

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD
DECEMBER 6, 2022, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

PRESENT: Trish Hatch, Matt Quiney, Ammon Allen, George Winn, and McKenna Marchant. Jay Thomas and Kent Shelton were excused.

STAFF: Scott Langford, Larry Gardner, Duncan Murray, Tayler Jensen, Mark Forsythe, Julie Davis, Paul Brockbank

[Due to technical difficulties the pre-meeting was not held.]

The meeting was called to order by Trish Hatch at 6:02 p.m., with a quorum present.

1. Approve Minutes from November 15, 2022

MOTION: Matt Quiney moved to approve the Minutes from November 15, 2022. The motion was seconded by Ammon Allen and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

2. Google Fiber Hut 142; 7960 South 4000 West; Conditional Use Permit for Major Utility; P-F Zone; BHC/Robert Vaccaro, P.E. (applicant) [#28958; parcel 21-31-200-043]

Robert Vaccaro, applicant on behalf of Google fiber, joined remotely. He stated the proposal is for a fiber equipment hut that will serve the entire West Jordan area. The pre-manufactured building is 360 square feet and set on a concrete pad in an existing parking lot island. It will be surrounded by an 8-foot-tall precast wall to match existing wall enclosing an area 51 ½ feet by 29 ½ feet with a decorative man gate and an 8-foot-wide solid metal vehicle gate. After construction, the parking lot curb will be rebuilt, and landscaping repaired. The backup generator runs off a natural gas service only in case of power outage or during a testing period about once per month. He couldn't identify any conflicts in this area that would require special hours of testing, but he stated that Google will work around any special requirement in that regard. After construction the structure is an unmanned facility that runs 24/7 to provide internet service.

Mark Forsythe gave an overview of the application. The P-F zone is intended for public utilities, substations, and government services. This use is classified as a major utility based on the definition and size. The nearest residential is 260 feet away across 4000 West. Staff did not think that this use would have any detrimental impact to those residents, and it does not generate dust, smoke, or vibration, etc. Noise from the HVAC system is typical of a residential unit, and it faces away from the residential areas. The site will be surrounded with an 8-foot-tall wall. The man door is wrought iron and it does not allow view to any of the equipment. Security cameras will be mounted on the building, and gates have automatic locks. He noted a correction that here is one parking space that is being removed with the construction of the hut. However, a parking study indicated that 191 stalls are required, and 325 stalls are provided.

Staff recommended that the Planning Commission approve the Conditional Use Permit for Google Fiber Hut 142, located at 7960 South 4000 West in a P-F Zone, with the Requirements of Approval listed in the staff report.

Conditions of Approval:

1. There are no conditions of approval suggested by staff because staff has not identified any reasonably anticipated detrimental effects of this use. If the Planning Commission disagrees with the staff's analysis and/or identifies any reasonably anticipated detrimental effects of this use, reasonable conditions should be identified, which, if imposed, would reasonably relate to, and substantially mitigate each of the reasonably anticipated detrimental effects of the use, and which would comply with existing law. Such information should be clearly included in any motion made by and subsequent decision of the Planning Commission relative to the application. Any Planning Commission decision will supersede any conflicting analysis or opinions of the staff stated in the report or otherwise presented to the Planning Commission.

[The Planning Commission did not identify any reasonably anticipated detrimental effects of this use and, therefore, did not identify any conditions.]

Requirements of Approval (Requirements of the City Code and Regulations)

1. The shed and utility compound shall be consistent with the submitted application, letter of intent and construction drawings. Deviations from such documents shall be reviewed by all relevant departments of the City of West Jordan.
2. All utility lines leading to the compound must be buried underground.
3. The utility compound shall be fully surrounded by a masonry wall. All wall gates shall be solid metal.
4. The equipment shed and all associated equipment shall be painted in a manner that does not reflect sunlight toward approaching aircraft.
5. The Conditional Use Permit shall be valid for a period no longer than 12 months, unless a Building Permit is issued and construction has actually begun within that period and is thereafter diligently pursued to completion, unless a longer time is requested and granted by the Planning Commission.

Ammon Allen was asked what was being done for the safety concerns due to the current sidewalk being removed, which will require pedestrians to walk through the parking lot to join the other section of sidewalk. He asked if the facility could be moved to the corner of the lot.

