

**MINUTES OF THE REGULAR MEETING (ELECTRONIC) OF THE WEST JORDAN
PLANNING AND ZONING COMMISSION HELD REMOTELY ON JULY 21, 2020**

PRESENT: Matt Quinney, Kent Shelton, Jay Thomas, Trish Hatch, Corbin England, and Ammon Allen.

STAFF: Larry Gardner, Duncan Murray, Scott Langford, David Cottle, Mark Forsythe, Kent Page, and Julie Davis

OTHERS: Alan A, Marcus Patterson, Paul Spiers, David Anderson, Jared Mitchell, Randy Smith, Nicole Renner, Mayor Burton, Rachel O’Crowley

The regular meeting was called to order at 6:00 p.m.

Matt Quinney read a statement regarding Utah Code 52-4-207(4) as it relates to public meetings without an anchor site.

1. Approve Minutes from July 7, 2020

MOTION: Corbin England moved to approve the minutes from July 7, 2020 as listed in the staff report. The motion was seconded by Kent Shelton and passed 6-0 in favor.

2. Macey’s Expansion; 7859 South 3200 West; Amended Site Plan and Conditional Use Permit for drive-through; SC-2 Zone; Market Development Inc./Marcus Patterson (applicant) [#21317; parcel 21-33-101-010]

Marcus Patterson, applicant, said that a Beans and Brew store will be added inside of the grocery store with a drive-up window on the southwest corner of the building. New seating will be added for patrons of the deli or coffee shop. A pass-through lane from the store parking lot to Holiday Oil is also being installed for easier access for their rewards program. There will also be some inside store remodeling. Signage was explained and will be approved later with a sign permit application.

Trish Hatch felt that this was a much-needed change and a great addition that will update the area.

Kent Page said the request is for a conditional use permit for a drive through at the southwest corner of the existing building. The proposed landscaping is adequate. There is an existing wall on the property line. Traffic will travel east and west, there is space to turn around or to exit from 7800 South. Exterior elevations were shown. Brightness and position of the menu board should be considered and is directed away from the residential property.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant amended site plan approval and a conditional use permit for Macey’s Grocery Store Expansion with Drive-thru Window located at 7859 South 3200 West in the SC-2 zone with the conditions of approval listed.

1. The proposed development shall meet all applicable Zoning Ordinance requirements.

2. All changes to the site shall be consistent with Amended Final Site Plan application and site plan.
3. All redline corrections need to be addressed prior to Amended Site Plan approval.
4. All signage and audio be directed away from adjacent residential neighbors.
5. Post signage encouraging no idling (limit motor running to mitigate air pollution).
6. Consider raising the height of the masonry wall adjacent to residential neighbors.
7. Ensure proper disposal of potentially odiferous waste.
8. Provide a photometric plan and spec sheets for the light pole fixtures. All lighting is required to be shielded to reduce or eliminate up-lighting, and light levels at the property lines shall not exceed 1 foot-candle.
9. Finalize the cross-access easement agreement with the adjacent property owner.
10. The amended site plan must meet all requirements of the Engineering and Fire Departments.

Matt Quinney asked about the hours of operation.

Paul Spiers, Beans and Brew, said the hours are usually from 5:30 a.m. to 9:00 p.m., which can be adjusted, if needed.

Matt Quinney wondered how much noise might go over the wall to the residential properties at 5:30 a.m. and if that is a reasonable request.

Larry Gardner pointed out that the post office directly west of the residents operates much earlier and much later than this business. The existing wall and landscaping provide substantial screening. The menu board location is not directly behind the residential area but is adjacent to the post office.

Matt Quinney said he was satisfied with that explanation.

Curbing next to the drive aisle on the south will be widened to accommodate the semitrucks accessing the back of the building. Location and amount of accessible parking stalls were described and will remain the same. Walk-in access to Beans and Brew is through Macey's front door.

There was a discussion regarding two conditions that suggested a 'no idling' sign and raising the height of the wall to the south. Traffic goes through the queue fairly quickly. West Jordan does not have an idling ordinance. Should we have a condition to 'consider' doing something. The wall was built and found to be sufficient with the original commercial development. Additional wall height or landscaping isn't necessary. The site already has semitrucks that access the property, which are more impactful than passenger vehicles.

Ammon Allen was in favor of removing conditions 5 and 6.

There was a discussion regarding the emergency exit door near the drive lane and if it poses traffic issues. The exit way is elevated and visible. Cars are usually moving slowly as they exit the drive-up window and that is generally considered a safe practice.

