

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION
HELD MAY 17, 2022, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

PRESENT: Jay Thomas, Kent Shelton, Matt Quinney, Trish Hatch, Ammon Allen. George Winn was absent.

STAFF: Larry Gardner, Duncan Murray, Mark Forsythe, Ray McCandless, Nathan Nelson, Krista Riester, Paul Brockbank

The briefing meeting was called to order by Jay Thomas. A discussion on Moderate Income Housing Goals took place [minutes from the discussion are found with Item 7].

1. Consent Calendar
Approve Minutes from May 3, 2022

MOTION: Matt Quinney moved to approve the minutes from May 3, 2022. The motion was seconded by Trish Hatch and passed 5-0 in favor. George Winn was absent.

2. Tattoo Ink Utah; 9109 South Redwood Road; Conditional Use Permit for a tattoo and body engraving service; P-C (RWO) Zone; Tattoo Ink Utah/Ender Parra (applicant) #27175; parcel 27-03-401-021]

Ender Parra, applicant, said he has been a tattoo artist for 10 years. This small family business would include jewelry sales and tattoo services with three tattoo stations. He felt that this would provide a service to the community and would not have any negative impacts. There is no noise generated and traffic will be minimal. He described the layout within the retail space.

Mark Forsythe said the business is only allowed within this Planned Community zone because it is in the Redwood Road Overlay district. It will be West Jordan's first tattoo shop. The closest residential building is 540 feet away. Hours of operation are Monday through Saturday from 10 a.m. to 7:00 p.m., which is typical for most surrounding businesses. There should be no noise, dust, or traffic impacts above what already exists. Parking is in a shared situation with more than adequate for their needs.

Staff recommended that the Planning Commission approve the Conditional Use Permit for Tattoo Ink Utah, located at 9109 South Redwood Road in a P-C zone with a Redwood Road Overlay, with the Conditions and Requirements of Approval listed below:

Conditions of Approval

1. The business activities shall be substantially consistent with the submitted application, letter of intent and site plan. Deviations from these documents shall be reviewed by all pertinent departments of the City of West Jordan.
2. Meet any applicable Salt Lake County Health Department standards.

Requirements of Approval

1. Obtain and maintain a valid West Jordan Business License.

2. Obtain a Building Permit for any interior construction work, if required by the West Jordan Building & Safety Department.
3. A permit shall be obtained for any new exterior signage.
4. The business shall adhere to all City sign requirements.
5. The Conditional Use Permit is subject to review and/or revocation, in accordance with §13-7E-10 of the 2009 West Jordan City Code.

Trish Hatch and Matt Quinney were happy to see this business come to West Jordan.

Jay Thomas opened the public hearing.

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

MOTION: Matt Quinney moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Conditional Use Permit for a tattoo and body engraving service for Tattoo Ink Utah, located at 9109 South Redwood Road in a P-C zone and a Redwood Road Overlay, with the Conditions and Requirements of Approval listed in the staff report. The motion was seconded by Trish Hatch and passed 5-0 in favor. George Winn was absent.

3. **Raising Cane's; 7671 South 3800 West; Preliminary Site Plan, Administrative Conditional Use Permit for Restaurant, Fast Food; SC-3 Zone; Chris Bick (applicant) [#25865, 25866; parcel 21-29-377-015]**

Chris Bick, civil engineer for the project, said that Walmart is selling a parcel for the proposed business, which is similar to other pads in the area. They have been working hard with staff regarding access, parking, building, and site requirements for a plan that meets the existing codes. They have conducted parking, traffic, and infrastructure studies. Additional landscaping will be provided. The parking lot that occupies this space is currently not being utilized, so there should be little impact on parking. The site plan shows required parking, two order lanes, and a by-pass lane. In times of heavy stacking, Cane's staff will take orders in the stacking lanes to minimize the impacts to the area. He said that the proposal is consistent with surrounding developments.

