

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JUNE 7, 2016 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Scott Langford, Darien Alcorn, Paul Dodd, and Julie Davis

OTHERS: Maximino Gonzalez

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 6:00 p.m.

1. Consent Calendar

A. Approve Minutes from May 17, 2016

B. Gonzalez Fresh Fruit; 2735 West 7800 South; Temporary Use Permit (150 days); SC-2 Zone; Maximino Gonzalez (applicant) [#TUP20160017; parcel 21-33-126-013]

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Temporary Use Permit for the Gonzalez Fresh Fruit sales trailer located at 2735-2795 West 7800 South in an SC-2 zoning district with the Conditions of Approval as listed below:

Conditions of Approval:

1. Operation dates are from June 8, 2016 to September 30, 2016, or shall not exceed 150 days.
2. Maintain the trailer and surrounding area in good order and keep the parking lot free of trash and debris during the extent of the temporary use.
3. The trailer, trash cans, cones and all associated equipment/materials, shall be removed from the site when the permit expires. The site shall be fully restored to its original condition within 5 days of permit expiration.
4. Obtain and maintain a valid West Jordan City Business License.
5. Obtain approval from the Salt Lake County Health Department.
6. If the trailer or equipment is connected to a power pole, an Electrical Permit from the West Jordan Building and Safety Department shall be obtained.
7. Any electrical cords used by the business shall not cross a parking lot drive aisle.
8. Provide for a safe pedestrian standing area next to the trailer. This area must be blocked off to prevent vehicular traffic from entering by either traffic cones, poles with ropes, barriers, or other methods approved by the Planning staff.
9. One, 32 square-foot sign is allowed with the Temporary Use Permit, and must be securely attached to the trailer or placed on temporary poles in landscaped area. One additional sign is allowed only with approval of a Temporary Sign Permit.
10. The Temporary Use Permit may be renewed administratively once per year and approved by staff as long as the proposal conforms to the site plan approved by the Planning Commission.

MOTION: David Pack moved to approve the Consent Calendar as listed in the staff packet. The motion was seconded by Kelvin Green and passed 6-0 in favor. Judy Hansen was absent.

2. Text Amendment; Continued from May 3, 2016 – Amend the 2009 West Jordan City Code regarding “Mural or Wall Art”; City-wide applicability; City of West Jordan (applicant) [#TA20150006]

Kelvin Green gave a history of the review process for this item. He gathered information partly from surveys and input from the City Attorney.

Bill Heiner commended Commissioner Green for showing concern for the city by taking the time to research and draft the ordinance.

David Pack concurred. It is important to see things from all angles to make a more informed decision for the good of the City.

Darien Alcorn said she had sent her comments to the Commissioners. She had questions regarding the determination of whether a mural is visual in nature and also with regards to letter, characters, and text and how that would be determined when there could be an artistic rendition of some sort of text. She brings up those comments to assist in the Planning Commission’s discussion of how to proceed with the ordinance as presented or if they want to suggest any additional changes and revisions when making a recommendation.

Dan Lawes opened the public hearing.

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

Kelvin Green said he agreed with Ms. Alcorn. He referred to Line 95 in 13-8-3D8 and said this section may cause the biggest issue. It was included because no one who took part in the survey wanted commercial-type wall art, but to determine if something is commercial becomes subjective. He is okay dropping that, but then there would be nothing to differentiate between commercial and noncommercial art. He felt that they had three options tonight: 1) not regulate wall art 2) regulate art under the sign ordinance, or 3) propose something such as the draft ordinance tonight. He proposed that they forward something to the City Council knowing that the Commission is trying to create a content neutral wall art ordinance.

Josh Suchoski asked if they strike D8, what is to differentiate the sign ordinance and the mural. If a business wants to paint a sign with their business name they can claim it is a mural.

Matt Quinney said they talked about that same thing when it was first being discussed. This doesn’t say they can’t paint their logo, and he didn’t know if that is what they are trying to avoid.

Josh Suchoski said he isn't necessarily against it, because some commercial murals can have a certain charm. But if it all comes down to regulating commercial art, it is a slippery slope once they start pulling things that out of the code.