Mark Forsythe said there isn't a lot of room to expand the sidewalk around the hut. Moving the site would require revising the plans and they are under time constraints.

Duncan Murray said easements to and from the hut have already been negotiated and it would be hard to change at this point.

Ammon Allen said it is an unsafe situation and he would like to see it addressed in some way.

George Winn did not object to the application. He asked how this site was chosen over all of the other possible sites.

Mark Forsythe said there were two sites initially discussed several months ago. One was on a commercial property on 7800 South right next to a residential development, but access was problematic and significant improvements would have been required. The subject site was the easier one.

McKenna Marchant agreed with the concerns with removing the sidewalk.

Matt Quinney said he didn't see it as a big deal, but he appreciated the concern and discussion. The parking lot is for city employees, it has low speeds, and the sidewalk is the back end of the parking lot. They could paint stripes on it as a warning if needed, but the risks are minimal.

McKenna Marchant said that if the sidewalk isn't along a street, then she was okay with the proposed site.

Trish Hatch opened the public hearing.

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

Robert Vaccaro said the sidewalk is not along the street, but it runs on the back side of the parking lot and goes 200 feet north and ends into the public works facility and going south terminates at the end of the parking lot.

Ammon Allen said he still had a problem with safety. At a minimum there should be some form of striping. They are taking away the functionality of the sidewalk through a parking lot. There is an extreme low risk, but it should be considered. However, he said it was not necessarily a deal killer in his mind.

Scott Langford said the sidewalk is rarely used, and he wasn't sure if it was required. If there was an official designated striped walking path, they may have to install ramps to meet ADA requirements. He said that staff can look into what would be required. This location was specifically chosen for the low impact.

Ammon Allen asked if ramps would be required to be installed next to the facility if it is built as shown. If the sidewalk is not required, maybe it should just be removed.

Mark Forsythe said his main concern with striping around the facility is that it will cut into the minimum width for the drive aisle, so he recommended against that for traffic flow and safety reasons.

McKenna Marchant said the sidewalk is more decorative than useful and she could consider it more as elongated curbing.

[The Planning Commission did not identify the sidewalk issue as a detrimental effect and did not identify any other reasonably anticipated detrimental effects of this use and, therefore, did not identify any conditions.]

Scott Langford said as a point of courtesy and to make sure they are ADA compliant, he will have the building official review the proposal and they will do whatever is necessary.

MOTION: Matt Quinney 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 Google Fiber Hut 142, located at 7960

South 4000 West in a P-F Zone, with the Requirements of Approval listed in the staff report with the addition of the suggestion to check into sidewalk compliance and safety. The motion was seconded by George Winn and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

Dan Bartleson, Lead Program Manager for Google Utah, said the build should be very fast. There is minimal need to be on the site after completion, but it will be well maintained. He appreciated everyone who helped with getting approvals.

3. The Home Depot; approximately 5701 West 7800 South; Preliminary Site Plan and Conditional Use Permit for a building height of 38 feet; SC-2 Zone; Jordan Sheets, Kimley-Horn/Barrett Peterson (applicant/owner) [#28242, 28965; parcel 20-35-226-012, 014]

Jordan Sheets, with Kimley-Horn, said the proposal is for a new Home Depot at 7800 South and Highlands Loops Road. They have been working hard with staff to make sure all city codes and requirements are met. They look forward to construction at the beginning of the year.

Taylor Jensen said the approval tonight is for the site plan and a conditional use permit to allow a 38-foot-tall building. The Planning Commission will also need to make a determination regarding whether or not garden center operations are considered customarily and appropriately conducted outside of the building, which staff supported. A portion of the property was recently rezoned so that the entire site is now within the SC-2 zone. Elevations and layout are similar to other Home Depots.

Based on the analysis contained in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit and Site Plan for The Home Depot- Copper Hills on approximately 11.544 acres located at 5701 West 7800 South, with the conditions and requirements of approval listed in the staff report.