Mark Forsythe said the SC-3 Zone commonly has fast-food restaurants and the proposal should fit well with the land use. A traffic study at two other Raising Cane's locations shows 15-20 cars at peak times during lunch and dinner on weekdays and lunchtime on Saturdays. With the three lanes provided, staff felt that they can easily accommodate 6-10 cars each. Specific conditions of approval address necessary coordination regarding access and utilities before final approval will be granted. The applicant will choose between two access scenarios. Pedestrian access is shown at the southeast corner of the property with fencing and signage for visibility. Parking is provided both onsite and shared with Walmart, but administrative relief is needed for four of the required parking spaces. The landscaping plan has been modified with the comments from the Design Review Committee and the city code that reduced the amount of sod and provides a good amount of xeriscape and water conserving plants.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant approval for the Preliminary Site Plan and Administrative Conditional Use Permit for Raising Cane's located at 7671 South 3800 West in the SC-3(ZC) zone with the Conditions and Requirements of Approval listed below.

Preliminary Site Plan

Conditions of Approval

1. Any access to the Raising Cane's site that traverses across or encroaches upon any adjacent property shall be approved by the owner of the traversed property. Such agreement shall be reviewed and approved by the City prior to Final Site Plan and Amended Subdivision approval.
2. A fire access easement agreement in favor of The City of West Jordan shall be signed by the owner(s) of the Walmart property prior to Final Site Plan and Amended Subdivision approval.
3. Obtain legal permission from Walmart to place proposed site improvements on the Walmart property and/or to share Walmart utility systems.
4. Obtain legal permission from Walmart for the striping of Walmart's drive access as modeled by the Traffic Impact Study (to include the creation of a left turn lane of Access #3 as named in the TIS) in order to validate the TIS results provided.
5. Establish the following easements across the Walmart property as follows:
 - a. Two water easements in favor of The City of West Jordan across the Walmart property to service the Raising Cane's property.
 - b. A private easement between the Walmart property and the Raising Cane's property for additional public utility easement creation.

Requirements of Approval

1. Comply with all applicable requirements of the West Jordan City Code.
2. All redline comments shall be addressed and resolved prior to final approvals.
3. The Preliminary Site Plan is valid for one (1) year following the date of approval by the Planning Commission.
4. Comply with all requirements of the Engineering Department, Public Works Department, Fire Department, Building & Safety Department, and all other relevant City departments.

Administrative Conditional Use Permit

Conditions of Approval

1. Any off-site traffic impacts associated with, or exacerbated by, Raising Cane's shall be managed by Raising Cane's using their own employees or through a contracted third party.
2. Pedestrian-vehicle conflicts and visibility near the southeast corner of the building shall be mitigated through the use of fencing, path striping, signage, mirrors, or other approved methods.
3. An off-site traffic control plan shall be implemented in the event that drive through vehicle queuing extends beyond the Raising Cane's property.

Requirements of Approval

1. The business activities shall follow the submitted application, letter of intent and approved site plan.
2. A Building Permit shall be obtained for any new or relocated exterior signage.

3. Signage shall conform to the Jordan Landing II Sign Plan. Any signage that is not addressed in the Jordan Landing II Sign Plan shall adhere to all applicable ordinances of Section 13-17 and Title 12 of the West Jordan City Code.

Kent Shelton appreciated that they have addressed the stacking issue since this business often generates a lot of traffic.

Ammon Allen said it looks like everything meets code, but he was concerned about the potential negative impacts to the business to the west, especially if access is through that property and signage that would take away from their business. He asked if that can be balanced somehow at the administrative level.

Mark Forsythe said he had only seen the monument sign on 7800 South and the existing pylon sign, but not the directional signs.

Jay Thomas opened the public hearing.

Chris Bick clarified that they have chosen scenario B access to the north on Walmart's property with a second access through El Pollo Loco, and they have been in communication with them to see if there are traffic concerns.

