

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD
JULY 18, 2023, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

PRESENT: Ammon Allen, Kent Shelton, Trish Hatch, Jay Thomas, George Winn, and Catherine Paquette-Richardson. Matt Quinney was excused.

STAFF: Scott Langford, Larry Gardner, Tayler Jensen, Ray McCandless, Megan Jensen, Duncan Murray, Nathan Nelson, Paul Brockbank, Julie Davis

The pre-meeting was called to order by Ammon Allen, with a quorum present. The agenda was reviewed. Clarifying questions were answered. Duncan Murray presented training regarding exactions.

The meeting was called to order by Ammon Allen at 6:00 p.m., with a quorum present.

1. Approve Minutes from June 6, 2023

MOTION: Jay Thomas moved to approve the Minutes from June 6, 2023. The motion was seconded by Kent Shelton and passed 6-0 in favor. Matt Quinney was absent.

2. Kearns Improvement District Communications Pole; 5590 West 7000 South; Conditional Use Permit for a 50-foot-tall Communications Pole; R-1-6A Zone; Kearns Improvement District/Greg Anderson (applicant) [#30312; parcel 20-24-355-019]

James Woodruff, Kearns Improvement District, stated that they provide 3200 water and sewer connections in West Jordan and are replacing all meters with those with technology to communicate with the system to provide 24-hour reading that will allow residents to monitor their water usage at all times. They will have seven strategically placed poles to maximize coverage. The subject site also has a water well. For comparison, the closest power pole is 50 feet tall. There are large trees on the residential property behind the pole, which will hopefully make the pole less intrusive.

Catherine Richardson said this is good for easier meter reading and that residents will have better data. She asked about the protocol when a leak is detected with this new technology.

James Woodruff said the protocol will remain the same. When an increase in water usage is detected, they contact the resident at their home or through other communications. Meter reading is currently done once per month. There will be an option for the homeowner to set notifications within parameters that they identify. This system is similar to the one that West Jordan has implemented. He reviewed the site that includes a small well building. There are power poles and streetlights in the vicinity as well.

There was a discussion regarding the difference between a well and a reservoir and how water is distributed by Kearns Improvement District and West Jordan's system.

After additional questions about water capacity and needs, Ammon Allen suggested that staff could present an overview in a future training.

Catherine Richardson wanted it noted that she was concerned about the government having this meter data and being able to use it to shut off water without consent. Or if the government decides there is a shortage of water and limits usage, this will give the government the ability to do it. She was leery about installing the poles without a safeguard that the government will not have the ability to limit or turn off our water.

Megan Jensen said the conditional use permit is for a 50-foot communications pole on a site owned by Kearns Improvement District. The nearest home is about 66 feet away from the pole. There aren't any setback requirements because it is not a walled or roofed structure, and it will not increase traffic.

Staff recommended that the Planning Commission approve the Conditional Use Permit for the Kearns Improvement District Communications Pole located at 5590 West 7000 South in an R-1-6 zoning district.

Ammon Allen opened the public hearing.

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

MOTION: Trish Hatch moved based on the information and staff analysis and opinions set forth in the staff report and upon the evidence and explanations received today to approve the Conditional Use Permit for the Kearns Improvement District Communications Pole located at 5590 West 7000 South with all requirements of approval. The motion was seconded by Kent Shelton and passed 6-0 in favor. Matt Quinney was absent.

3. Kum & Go; 8554 South 5600 West; Preliminary Subdivision Plat (2 lots on 2.45 acres) and Preliminary Site Plan; SC-1 Cone; Galloway & Company/Taylor Smith (applicant) [#29228, 29229; parcel 20-35-479-017]

Taylor Smith, Galloway & Company civil engineers, stated that the property will be divided into two parcels with Kum & Go on the south lot. The north lot will be sold, and any future development will also come to the city for approvals.

Taylor Jensen gave an overview of the subject site and surrounding properties. The property was zoned SC-1 about 10 years ago and is also on the future land use map as neighborhood commercial. The 8600 South flyover is under construction. The lots meet the minimum size requirements of at least one acre. Because 5600 West and 8600 South are collector roads, Kum & Go only has right-in and right-out access, and there will be a shared easement on Lot 1 from 5600 West. It was important to get the access points as far away from the intersection as possible. The traffic impact study showed that the proposed design will operate at an acceptable level of service once constructed. The Design Review Committee recommended approval of the building design and layout.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission approve the Preliminary Major Subdivision Plat for 5600 West Krause Crossing, and the Preliminary Site Plan for Kum & Go, located on approximately 2.408 acres at 8554 South 5600 West, with all requirements for approval.