Conditional Use Permit Conditions and Requirements of Approval:

There are no conditions of approval suggested by staff because staff has not identified any reasonably anticipated detrimental effects of this use. If the Planning Commission disagrees with the staff's analysis and/or identifies any reasonably anticipated detrimental effects of this use, reasonable conditions should be identified, which, if imposed, would reasonably relate to, and substantially mitigate each of the reasonably anticipated detrimental effects of the use, and which would comply with existing law. Such information should be clearly included in any motion made by and subsequent decision of the Planning Commission relative to the Application. Any Planning Commission decision will supersede any conflicting conclusions or recommendations of the staff stated in this report or otherwise presented to the Planning Commission.

[The Planning Commission did not identify any reasonably anticipated detrimental effects of this use and, therefore, did not identify any conditions.]

Site Plan Requirements of Approval

Section 13-5E-5A states "Uses Within Buildings: All uses shall be conducted entirely within a fully enclosed building, except those uses that the Planning Commission determines are customarily and

appropriately conducted outside. Such uses may include, but are not limited to, service stations, ice skating, garden centers, miniature golf, etc.” Staff believes that The Home Depot Garden Center is appropriate outside of the enclosed building and recommends the Commission make a determination that the use is customarily and appropriately conducted outside.

- The City May restrict access to a $\frac{3}{4}$ movement with the construction of 5600 West
- The Applicant shall work with the West Jordan Engineering Department on timing of traffic improvements recommended by the Traffic Impact Study
- Every parking space shall be no greater than 150’ from a sidewalk leading to the building or from a building entrance
- The Site has access onto 7800 South, 5600 West, and Highlands Loop Road
- All the other requirements listed in the Site Plan Documentation provided to the Planning Commission.
- Compliance with all other requirements of the City Code, Public Works Standards, and other applicable regulations

There was a brief discussion regarding the submittal of a landscape plan, which will be approved with the final review.

Trish Hatch opened the public hearing.

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

[The Planning Commission did not identify any reasonably anticipated detrimental effects of this use and, therefore, did not identify any conditions.]

Duncan Murray said that the item regarding the garden shop was within the requirements of approval and by referencing the site plan requirements of approval, the determination that operations are customary and appropriate for outside operations is made.

MOTION: Ammon Allen moved to approve the Conditional Use Permit for a 38’ tall building in the SC-2 (Community Shopping Center Zone) for the Home Depot – Copper Hills development located on approximately 11.544 acres at 5701 West 7800 South, with the conditions and requirements of approval listed in the staff report. The motion was seconded by Matt Quinney and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

MOTION: Ammon Allen moved to approve the Preliminary Site Plan for The Home Depot – Copper Hills, a home improvement retail store located at 5701 West 7800 South subject to all the requirements of approval. The motion was seconded by Matt Quinney and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

4. **Highlands South Subdivision; approximately 5701 West 7800 South; Preliminary Subdivision Plat (6 lots and 2 parcels on 28.092 acres); SC-2 Zone; Peterson Development/Ryan Peterson (applicant) [#28490; parcel 20-35-226-012, 014]**

Taylor Jensen said since the time the packet was distributed the proposal was amended to include a remainder parcel for future development, which changed the request from 18.292 acres to 28.092 acres. Noticing of the item was still sufficient including this small change.

Paul Stringham, Peterson Development, said they have had Home Depot in their sights for the last 14 years, so they are excited for this project. This subdivision plat will accommodate the Home Depot project.

Taylor Jensen said the subdivision will have six commercial lots, one unbuildable parcel as the retention basin, and one remainder parcel. Staff did not find any conditions that needed to be included with the recommended approval.

Based on the analysis contained in the staff report, staff recommended that the Planning Commission approve the Major Subdivision for Highlands South, approximately 28.092 acres located at 5700 West 7800 South, with the conditions and requirements of approval listed in this staff report.

Conditions and Requirements of Approval

There are no conditions of approval suggested by staff because staff has not identified any reasonably anticipated detrimental effects of this use. If the Planning Commission disagrees with the staff's analysis and/or identifies any reasonably anticipated detrimental effects of this use, reasonable conditions should be identified, which, if imposed, would reasonably relate to, and substantially mitigate each of the reasonably anticipated detrimental effects of the use, and which would comply with existing law. Such information should be clearly included in any motion made by and subsequent decision of the Planning Commission relative to the application. Any Planning Commission decision will supersede any conflicting conclusions or recommendations of the staff stated in this report or otherwise presented to the Planning Commission.

Trish Hatch opened the public hearing.