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

MOTION: Ammon Allen 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 Site Plan for Raising Cane's located at 7671 South 3800 West in the SC-3(ZC) zone with the Conditions and Requirements of Approval listed in the staff report. The motion was seconded by Kent Shelton and passed 5-0 in favor. George Winn was absent.

MOTION: Ammon Allen moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Administrative Conditional Use Permit for a restaurant, fast food limited for Raising Cane's located at 7671 South 3800 West in the SC-3(ZC) zone with the Conditions and Requirements of Approval listed in the staff report. The motion was seconded by Kent Shelton and passed 5-0 in favor. George Winn was absent.

4. The Villas at Stone Creek; 4977 West 7800 South; Future Land Use Map Amendment for approximately 30 acres from Professional Office, Medium Density Residential, Neighborhood Commercial, and Parks and Open Land designations to Medium Density Residential and Neighborhood Commercial and Amended Stone Creek Master Development Plan; P-C Zone; Peterson Development/Ryan Peterson (applicant) [#25395, 25396, 25394; parcel 20-36-226-004; 227-001, 002, 004, 006, 008, 009, 010, 011; 228-003]

Kaylen Nichols, Peterson Development, gave a history of the parcel that is part of 285 acres in the Stone Creek development and is the last large parcel to be developed in the community. In 2000,

Albertsons purchased the large anchor parcel for a neighborhood commercial development, which did not occur because Albertson's pulled out of the Utah market. Peterson Development recently purchased that parcel from Albertson's. This parcel is not seen as commercial anymore due to the Mountain View Corridor and the commercial emphasis at 5600 West and 7800 South. In 2018, Peterson rezoned 13 acres at that commercial node. The request is to amend the land use map to medium density residential, one acre of neighborhood commercial, and updating the parks and open land, for a senior living campus with 116 senior villa units, an assisted living center with 60 possible beds, and 8 single family homes adjacent to the existing Ivory development. A market study for senior living was conducted and found that this is an ideal site. Peterson Development has developed other senior campus products that are very successful. A senior campus allows residents to stay in their neighborhood when the time comes for more care. Covington Group has been contracted for the assisted living portion. The site is well buffered by 7800 South, 4800 West, the park, and trail system to the south. The single-family lots will be adjacent to and similar to those in the Ivory subdivision. The Stone Creek area was designed to have a mix of housing types so that you could live your entire life in the community. Utilities for Phase 1 of the project are available and includes 56 units and the clubhouse as called out in the drafted master development agreement. The city has indicated that there should be availability for the other phases within six to 18 months. Amenities include a 2.12-acre village green, a 3,000 square foot clubhouse, walkways, fitness center, hot tub, pool, and pickleball court. Pedestrian walkways will connect the entire community as well as to the outside trails within the entire Stone Creek development. Villas are 4-plex units with a shared driveway and 2-car garages that have four main floor living house plans ranging from 2400-2569 square feet, plus a bonus room above. The single-family homes are 1700-2000 square feet similar in design to their product at Peterson Commons. The assisted living component is a future phase with 60 beds possible in a two- to three-story building. This is located next to the water tanks so the height should not impact the adjacent homes. Public streets are internal to the project and the driveways, fire lane, and open space will be maintained by the HOA. The single-family homes will not be part of the HOA. Walls will be installed on 7800 South and 4800 West and wrought iron on Hayden Peak Drive will provide a visual connection to the trail system. Vinyl fencing is proposed for the single-family lots as well as the one or two other lots without fencing in the Ivory development. Guest parking is at the clubhouse, but they could add more if needed. Total open space is 9.3 acres at 34%. A utility comparison study showed that water and sewer is typical of residential development. Storm drain impacts should not vary between the current or proposed land use. There will be a 12-25% decrease in traffic from the current to the proposed land use. She explained that commercial uses drive more traffic than residential, and senior housing has even a greater decrease. Fire protection and fire flow demands are anticipated to also decrease with the proposal.