It was pointed out that there is a traffic signal at the intersection with crosswalks for pedestrian crossing. There are no current applications for Lot 1 or for the high-density housing or SC-2 property to the south. Any future approvals will come to the planning commission.

Ammon Allen opened the public hearing.

Lori Shenefelt, West Jordan resident, stated that although she knew the property was commercial, she did not think a gas station would be built, especially so close to the high school. Her concerns included lighting, illuminated signs, the need for a taller wall for privacy and security, and hours of operations.

Shelly and John Reed, West Jordan resident, speaking remotely stated that they had emailed some comments to the commission. Her concerns were with lighting, headlights from vehicles coming in from 5600 will shine into their home, placement of light posts along the property line, noise that is generated at the gas pumps, and placement of fuel tanks against the residential lots. They asked for a buffer from the noise and light with a higher fence, a fence on the north side of the Kum & Go, and for more landscaping next to the residential.

Amanda Phelps, West Jordan resident and business owner, was concerned with the additional traffic that this will create at the intersection of Old Bingham Highway and 5600 West. There have already been several accidents due to traffic back up, especially with student drivers. She did not trust the traffic impact study. The site is directly accessible to the high school, which makes accessibility to alcohol too easy. She did not see the need for another gas station in this community based on the number already in the area, and she did not want it.

John Phelps, West Jordan resident, agreed with the previous comments. There are significant traffic issues and a blind spot from 5600 West due to trees. Kids walk to and from schools in the area. The amount of light was a big concern. He said that 5600 West is being used as a drag strip now and these people will now congregate at the gas station. This project is a bad idea

Jeremy Draidfort, West Jordan resident, speaking remotely, agreed with the comments. This is duplicitous, there is an abundance of gas stations already, the lighting, increased traffic and noise, and view of a gas station will be detrimental to the residents.

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

Ammon Allen clarified for the public the role of the Planning Commission compared to the City Council. The Commission has to review each project based on certain criteria, which if met, they are obligated to approve. Part of the review is to make sure the code is addressed appropriately with conditions to mitigate impacts where allowed.

Taylor Jensen addressed the concerns. The photometric study shows 29 lumens next to the pump island, but the lumens are zero at the property line. The lights will be directionally facing down, and the plans show that the light trespass will not be over the property lines.

Ammon Allen pointed out that you can still look over the fence and see the lights, but the light won't shine over the property line.

Trish Hatch asked about height limits for the illuminated sign.

Taylor Smith said they will take all concerns into consideration. He pointed out the proposed locations for the 6-foot-tall monument signs. Gas prices will be LED readouts. No pole signs are proposed. The highly lit Maverik that was referred to by a resident does not have the same standards as this location since it is next to residential.

Catherine Richardson was sympathetic with the lighting concerns with no landscaping to protect the residents. She was concerned that with proximity to the high school and future high density to the south, that this will create a place for kids to congregate and cause trouble and noise. She liked the design and thought it would be a good idea, until she heard from the residents. She did not think it was fair to the residents.

Scott Langford said the Planning Commission's authority is well defined when it comes to site plan approval. A lot of the concerns stated dealt with the use of the property. The property owner has a right to use the property under the current zoning, and the proposed use is permitted. The Planning Commission should focus on mitigating impacts and not the use itself.

Duncan Murray explained that if this were a conditional use then they could look at ways to mitigate, but there is no ability to impose conditions in this situation as a permitted use. The focus of the discussion on a site plan and subdivision plat review should be if there is anything that does not meet the city code requirements.

Scott Langford asked staff to explain to those in attendance requirements for items such as landscaping and fencing.

Taylor Jensen said the code requires a 6-foot-tall masonry wall between commercial and residential uses. This will be installed along the Kum & Go site, and along Lot 1 when it develops in the future. The finish grade at the access from 5600 West generally slopes up toward the west and is almost seven feet higher than the entrance point. Along with the six-foot fence, that slope will do a good job in blocking headlights from the residential properties. If the commission is still concerned with that, staff can work with the applicant to see about getting more landscaping along the property lines. The applicant has been working with staff in providing a lot of landscaping and they could potentially move some next to the residential properties. All noise regulations fall with the Salt Lake County noise ordinance and if levels exceed the limits, appropriate action should be taken through code enforcement. He clarified that the required fuel tank locations are a minimum of 20 feet the property line, which they exceed. This plan was reviewed by the utility engineer, public works engineer, and the fire department and will have to be built to code. The city traffic engineer also reviewed the traffic impact study and did not have any concerns with the findings in the report. Alcohol sales are regulated through the State of Utah and will have to get approvals before West Jordan issues a business license. He thought that the minimum distance for alcohol sales from a school is 500 feet, and this is approximately 900 feet as a pedestrian would walk from door to door.