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

MOTION: George Winn moved to approve the Highlands South Preliminary Subdivision for approximately 28.092 acres located at 5700 West 7800 South, with the conditions and requirements of approval listed in the staff report. The motion was seconded by McKenna Marchant and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

5. Text Amendment - Amend the Moderate-Income Housing Element of the West Jordan General Plan to incorporate the updated Moderate-Income Housing Strategies adopted by Ordinance 22-43; City of West Jordan (applicant)

Larry Gardner said the legislature required strategies of the moderate-income housing plan to be updated to include implementation plans and benchmarks in order to create opportunity for more moderate-income housing. Both the Planning Commission and City Council worked on these strategies and there were nine that were approved. The State requires the strategies to be attached to the moderate-income housing element of the general plan. So, the 2012 General Plan is before them with the updated

strategies in the plan. Once this goes to the City Council it will be adopted by ordinance 22-54 and that will meet the requirements of the Department of Workforce Services. The city would like this to be completed prior to the beginning of the state legislative session. Nothing has changed other than the strategies will be attached to the element of the general plan. He asked that the Planning Commission make a recommendation to the City Council regarding Ordinance 22-54.

Trish Hatch opened the public hearing.

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

MOTION: McKenna Marchant moved to forward a positive recommendation to the City Council for the Text Amendment as presented. The motion was seconded by Matt Quinney and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

6. Discussion and Possible Recommendation of Section 13-8-23 – Balanced Housing Ordinance

Larry Gardner said the planning commission asked about the possibility of creating more multi-family product in the city during review of the general plan updates. He reviewed the history and purposes of the Balanced Housing (formerly Cap and Grade) Ordinance. He mentioned that new laws created the option for accessory dwelling units in the single-family areas for more moderate-income housing opportunities. Several exemptions were included in the ordinance to meet federal fair housing regulations and to have more control over where multifamily is located. He felt that the Balanced Housing Ordinance has achieved what it was created for, and it allows for exemptions in areas and situations where the Planning Commission and City Council feel are appropriate. He noted that the Planning Commission had previously discussed the possibilities of recommending amendments to the ordinance.

He further explained some of the requirements for multi-family in the ROD, which is for existing commercial property.

Matt Quinney asked for an estimate of how many potential IOZ, ROD, and new P-C properties there are that could fit within these exemptions.

Larry Gardner said the Southwest Quadrant zone also has a multi-family component. He estimated that there could be two potential Residential Overlays, three Interchange Overlays, and one or two Integrated Housing. Any new applications for these districts would come to the Planning Commission before going to the City Council for a legislative decision.

McKenna Marchant said that all along Redwood Road seemed like a great opportunity for multi-family development.

Larry Gardner said that would probably have support from the Mayor and some City Council members, but he recommended that some type of analysis be conducted before making it an exemption at this time.

Trish Hatch asked how a determination is made regarding adequate public services when these applications come before them.

Scott Langford said the city is enhancing the analysis of future utility needs with each rezoning or land use map amendment application. The Public Utilities staff will do an adequate public facilities analysis. There will soon be a detailed interactive map that will indicate how many equivalent water allocation units are available for a particular parcel. Any departure from that modeling will have to show how they will upgrade or enhance the infrastructure to accommodate a proposed development. Eventually there will be maps for sewer capacities and other services.

McKenna Marchant said if staff is looking at multi-family residential on Redwood Road, it would be good to consider reserving the ground level floors for commercial space or business offices.

Duncan Murray addressed the procedural issue of recommending a text amendment. The city code allows the Community Development Department, the Planning Commission, or the City Council to initiate a text amendment. As a full planning commission with a motion, they can ask staff to get started on a text amendment. It is possible in the future that City Council may want to review the recommendation before staff begins work.

MOTION: McKenna Marchant recommended that if staff isn't already looking at multi-family residential along Redwood Road, reserving commercial on the ground level, that they do so. The motion was seconded by Matt Quinney and passed 5-0 in favor. Jay Thomas and Kent Shelton were absent.

MOTION: Trish Hatch moved to adjourn.

The meeting adjourned at 7:10 p.m.


JAY THOMAS ~~Matt Quinney~~
Chair, Temporary

ATTEST:



JULIE DAVIS
Executive Assistant
Community Development Department

Approved this 20 day of December, 2022