There was a discussion regarding guest and on-street parking, which is governed by city ordinance. They can add guest parking if they see it is needed, but the 20-foot driveways can accommodate two guest vehicles.

Ammon Allen said he is looking forward to Hayden Peak Drive being finished. He felt that the proposal has a good balance with the neighboring areas. He asked if the landscape plan will have a balance with xeriscape. He also asked about UDOT approvals for access onto 7800 South.

Kaylen Nichols said that the landscape visual shows the general location of open space and will include xeriscape. The existing curb cut was dedicated when Albertson's was approved, but they will

likely make it a smaller access into the assisted living property. Regarding the commercial phase, they hoped it would be a business/office use that would support the seniors.

Ammon Allen felt that this project would be quieter and agreed that the commercial hub for this area is at 5600 West. He asked what Phase 4 might become if they cannot find a tenant.

Kaylen Nichols said Plan B for that parcel would be a detention area depending on what is needed for the community.

Ray McCandless clarified that the request is an update of the Stone Creek master development plan and an amendment to the future land use map.

Based on the findings set forth in the staff report, staff recommended approval of the amendment to the Future Land Use Map and Master Development Plan for the proposed Villas at Stone Creek development located at 4977 West 7800 South.

Matt Quinney asked if the Senior Housing Overlay needed to be applied to the property.

Duncan Murray said the P-C zone allows for a variety of uses, so the SHO is not required. An integral part of the master development agreement is the master development plan that calls out the number and types of senior housing units, which cannot be varied from once it is approved by the city council.

Jay Thomas opened the public hearing.

Thomas Curry, West Jordan resident, asked for clarification on the type of wall that will back 7800 South, he felt it should be cement in order to reduce noise and provide safety due to traffic accidents that have occurred in the area. His concern is safety and increased traffic and how the city can alleviate stress for the families that are adjacent to 7800 South.

Mitch Larson, West Jordan resident, said he is not opposed to the development, but was concerned with the increased traffic and speeds around the school with the connection of Hayden Peak Drive to 4800 West. He asked that there be traffic calming measures implemented, especially near the school.

Greg Hatch, West Jordan resident, asked if sidewalk will be provided on 7800 South from the water tanks to Barney's Wash. He also asked for clarification of if the piece of property shown in Phase 3 that extends across Barney's Wash will connect to Hayden Peak Drive to the south.

Melanie Bowles, West Jordan resident, said her concerns are with the safety of children since there is no sidewalk on the west side of 4800 West. She asked for clarification of the disposition of the bike path that is used as a school route. She asked if there will be a traffic signal on 4800 West. She asked how this development will result in less traffic with the addition of 125 cars to the neighborhood and how it will impact the park on the south.

Dot Sealy, West Jordan resident, also wondered how traffic is being reduced. She said that property for any widening of 7800 South should be planned for now so the homes will not be affected in the future. Two-car garages can often only fit one car and it would be difficult to have two guest cars in the

driveway. At times in her neighborhood, it is difficult to navigate the road when cars are parked on both sides. She said they should plan now for guest parking provisions.

Kaylen Nichols responded to questions from the public. Single-family homes can be two-story or 35 feet. Four plex units are two stories including the bonus room. The assisted living building is limited to 45 feet or three stories, and the commercial building to 45 feet or two stories. Instead of installing a sidewalk on the south side of Hayden Peak Drive the proposal shows a 12-foot trail connecting to the existing trail the city installed to help children cross. The north side of Hayden Peak Drive will have a sidewalk as well as along 7800 South and 4800 West. There aren't requirements at this time to install traffic calming measures, but that is always a point of discussion as the site plan is reviewed and those measures may be required. The wall along 7800 South and 4800 West will be 6-foot pre-cast concrete.

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

Regarding the piece of property that extends over the wash, Kaylen Nichols that is a piece of open space and trail that was never dedicated, but it will remain as open space. Initial traffic studies show the flow of traffic from the school and the road has always been shown to connect on the master plan. The peak drop off and pick up hours will be busy, and she felt that at minimum there will probably need to be a crossing guard, but that can be part of future discussions with Planning and Engineering.

