and passed 7-0 in favor.**

\*\*\*\*\*

Scott Langford gave an update on upcoming agenda items.

**MOTION: Kelvin Green moved to adjourn.**

The meeting adjourned at 9:00 p.m.

DAN LAWES  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016