Ammon Allen said the issues with trees creating a blind spot and drag racing and noise in general would be to contact a city council member. He reiterated that the noise ordinance falls under Salt Lake County regulations. The best thing to do would be to contact the police department when the noise is occurring.

Fire Marshal Paul Brockbank said the underground fuel tanks will be parallel to 8600 South and not near the homes.

Jay Thomas said all fuel is required to have a secondary containment system so there is no concern with a spill.

Catherine Richardson referred to criteria B and said that she did not think that the project adequately provides for public streets and highways to carry the type and quantity of traffic generated by the use. And the proposed vehicular and pedestrian circulation is not adequate to permit movement in a manner that is safe and efficient. There have been accidents in this area already without this business and there will be a lot more. The cars are jamming down the streets, and this is because there is not adequate public access, especially for the future with the significant increase with high density planned to the south and including the high school students. She will vote no on the item.

Larry Gardner asked Commissioner Richardson what her opinion was based upon, because the traffic study did not agree with that opinion. He was concerned that she was putting a negative onto the application, and he didn't want that to be reflected upon the rest of the Planning Commission.

Commissioner Richardson said she did not want to be against the applicant. She suggested flipping the site plan to be on the side instead of in the middle of the subdivision.

Larry Gardner asked how that would mitigate her traffic concerns.

Catherine Richardson said the traffic issue exists, but her suggestion with the site plan would be a different thing. Mostly she was saying there is not enough access to the pedestrians or to the vehicular traffic. It will be a horrible intersection for the residents, and it will decrease property values especially of those homes next to the site.

Larry Gardner said that was not true.

Catherine Richardson said she stood by her statements that property values will be reduced and that the Planning Commissioners should be concerned about the residents.

George Winn asked staff to address site plan criteria B regarding negative impacts to adjacent properties or neighborhoods.

Tayler Jensen said the code regulating the SC-1 zone is a decision that has already been made deeming it an appropriate use at that location. Staff reviews the plan for compliance with the standards that were adopted by the City Council through a legislative action. So, when staff indicates there is not a conflict with the criteria it is because it has been found to meet all of the development standards for things such as setbacks, heights, parking, building orientation, building appearance, etc. Staff does not have discretion in those regulations.

George Winn understood Mr. Jensen to say that criteria B is not a subjective statement about the proposal, but it is a reasonably objective statement about meeting the criteria.

Tayler Jensen said yes, that is his belief.

Jay Thomas stated that it is the obligation of the Planning Commission under adopted code to enforce the code.

MOTION: Jay Thomas moved to approve the Preliminary Major Subdivision Plat for 5600 West Krause Crossing located at 8554 South 5600 West with the requirements of approval listed in the report. The motion was seconded by Trish Hatch and passed 5-1 in favor with Catherine Richardson casting the negative vote. Matt Quinney was absent.

Trish Hatch asked for grounds for the objection to the subdivision approval. Catherine Richardson said it doesn't meet criteria B regarding adequate access to public streets to carry the type and quantity of traffic that will be generated. She said there was not enough access, and the lot is too small to accommodate a business that will have this much traffic going in and out.

MOTION: Jay Thomas moved to approve the Preliminary Site Plan for Kum & Go located at 8554 South 5600 West with the requirements of approval listed in the report. The motion was seconded by Trish Hatch and passed 5-1 in favor with Catherine Richardson casting the negative vote. Matt Quinney was absent.

4. Wood Ranch Plat 2 Subdivision; 7400 South and SR-111 Preliminary Subdivision Plat (154 residential and 2 commercial lots on 35.352 acres) and Sub Area Development Plan; PCH/MDA #29628; parcel 20-27-100-005; 101-001; 176-001]

Gary Langston, Third Cadence, master developer of Wood Ranch, said the plat will consist of approximately 150 lots and including roads and open space on 35 acres. This plat will include residential amenities and their Base Camp that includes a food and beverage service Bistro and welcome center.

Kent Shelton commented on a discussion with the Design Review Committee about the proximity of the trail to the Bistro roof. The committee wondered if there would be a fence and if that might obstruct any views.

Gary Langston said the trail is several feet above the roof. They have considered some type of barrier or handrail on the top of the wall along with some plantings that will prohibit people from getting on the roof.

Catherine Richardson said the project was well thought out and she liked the idea of different types of housing.

Ray McCandless familiarized the commission with the project layout. Staff supported the proposal to move the swimming pool to the south, which would help to distribute traffic and parking. This plat has 50 townhome lots, and the rest are single-family. There will also be some open space dedicated to the City as part of the approval.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission approve the Preliminary Major Subdivision Plat for Wood Ranch Plat 2 Subdivision and Preliminary Sub Area Plan located on approximately 35.352 acres at 7400 South and SR-111, with the conditions and requirements of approval listed.

