

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 20, 2019 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Matt Quinney, Jay Thomas, Trish Hatch, Kelvin Green, Corbin England, and Bob Bedont. Nichole Luthi was excused.

**STAFF:** Larry Gardner, Scott Langford, Duncan Murray, Nathan Nelson, Mark Forsythe, Bill Baranowski, Paul Brockbank, and Julie Davis.

**OTHERS:** Michelle Foote, Tammy Bills, Brandy Wright, Becky Smith, Jared Oldroyd, JayLynn Thomas, Joe Colosimo, Thomas McMurtry

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The briefing meeting was called to order by Matt Quinney. The agenda was reviewed and clarifying information was provided. Larry Gardner and Duncan Murray provided training regarding conditional use permits from Utah Code.

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The regular meeting was called to order at 6:01 p.m.

**1. Consent Calendar**  
**Approve Minutes from November 6, 2019**

**MOTION:** Corbin England moved to approve the minutes from November 6, 2019 as listed. The motion was seconded by Jay Thomas and passed 6-0 in favor. Nichole Luthi was absent.

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**2. Business Item - New Bingham Highway Connector Study between Jordan Landing and 5600 West**

Bill Baranowski introduced Thomas McMurtry, Avenue Consultants.

Thomas McMurtry presented the findings of the study that included New Bingham Highway and Grizzly Way in the vicinity of the high school and middle school. The purpose was to consider transportation solutions for street configuration and safety. Public engagement was with high school administration and students, steering committees, stakeholders, and comments from surveys and social media. They wanted the solutions to be implementable and not to impact any property owners. He presented the methods and results of the study for traffic counts, parking conflicts, and pedestrian and bicyclist safety. He reviewed the options, which included varying forms of bike lanes, parking, widened sidewalks, and landscaping. Option one was the overall winner of the survey. Voting on renaming of New Bingham Highway in front of the high school was most in favor of Copper Hills Parkway.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission approve the New Bingham Highway Connector Study.

There was a discussion regarding how the daily average trips and service levels were calculated. The full report looks at individual intersection level service.

Matt Quinney was opposed to any parking on New Bingham Highway. He suggested charging students to park on Grizzly Way, which would either reduce the number of students driving to school or encourage carpooling. He didn't think we should encourage more parking on the road.

Thomas McMurtry said parking on Grizzly Way on the east side is very unsafe because students have to cross the road. He spoke to students about their driving habits and there could be ways to incentivize. If we have the safe walking and biking infrastructure, we will see some behavioral change.

Bob Bedont liked segregated bike lanes generally, but he asked what we do with the snow.

Thomas McMurtry said they would need to be cleared with special machines.

**MOTION: Matt Quinney moved, based upon the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the New Bingham Highway Connector Study. The motion was seconded by Corbin England and passed 6-0 in favor. Nichole Luthi was absent.**

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**3. SVWRF Communications Tower; 7495 South 1300 West; Conditional Use Permit for a Communications Tower; P-F Zone; SVWRF/Taigon Worthen (applicant) [#19740; parcel 21-26-327-001]**

Jared Oldroyd, JWO Engineering, said the application is for a communications tower to be located next to a building that has an existing roof-mounted antenna. This tower would enable better communication with their metering stations and employees. The tower is below the airport's required lighting height.

Mark Forsythe said the proposed tower is in the P-F zone on a 58-acre parcel owned by the Water Reclamation Facility. Uses to the east are the Trax line and regional power transmission lines. To the west is the North Jordan canal and a residential subdivision. To the north and south is more vacant land owned by South Valley Water Reclamation for future use. The tower is 400 feet away from the closest residential structure, which is about three times the required distance for cell towers and similar structures. He clarified that most of the cell towers in the city are governed by the Low Power Communications section of the code, which prohibits lattice towers. However, Title 13 Chapter 15 addresses public facilities and allows communication towers as a conditional use and does not have the stricter standards in the other section of the code. The tower is proposed to be 70 feet in height. Most cell towers are between 80-100 feet in height.

Staff recommended that the Planning Commission approve the Conditional Use Permit for the SVWRF Communications Tower, located at 7495 South 1300 West in a P-F zone, with the conditions of approval listed below:

1. The communications tower shall be substantially consistent with the submitted application, letter of intent and site plan.
2. The communications tower shall be solely owned and operated by the South Valley Water Reclamation Facility. Telecommunication antenna or equipment collocations that are not for

- the sole purposes of South Valley Water Reclamation Facility shall not be permitted.
3. The total height of the communications tower shall not exceed 70 feet. Any increase in height must be reviewed through another Conditional Use Permit.
  4. The communications tower shall comply with all Federal Communications Commission and Federal Aviation Administration requirements.
  5. A Building Permit for the tower construction shall be obtained, as required by the West Jordan Building & Safety Department.
  6. The Conditional Use Permit shall be valid for a period no longer than 12 months, unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, unless a longer time is requested and granted by the Planning Commission.