Ammon Allen asked if there is sufficient lighting in the rear of the building for consumer traffic. He also asked where the light pole fixtures referred to in condition 8 are located.

Marcus Patterson said there are wall packs around the building to light the area. He wasn't aware of any light poles because they are trying to keep light away from the adjacent neighborhood.

Larry Gardner said there are some very tall light poles in the row of parking west of the drive through, which were turned off due to light crossing the property line. That is why a photometric plan is required.

Trish Hatch was in favor of a 'no idling' sign as a great reminder in our battle with bad air quality.

Matt Quinney opened the public hearing.

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

Matt Quinney said his concern with requiring that sign is if we are setting a standard for all drive-throughs going forward and even going back to all existing ones. He wondered who would provide enforcement.

Larry Gardner said it is not required by City ordinance, but if the Planning Commission finds that it is mitigating a detrimental impact to the area then it can be a condition. However, we can't ban people from idling and there would be no enforcement.

Duncan Murray said we can only enforce items that are in the code.

Matt Quinney said the condition of approval is not a suggestion. We shouldn't have conditions that suggest consideration. It is either required or not.

Jay Thomas thought that idling vehicles is more of a noise mitigation, especially for diesel engines. He would be in support of leaving the sign even though we can't enforce it.

Corbin England said a diesel vehicle has to be turned off to place an order anyway. He was all for no idling, but it is a policy decision for the elected leaders and should be applied city-wide and not indiscriminately.

Kent Shelton said it is great for mitigation from a pollution standpoint for the residents directly south. He felt that we could ask for it in this one case to mitigate pollution.

Matt Quinney asked how many cars they expect to stack up during the busy hours.

Marcus Patterson said three cars would be standard in the morning. Later in the day probably not as many vehicles.

Trish Hatch said at the Beans and Brew location in her area there are two or three cars in the morning, and you are generally the only car in line in the evening. At that Midvale location there is a sign that asks for no idling. It is good to have it and for people to be conscious of their cars.

Matt Quinney suggested that they put up the sign as good practice, but not as a requirement or condition of approval.

MOTION: Corbin England moved, based on the findings set forth in the staff report, to approve the Conditional Use Permit and Amended Site Plan for Macey's Grocery Expansion with drive-through window; 7859 South 3200 West; Market Development Inc./Marcus Patterson (applicant) with the conditions 1, 2, 3, 4, 7, 8, 9, and 10 as listed in the staff report. The motion was seconded by Jay Thomas and passed 6-0 in favor.

3. Jordan Fields; 8759 South Jordan Valley Way; Preliminary Site Plan, Preliminary Subdivision Plat, and Preliminary Development Plan; P-C Zone; Fieldstone GK West Jordan, LLC/K. Randy Smith (applicant) [#21108, 21106, 21109; parcels 27-05-204-010, 009, 008, 004, 014]

Randy Smith, applicant, Fieldstone Homes, said staff had been very responsive and helpful during this process. The project is located north of Jordan Valley Medical Center and near the Jordan Valley Trax Station. He showed the preliminary site plan. They will be dedicating right-of-way on Jordan Valley Way and constructing a new access to 3400 West on the east and connecting the streets with a Class A market-rate apartment community. The project has four residential buildings with a total of 240 one, two, and three-bedroom apartment homes. The buildings are strategically located to maximize views, encourage walkability, and provide visual variety. Each building is four residential stories, and two of them have a first level, secured parking garage. Amenities include a clubhouse/leasing office, fitness room, business center, game room, group gathering center, etc. There is a nice pool deck area, fire pits, barbecues, fenced dog park, bike repair stations and more. He explained the amenities that also include children's play structures east of the clubhouse. There is a dog park/run in the center of the project. The green strip around building C is open area that include dog clean up stations. Sidewalks and pedestrian paths run through the development and connect on the east to the city's trail system on 3400 West. Building heights are two at 48' 1" and two at 64' 2". The clubhouse is 21'.