1. All current redlines from city staff are corrected.
2. The preliminary subdivision shall remain valid for one year following the date of approval (14-3-8).
3. Final approval for Wood Ranch Phase 2 Subdivision will not be granted until all storm drain concerns, designs and modifications have been made to the satisfaction of the Engineering Division, and Public Works Department.
4. The subdivision and subarea plan shall comply with all relevant standards of the Wood Ranch Master Development Agreement.
5. The proposed subdivision plat shall meet all applicable Zoning Ordinance requirements including City Code, Section 13.5L.7. specifically relating to building area, width, frontage, and setback requirements.
6. The preliminary and final subdivision plat must meet all zoning or subdivision standards and requirements of the Engineering and Fire Departments.

There was a brief discussion about the Balanced Housing ordinance. While this project provides a good mix of single-family dwellings, multi-family is allowed in this zoning district and is exempt from that ordinance. However, there are limits as indicated in the master development agreement.

Ammon Allen opened the public hearing.

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

MOTION: George Winn moved to approve the Preliminary Subdivision Plat and the Preliminary Sub Area Plan for Wood Ranch Plat 2 Subdivision located at 7400 South and SR-111 with the conditions and requirements of approval listed in the staff report. The motion was seconded by Catherine Richardson and passed 6-0 in favor. Matt Quinney was absent.

5. **Villas at Stone Creek Subdivision; 4977 West 7800 South; Preliminary Subdivision Plat, Preliminary Site Plan, Final Development Plan, and Road Vacation; P-C Zone; Peterson Development (applicant) [#29284, 29286, 29283, 29281; parcel 20-36-226-004, 005; 227-001, 008, 002, 004, 006, 009, 010, 011]**

Justin Peterson, Peterson Development, said this is the last substantive phase of the overall Stone Creek development, which was one of West Jordan's first planned communities. They are excited to add this senior component to the Stone Creek development. They have done this product in South Jordan and Heber, and when this property became available, they thought it made the most sense for a location in West Jordan. They are excited about the demographic and less impact on the roads and schools that the demographic represents. He explained that when the commercial plat was recorded in approximately 2001, it included a road to be dedicated to the city. With this new product and layout, there is no need for the road at that location.

Duncan Murray explained that the road was dedicated to the city and the vacation will undo that dedication. There were no public utilities installed in the area that was going to be a road. The Commission will make a recommendation to the City Council on this part of the application.

Ray McCandless said there have been no changes to the layout since the last time they saw this item when the land use map was amended. The road exists on the plat only and has never been developed. Of the 116 units there are eight single-family homes on the west to provide a transition from the single-family subdivision to the senior villas. Phase 2 is an assisted living product and Phase 5 is a commercial pad site. The development plan shows some tastefully designed buildings. Staff recommended approval of the request with the conditions listed.

1. Per City Code, Section 14-3-8: Expiration of Subdivision Approval: An approved preliminary subdivision plat shall remain valid for one year following the date of approval. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety, or welfare of the city.
2. Per City Code, Section 13-7B-5: Expiration of Approved Site Plans: An approved preliminary site plan shall remain valid for one year following the date of the approval.
3. The preliminary subdivision, site plan, development plan and road vacation shall comply with all applicable city code requirements.

There was a discussion regarding an additional school crossing for Hayden Peak Drive at 4800 West. The traffic engineer had looked at the plan and felt comfortable with the proposal. Nathan Nelson said there will be a new streetlight, but a traffic light at Hayden Peak is not planned at this time. It was pointed out that there is already a crossing guard at that location.

Ammon Allen opened the public hearing.

Sgt. Andrew Hercules asked for clarification on the request for another crossing guard.

Ammon Allen said there is a crossing guard for 4800 West, so the same one will probably cross at Hayden Peak.

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

Catherine Richardson said she liked the plan and the idea of having the single-family homes.

MOTION: Catherine Richardson moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Subdivision Plat, Preliminary Site Plan, and Final Development Plan for the Villas at Stone Creek development and forward a positive recommendation to the City Council to approve an ordinance vacating Commerce Street. The motion was seconded by Kent Shelton and passed 6-0 in favor. Matt Quinney was absent.

MOTION: Jay Thomas moved to adjourn.

The meeting was adjourned at 7:18 p.m.


Ammon Allen (Aug 2, 2023 13:06 MDT)

AMMON ALLEN
Chair

ATTEST:



JULIE DAVIS
Executive Assistant
Community Development Department

Approved this 1st day of August, 2023