Kelvin Green clarified that condition #6 meant construction has to begin within twelve months of the conditional use approval or else it isn't valid.

Larry Gardner showed a drawing of the tower in relation to the building height. The tower will project 30 feet above that, which is much shorter than the 170-foot tall transmission lines by the Jordan River.

Matt Quinney pointed out a five-foot tall space that appeared to be in addition to the 70 feet.

Jared Oldroyd said the tower needs to be on a structural base that would be five feet tall at a worst-case scenario. The tower is 70 feet in height, but overall with the base it could be up to 75 feet.

Matt Quinney opened the public hearing.

Becky Smith, West Jordan resident on Fox Den Drive, understood that the tower will be built, but her biggest concern was with the construction period and hours of construction. This past summer the facility had maintenance and the outside noise levels were unbearable. She fears that the residents will lose another year of being able to go outside. Trucks using the access road are very loud. She recommended that a condition of approval stating construction can only occur between 9 a.m. and 5 p.m. Monday through Friday be added in order to meet criteria #2 regarding the health and general welfare of the persons in the neighborhood. That way they can enjoy their yards on the weekends.

Michelle Foote, West Jordan resident, agreed with the comments from Becky Smith. She lives about three blocks away from the facility and they could hear the maintenance noise this year. She wasn't opposed to the tower, although she wasn't happy about it and it will be an eyesore. However, with conditions of mitigation she hoped that the noise level will not be at the same level and inconvenience it was this summer.

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

Jared Oldroyd said this is a fairly minor project and he didn't think the facility would have any issues with including the proposed construction hours. The construction period will be short, and it will be blocked by building. It is a much different type of construction than the maintenance that occurred over the summer. Once the equipment arrives and the base is in, the tower will go up in a matter of weeks.

Duncan Murray said hour limitations are sometimes included with a conditional use permit. The proposed hours are a little more stringent than is typical, but if the applicant is agreeable to them it would be appropriate.

**MOTION:** Kelvin Green moved to amend the conditions of approval, changing #3 from 70 to 75 feet, changing #6 the word ‘permit’ to ‘approval’ for consistency with the law, and adding #7 The hours of construction will be from 9 a.m. to 5 p.m. Monday through Friday for this communications tower. The motion was seconded by Corbin England and passed 6-0 in favor. Nichole Luthi was absent.

**MOTION:** Kelvin Green moved, based on the information and findings set forth in the staff report and upon the evidence, explanation, and amendments, to approve the Conditional Use Permit for the SVWRF Communications Tower; 7495 South 1300 West; SVWRF/Taigon Worthen (applicant) with the conditions 1 through 7 as amended. The motion was seconded by Jay Thomas and passed 6-0 in favor. Nichole Luthi was absent.

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**4. Station at Gardner Mill Executive Suites; 1286 West 7800 South; Conditional Use Permit for Hotel; P-C (TSOD) Zone; The Station at Gardner Mill LLC/Joe Colosimo (applicant) [#19798; parcel 21-26-351-026, 023]**

Joe Colosimo, applicant, gave an update on their construction schedule and hoped to be completed in 6-8 months. Through the course of construction, they have advertised the bottom floors of buildings 1 and 2 to commercial tenants. Bad Ass Coffee Company is taking the south end of building #2 for their franchise training store. A waxing studio has the space north of that. El Mexiquense fast service restaurant will take the south space in building #1. They received pushback from potential tenants that the deeper areas don’t have visibility from 7800 South, and the lack of parking. During this same timeframe they’ve had inquiries about nightly rentals or executive suites for people who just need a short stay while they transition in moving, or people who want to cook their own meals, or who have business stays. The proposal is to turn the balance of the bottom floors into nightly rental executive suites/boutique hotel. There are ten extra parking spaces in the garage that eight units in building #1 could use. He pointed out potential parking locations for the nightly rentals in building two. He believes there is more parking to accommodate the proposed use rather than for 30,000 square feet of commercial space. Rentals for these units would be a minimum of 24 hours and up to a week or for the period that is needed.