David Pack said he could also see a potential problem for advertising or marketing if they remove D8.

There were some suggested modifications to the wording that would regulate art specific to letters and characters that derives specific association to the business in question, or that the text couldn't be linked to a registered business or entity. Logos without text aren't addressed.

There was a discussion regarding how to differentiate advertising from mural art if the mural includes products that can be purchased at the subject location. The current sign ordinance says it can't be commercial, but what makes it advertising and how does the city determine that.

Bill Heiner said it seems that they are in a dilemma with any of the three options.

Matt Quinney said the idea for the ordinance was to make the process simple with little regulation. The idea of requiring permits and meetings for approval seemed tedious to him. He didn't think there would be enough issue with it to make it worthwhile.

There was a discussion of the requirement for a permit or if someone should just be able to drop off a diagram ahead of time to the planning office and let the zoning administrator or another body determine if it meets the definition of wall art/mural. Lines 102 through 122 provide a baseline parameter. If there is a disagreement then there could be an appeal process. They could strike D, E, and F on the last page regarding the public meeting. They also discussed the proposed size limits. 50% of a building the size of Sears is different than 50% of a small building, so it may seem unfair to the smaller business. It was pointed out that 50% was a starting point. There was only one person from the survey who gave a percentage, which was 30%. Suggestions were to limit to 50% or a maximum square footage. Some didn't think we need to limit the size. The proposal limits it to one wall, which was brought up as a discussion.

Scott Langford said the current definition of sign says 'materials placed or constructed or light projected that a) conveys a message or image, and b) is used to inform or attract the attention of the public'. If the city is ultimately going to be asked to review these murals, for example, if Cal Ranch comes in with a picture of tack or saddle that they sell at their store, they are advertising product, where do they draw the line. Also, if they do ultimately require a permit then it would be nice to keep Line 98 in 8E where they require some sort of permission from the property owner. He pointed out that if it stays under the Zoning Administrator he would definitely consult with the Attorney's office on each application.

There was a brief discussion regarding how the suggestion to require a public hearing came to be from other city codes along with the pros and cons.

MOTION: Kelvin Green moved to forward a positive recommendation to the City Council as written except to drop 13-8-6D, E, and F and then substitute:

D. Final approval rests with the Zoning Administrator.

The motion was withdrawn for discussion on additional changes.

Josh Suchoski suggested striking Lines 77, 78, 95, and 96 and also striking D, E, and F from Line 137 on with the suggested new wording. Matt Quinney agreed and had no other changes.

MOTION: Kelvin Green moved to forward a positive recommendation to the City Council to adopt the draft ordinance to Amend the 2009 West Jordan City Code regarding “Mural or Wall Art” as written, minus D2 Lines 77 and 78, minus D8 Lines 95 and 96, and minus D, E, and F on the last page Lines 137 through 158, replacing: 6D. The final approval rests with the Zoning Administrator. The motion was seconded by Matt Quinney and passed 6-0 in favor. Judy Hansen was absent.

3. Text Amendment – Amend the 2009 West Jordan City Code, Title 13, Sections 13-2-3 and 13-5F-2; distinguishing “data center” as a permitted use in the M-1 zone; City-wide applicability; City of West Jordan (applicant) [#TA20160003]

Scott Langford gave an overview of the request to amend the zoning code that will create data centers as a permitted use in the M-1 zone. As technology evolves so does the need for cloud-based storage and large data centers. As the city has had recent contact with a few data centers, they have requested we look at codes from other communities across the nation that have data centers. Staff proposes a new definition in Section 13-2-3 and inserting this as a permitted use in the M-1 Zone. Staff found that the criteria for the text amendment to be favorable and are consistent with the general plan and other uses in the industrial zone.

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 upon the evidence and explanations received today to forward a positive recommendation to the City Council to Amend the 2009 West Jordan City Code, Title 13, Sections 13-2-3 and 13-5F-2; City of West Jordan (applicant) as addressed in the report. The motion was seconded by Josh Suchoski and passed 6-0 in favor. Judy Hansen was absent.

MOTION: Josh Suchoski moved to adjourn.

The meeting adjourned at 6:42 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2016