Clarification was given regarding the comment on decreased traffic. Any development will increase traffic in the area, but the current land use for a commercial development has a traffic count of 18-25% higher than what the proposed residential development would generate.

There was a brief discussion on what standards, such as road widths and landscaping, would be followed since the MDA was approved years ago and the codes may have changed. Typically, a master development agreement is held to the standards in place at the time the agreement is made. There may be some things that are locked in with the original master development plan, but otherwise they will be required to follow current standards.

MOTION: Ammon Allen moved, based on the information and 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 Future Land Use Map from Professional Office, Medium Density Residential, Neighborhood Commercial, and Parks and Open Land designations to Medium Density Residential and Neighborhood Commercial for the Villas at Stone Creek development located at approximately 4977 West 7800 South in the P-C(ZC) zoning district as discussed in the staff report. The motion was seconded by Trish Hatch and passed 5-0 in favor. George Winn was absent.

MOTION: Ammon Allen moved, based on the information and 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 approve the revised Master Development Plan for the Villas at Stone Creek as discussed in the staff report. The motion was seconded by Trish Hatch and passed 5-0 in favor. George Winn was absent.

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5. **Text Amendment – Pet Boarding; Amend the 2009 West Jordan City Code adding “Pet Boarding” as a conditional use in Section 13-5E in the SC-2 Community Shopping Center zone and SC-3 Regional Shopping Center zone; Amending Section 13-6K Interchange Overlay Zone (IOZ) adding “Pet Boarding” as a conditional use and removing “Kennel” as a prohibited use; Amending 13-2-3 Adding a definition for “Pet Boarding”; city-wide applicability; City of West Jordan (applicant)**

Larry Gardner said different uses that care for pets are becoming more prevalent. He reviewed the proposed definition and explained the difference between pet boarding and kenneling. The amendment will allow pet boarding as a conditional use in the SC-2, SC-3 and IOZ zones. Staff felt that the SC-1 zones are generally too close to residential areas to be included. Also proposed is the removal of the prohibition of kennels in the IOZ zone to avoid confusion and because veterinarian uses are permitted in the IOZ. He showed some examples of facilities that include outdoor and indoor areas for pet play and socialization.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for this application.

Ammon Allen asked if they should consider the use in M-1 zones.

Larry Gardner said his preference is to not clutter the manufacturing zones with uses that are not industrial in nature. However, he would support any recommendation the Commission wants to forward to the City Council.

Ammon Allen recommended that the definition be changed from ‘boarded and cared for’ to ‘housed and cared for’ since the word ‘boarding’ is part of the definition name, and to also change the wording ‘boarded’ in the kennel definition to ‘housed’.

Jay Thomas opened the public hearing.

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

MOTION: Matt Quinney moved, based on the information and findings set forth in this staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for this application with the recommended change of ‘boarded and cared for’ to ‘housed and cared for’ and changing ‘boarded’ in the kennel definition to ‘housed’. The motion was seconded by Kent Shelton and passed 5-0 in favor. George Winn was absent.

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6. **Text Amendment – Nonconforming Signs; Amend the 2009 West Jordan City Code Section 12-4-5 “Material Enhancement” adding language that legal non-conforming signs can be relocated and reconstructed, as a result of public action, only if the relocated/reconstructed sign meets all provisions of Section 12-4-5 of West Jordan City Code; city-wide applicability; City of West Jordan (applicant)**