Mark Forsythe said the property is in the P-C (TSOD) zone and the proposal of a hotel use combined with restaurants and a waxing studio would provide a good mix of uses and will fit in the area. He reviewed the current and future uses of the surrounding properties. The original development plan called for the ground floor space to be reserved as a commercial use, and a hotel won’t change that. Hotels wouldn’t create any more noise, dust, or odors to impact the surrounding uses. There will be few or no exterior changes to the building. The applicant will need to meet building code requirements for any interior remodeling. Parking for an 18-unit hotel is adequate and traffic should be minimal. The Trax station to the south should help to alleviate any of those concerns.

Staff recommended that the Planning Commission approve the Conditional Use Permit for the Station at Gardner Mill Executive Suites, located at 1286 West 7800 South in a P-C zone/TSOD Overlay District, with the conditions of approval listed below:

1. The business activities shall be substantially consistent with the submitted application, letter of intent and site plan.
2. None of the hotel units will be converted to residential apartment or condominium units, unless an Amended Development Plan is approved through the West Jordan Planning Commission and the West Jordan City Council.
3. Off-street parking shall be provided and delineated according to the requirements of the Transit Station Overlay District.
4. Each hotel booking shall be for a minimum of 24 hours in duration.
5. The suites shall have a manned reception desk.
6. Obtain a Building Permit for interior construction work, as required by the West Jordan Building & Safety Department.
7. A permit shall be obtained for any new exterior signage.
8. The business shall adhere to all sign requirements, as set forth in Section 13-17 and Title 12 of the West Jordan Municipal Code.

Joe Colosimo said the three commercial areas will use about 6,000 square feet. There will be a fitness room for hotel users only and a mail room for the entire project takes one corner of one building. That will leave around 24,000 square feet for 18 hotel units. Hotel users will also have access to the pool.

Matt Quinney asked staff if the proposed commercial units could be converted into additional hotel rooms in the future if the businesses aren't successful.

Mark Forsythe said that would be an expansion of the conditional use and it would require an amended approval.

Jay Thomas asked for clarification on the difference in separation from hotel units to apartments.

Joe Colosimo said the top level of the commercial space has a 6-inch thick concrete pad. There is a separate access for the hotel space in the front of building 1. There is an access on the west side of building #2 that is somewhat combined with the apartments, because the elevator location. However, the door will be set back with a separate key fob so the renters and the hotel patrons will get into their own spaces.

Bob Bedont was concerned with 'usage creep'. He asked if the terms, 'apartments, executive suites, and hotel' all mean the same thing, because he was concerned that the 'short stay' could be something longer.

Joe Colosimo said those are all the same use in his mind.

It was pointed out that a condition of approval could be added to limit the number of hotel units to 18.

Matt Quinney opened the public hearing.

Becky Smith said the applicant just said that apartments, hotels, and extended-stay are synonymous. To the neighbors they are not synonymous. The project was required to be mixed-use, and the commercial area was supposed to be that component. She asked how they will monitor the length of stay. She asked if the executive suites had been purchased or if the developer is doing it himself. If they aren't successful, will the applicant want to convert them to apartments. This is a safety issue for their neighborhood and for the current and future residents of the apartments. Extended-stay units are known as high crime areas. They should consider if they want this use next to Gardner Village. They need to look back at the many years of planning and compromise that went into the development agreement that is being side-stepped.

Scott Langford clarified that the City does not consider hotels and apartments as synonymous. There is a clear distinction between the two and that is why they are holding this hearing tonight.

Michelle Foote said she spent several years going to every council meeting, and she was on a committee of citizens that worked toward negotiations for this project. They were promised commercial, defined as boutiques, shops, places to eat, places you can take your family and hang out. We do not hang out in extended stays. The residents were finally happy with the plans, and now the developer is changing it to get what they wanted in the first place – more apartments. She said they can't vet tenants at a hotel. She disputed criteria #1, because it is not consistent with the original intent and plan proposed to City Council. Criteria #2 said this will not be detrimental to the health, safety, or general welfare of the persons residing in the neighborhood. Extended-stays are not a safe environment, and tenants will be right above them. She was very frustrated that this is being discussed. She wondered how long it will be before they ask to turn the hotel rooms into apartments.

JayLynn Thomas said this particular use was not the intent for this planned community. The plan came from collaboration with the City, the residents, and this developer. It was supposed to have small retail shops with everyday shopping and services for the residents. Extended-stay units can be a haven for crime. Just because they say they are high end or used by professionals or families does not equate to safety or no criminal activity. She read from Utah Attorney General's Office training from 2018 that said sex offenders are more likely to have a higher degree of formal education and to be managers or professionals. She wanted to know what type of added security will be in place for the apartment's residents. Background checks are required for long-term renters and should be required for short-term renters as well. She is a volunteer crime victim advocate and has seen overdose victim deaths that occurred at an extended-stay. She asked if the Commissioners would like to have this kind of use below their residence where their children are living. Professionals can be criminals too.