Mark Forsythe said the property is in the P-C zone within the Transit Station Overlay District. The purpose of this district is to establish an overall development in a way that incorporates form-based principles, provides quality open space and amenities and pedestrian walkability. Staff felt that the proposed product meets those purposes. There is no rezone or land use map amendment required. Because this is in the TSOD, the preliminary development plan must be approved by the city council to establish the final density and amenities. The proposed density is 240 units on 5.9 acres, which is 40.68 du/ac. The maximum density is 75 du/ac and the minimum is 30 du/ac. He pointed out the pedestrian trails and pathways that will link the amenities and create a walkable space to encourage people to use the transit station. Staff has been working extensively with the applicant on safe routes to school. He showed the route of travel to Terra Linda elementary school. The sidewalks are in place with the exception of a corner owned by UTA. Staff has been working with applicant, canal company, and UTA to find a solution for the safe path to school. Those sidewalk improvements are anticipated to be added when UTA develops the property. Many of those details will be worked out at final approval, and the condition of approval is open-ended so that all affected parties can work together to find an agreeable solution.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Site Plan and the Preliminary Major Subdivision for Jordan Fields, located at 8785 South Jordan Valley Way in a P-C(ZC) zone with a TSOD overlay, with the conditions of approval listed below. Staff also recommended that the Planning Commission forward a positive recommendation to the City Council concerning the Preliminary Development Plan for Jordan Fields, with a density of 40.68 dwelling units per acre.

Preliminary Site Plan

1. Preliminary Site Plan and Preliminary Major Subdivision approval is contingent upon ratification of the Preliminary Development Plan and the overall density by the City Council.
2. Address all Engineering, Fire, GIS, Real Property Administration and any other City Departmental redline comments.
3. Provide a 6' steel picket-style fence along the entire length of the northern property line that borders the canal.
4. The canal culverts and canal vehicle accesses near the northwest and northeast corners of the development will need to implement a fencing or railing solution, subject to reaching an agreement between the City of West Jordan, the Utah Lake Distribution Canal Company, and the Utah Transit Authority.
5. A safe route to school shall be provided from the edge of the new sidewalk to the intersection of Jordan Valley Way and Norris View Lane. All necessary permits and easements from the Utah Transit Authority, The City of West Jordan and/or the Utah Lake Distribution Canal Company concerning this path shall be granted prior to final approvals.
6. Incorporate an acceleration lane or similar traffic-mitigation solution, to the satisfaction of the Traffic Engineer, on the east access onto 3400 West.
7. Provide an enhanced stamped concrete pedestrian crossing across the northwest vehicle access on Jordan Valley Way.
8. All existing and new utility lines must be buried underground.
9. All dumpster gates must be solid metal.
10. The indoor bicycle parking areas should be equipped with permanently installed wall-mounted bike racks, ground-mounted bike racks or metal lockers to prevent theft and to facilitate convenient storage.
11. Streetlights shall be designed in accordance with the West Jordan Street Lighting Design and Construction Standards.
12. Finalize the Master Development Agreement prior to adoption of the Preliminary Development Plan.

Preliminary Major Subdivision Plat

1. Address all Engineering, Fire, GIS, Real Property Administration and any other City Departmental redline comments.
2. The subdivision plat shall comply with all applicable zoning ordinances.
3. Off-site improvement dedications shall be subject to City approval based on the form of dedication.
4. Pending approval, the preliminary subdivision plat shall remain valid for 1 year following the date of approval.

Matt Quinney asked why a picket-style fence is being used along the canal rather than a masonry wall.

Mark Forsythe said a picket-style fence is not climbable and is tall enough that it can't be jumped, it needs to be durable with high aesthetics and for safety/visibility next to the road for crime prevention. He explained that road improvements across the canal and those items along with the easement will be worked out with staff. The traffic impact study was reviewed by the Traffic Engineer. The intersections, with the new development, would be either considered B or C level of service. The Traffic Engineer provided suggestions that involve moving the street curb closer to the sidewalk on the west side of 3400 West to make room for left turn lanes. The City would add the turn lanes at a later time. Other safety measures include speed tables at the two entrances and stamped concrete at the pedestrian crossings as required in the TSOD. There are 273 surface parking stalls and 38 stalls per parking structure for a total of 349 stalls, which falls within the minimum and maximum range in the TSOD. Bike parking stalls are at the clubhouse and on the ground floor of the parking structures. A condition of approval is to either provide lockers or racks to help increase security and convenience. He showed the fencing types. He is asking that condition #3 be amended to allow for 'metal' picket style fencing instead of 'steel' in order to provide flexibility for the developer to use something comparable.

There was a brief discussion regarding parking requirements, typically there are two cars per apartment unit. In the TSOD there is a minimum and maximum. The proposal is just shy of 1 ½ spaces per unit.

Jay Thomas asked what will happen if UTA chooses not to install the sidewalk for the safe walking route.