Larry Gardner explained that a legal non-conforming sign is one that was once allowed but due to changes in the code is no longer permitted. This proposed amendment would allow these signs to remain if removal is due to road widening. UDOT is currently acquiring property to widen 9000 South from the Jordan River to Redwood Road. There are several businesses along Redwood Road and 9000 South in the P-C zone, which no longer allows for pole signs. The land use subcommittee was generally in support of the change that allows replacement of the non-conforming sign with certain provisions and enhancements. Approval would be required by the Design Review Committee and the Planning Commission. At some point, the Planning Commission or City Council no longer wanted pole signs in the P-C zone, and the non-conforming code is a way to gradually eliminate them. If the Planning Commission would like to have these signs removed, then they can forward a negative recommendation to the City Council for this amendment. If the ordinance is not passed, the property owner would be compensated for the cost of the sign and only a monument sign, up to 6 feet in height, would be allowed as a replacement. Some of these signs are large and the businesses are located away from the main road and behind other businesses, so a pole sign is more effective. If this amendment passes, then the rule would apply in any zone.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for this application.

Larry Gardner clarified the purpose of the ordinance would allow signs affected by road widening to be moved or rebuilt in a better way, otherwise when the road is widened then the signs would not be allowed.

Jay Thomas opened the public hearing.

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

MOTION: Ammon Allen moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for this application. The motion was seconded by Kent Shelton and passed 4-1 in favor with Trish Hatch opposed. George Winn was absent.

7. Moderate Income Housing Goals: presentation and discussion of amendment to the Moderate Income Housing Plan updating goals and policies to be compliant with State Law

[The following discussion took place during the pre-meeting]

The Commissioners were asked to provide input and guidance. The city must adopt 6 strategies, and because West Jordan has six Trax stations additional strategies are required.

(V) Develop and adopt (or update) a station area plan in accordance with Section 10-9a-403.1 *This is required.*

Other strategies that the Commission showed interest in and asked for more information were:

(G) Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors. *The Commission asked to see images of what a half-mile radius from the transit stations looks like.*

(Q) Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

Four additional strategies are required, and all options were reviewed.

(A) Rezone for densities necessary to facilitate the production of moderate-income housing. *This may be a self-fulfilling goal because there could be areas in the future that could be rezoned. The IOZ may be considered for this strategy. This was a preferred strategy to recommend to the City Council because it could be measurable in the next few years.*

(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate-income housing; *This was considered a favorable option or partial waiver but would like more information on what kinds of funds and where the funds would be taken from if this were used.*

(F) zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers. *This may have already been done with the City Center but that would have to be researched to know if we get credit for it, or identify another property that meets this goal. This goal works well with (G).*

(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing. *A Council Member has broached this issue with regards to additional density buy up with donation of land to a land trust. This goal had support from the Commission but asked for more information. It would especially be favorable for open space and trails and networking with the community for help with maintenance of parks. The Harvard study recommended a land trust.*

(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality. *This is already in place, but it hasn't been used as a goal in the past. Plus, it is an ongoing program that could extend to additional years.*

[The following discussion took place after Item 6]

(U) develop a moderate-income housing project for residents who are disabled or 55 years old or older. *Senior housing is needed in West Jordan, the Villas at Stone Creek development discussed tonight may fit within this category, but price point may be the issue.*

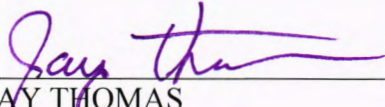
(X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing. *Commissioners should consider any programs or plans that will fit in with this goal and forward them to Larry Gardner.*

Although many of these strategies are developer driven, if we have timeframes and achievable goals then they should be accepted. It was pointed out that the station area plans that affect another municipality by law need to have collaboration with those entities. The station area plans can plan for better access and walkability for areas that are built out.

Kent Shelton asked if staff could prepare information on what the city is currently doing to fill some of these requirements.

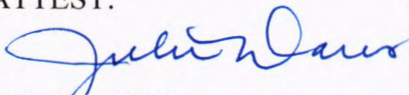
MOTION: Matt Quinney moved to adjourn.

The meeting adjourned at 7:35 p.m.



JAY THOMAS
Chair

ATTEST:



JULIE DAVIS
Executive Assistant
Community Development Department



Approved this 7th day of June, 2022