David Cottle said even though the property is owned by UTA, staff believes that West Jordan has an easement specifically for right-of-way such as curb and sidewalk. That is being clarified.

Duncan Murray explained that this area is not a regular dedicated street and they are offsite improvements.

Randy Smith said they would like to help out and do right by constructing the sidewalk on a property they don't own, but only if the City shows them that they have the legal right to do so and they wouldn't own it.

David Cottle said the condition is intentionally left vague in the event that the City is not able to complete the path then they could have options to get another crosswalk as a backup plan.

Other possible crossings were discussed. The canal is open, and the City Risk Manager has concerns about liability and maintenance and would probably not require one.

Matt Quinney opened the public hearing.

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

Corbin England said that staff is on top of the safe route requirements so it is adequate to have the condition that the applicant provide the safe route and they can work with staff. He is fine with changing the fence condition to metal. He had some concerns with parking, but the proposal falls within the TSOD standards.

Trish Hatch asked what the distance is to the Trax station and how much parking is provided there.

Mark Forsythe displayed the map and said it is ¼ to ½ mile to the Trax platform. Two public parking garages provide 350 stalls.

Ammon Allen referred to condition #10 and felt that the wording should be changed from 'should' to 'shall'.

There was additional discussion regarding types of 'metal' fencing and if it would be secure and strong enough to replace 'steel' in the conditions. The facility will be professionally managed on site at all time to address maintenance issues. Anodized aluminum is used as an industrial standard.

With regards to preserving access for the canal company, David Cottle said there is an access road to the north, which won't be affected. Staff will be meeting with the canal company next week to talk about the potential sidewalk and access.

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 and Preliminary Subdivision Plat for Jordan Fields; 8759 South Jordan Valley Way; Fieldstone GK West Jordan, LLC/K. Randy Smith (applicant) with the conditions of approval 1 through 12 and 1 through 4 as listed in the staff report, amending:

3. Provide a 6' metal picket-style fence along the entire length of the northern property line that borders the canal.
10. The indoor bicycle parking areas shall be equipped with permanently installed wall-mounted bike racks, ground-mounted bike racks or metal lockers to prevent theft and to facilitate convenient storage.

The motion was seconded by Trish Hatch and passed 6-0 in favor.

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 City Council for the Preliminary Development Plan for Jordan Fields; 8759 South Jordan Valley Way; Fieldstone GK West Jordan, LLC/K. Randy Smith (applicant) with a density of 40.68 du/ac. The motion was seconded by Trish Hatch and passed 6-0 in favor.

11. Text Amendment – Continued from July 7, 2020; Amend the 2009 City Code Section 13-8-14: Storage of Commercial Vehicles in Residential Zone; City-wide applicability; City of West Jordan (applicant) [#21527]

Larry Gardner said the amendment comes after the City lost a court case that centered around the definition of 'commercial trailer'. The amendment 13-8-14 calls out commercial truck, commercial motor vehicle, and commercial trailer and adds a definition for those three terms. The intent is not to change the policy direction from what was previously set by the City Council, but to clarify it. However, the Planning Commission might have a different policy recommendation that they want to put forth at this time.

Duncan Murray said this amendment will tighten up what is currently ambiguous and makes it easier to understand and enforce. He recommended a change to eliminate the 's' from the first couple of lines to make the words singular for consistency.

Matt Quinney said he is glad for the clarification. He asked if they can go back and enforce on that court case.

Duncan Murray said it is a civil case, but any time an ordinance is changed it is available to be enforced from that point forward. If the Council approves the ordinance, then it can be applied immediately.

This will only be applicable in residential zones, but staff is looking at how to address the issue of noise from commercial vehicles in a commercial zone next to residential.

MOTION: Kent Shelton moved to forward a positive recommendation to the City Council to Amend the 2009 City Code Section 13-8-14: Storage of Commercial Vehicles in Residential Zones; City-wide applicability; City of West Jordan (applicant) deleting the ‘s’ on truck and vehicles as discussed. The motion was seconded by Matt Quinney.

Ammon Allen asked for clarification that this has to do with 1½ ton or larger.

Larry Gardner said it is for commercial vehicles like a commercial flatbed. It doesn’t apply to a large pickup or van that a plumber might use with a business.

VOTE: The motion passed 6-0 in favor.

MOTION: Ammon Allen moved to adjourn.

The meeting adjourned at 7:27 p.m.

MATT QUINNEY
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development Department

Approved this _____ day of _____, 2020