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

Joe Colosimo apologized for his earlier statement. He thought that the question was what the differences were between hotels and extended stays/executive suites, which he felt were synonymous; not apartments. Apartments will be leased for 12 months, they have their own water and gas meters. The hotel units will be furnished, and they won't pay water and sewer and will be rented for short periods of time. Each building is secured with its own key lock, and hotel users won't have the same key fob to get into the apartments.

Trish Hatch asked about hotel management.

Joe Colosimo said a management company runs the apartments and they have an arm of their company that manages this type of use also, so they will probably do both.

Trish Hatch asked if there is an eviction process for the apartments and the hotel if a tenant is not compliant.

Joe Colosimo said there is.

Matt Quinney asked what type of effort was made to find professional office users for this space since commercial might not be viable that far off of 7800 South.

Joe Colosimo said they hired an agent to market the property, had flyers, and signs on the building, etc. They were asking for all types of tenants, including office users.

Kelvin Green understood the residents' concerns and said he worked on the citizen committee for this project. He offered suggestions for the conditions of approval. On #4 he would like to have a cap of 30 days for a reservation to keep it in line with State Tax code. He would like condition #5 to state that the manned reception desk is 24-hours a day. Condition #9 should be added that they comply with all statutes, ordinances, regulations, including Salt Lake County Health regulation #4 for public lodging and calls out regular housekeeping service. Adding condition #10 that they are limited to 18 units and any more than that would require a new approval. He has stayed in some high-end executive suites that have full kitchens. He mentioned to the developer that they may need to rework the design a bit, because they may be required to have water storage on site, etc. and they can work that out through Salt Lake County.

Matt Quinney asked if the reservation can be renewed after the initial 30 days.

Kelvin Green said temporary lodging is addressed under Utah statute. The City gets extra sales tax if the reservation is for 30 days or less. It probably allows for check out after 30 days and then checking back in.

Trish Hatch said she has stayed in extended stay hotels while relocating, and she has never had an issue. West Jordan's climate is such that she hoped that there would be some process that can be followed to maintain and contain who will be staying in those units.

Duncan Murray wanted to put on the record some of the applicable laws. Generally, Utah Code Section 10-9a-104 says that a city may establish standards and impose requirements which are not prohibited by state law. None of these conditions appear to be prohibited by state law, and the proposal is using state law as a standard. Section 10-9a-509 says an applicant is entitled to action on an application, and it can't be denied if it meets all criteria of the ordinance, and it doesn't appear that anything during the public hearing was a basis for denial. Section 10-9a-507 says you can reasonably mitigate any anticipated detrimental effects, and that has been analyzed. In his opinion, the proposed changes are appropriate.

Matt Quinney agreed with the residents that this change is a complete bait-and-switch; however, it is permitted. He said they are on right track to get the best product by adding the conditions.

**MOTION:** Kelvin Green moved, based on the information, findings, and public hearing tonight, to approve the Conditional Use Permit for Hotel use for the Station at Gardner Mill Executive Suites; 1286 West 7800 South; The Station at Gardner Mill LLC/Joe Colosimo (applicant) with the conditions 1 through 8 as listed, amending:

4. Each hotel booking shall be for a minimum of 24 hours in duration and a maximum of 30 days to maintain temporary lodging status.

5. The suites shall have a 24-hour a day manned reception desk.

**Adding:**

9. The operator will comply with all statutes, ordinances, and regulations including Salt Lake County Health Regulation #4 regarding public lodging.

10. Limited to 18 units.

The motion was seconded by Corbin England.

Trish Hatch asked what the thinking was for a 24-hour manned reception desk.

Kelvin Green said it is standard operation for a hotel, and city staff had considered that.

**VOTE:** The motion passed 6-0 in favor. Nichole Luthi was absent.

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5. Discussion - Text Amendment – Title 12 (Signs), 13 (Zoning), 14 (Subdivisions), 15 (Permit Processing); Change of Government Provisions; City-wide applicability; City of West Jordan (applicant)

Duncan Murray reviewed the proposed changes. All sections have capitalization and cosmetic changes to standardize the code.

Title 15 – Permit Processing

Types of reviews are changing because the Board of Adjustment will be the appeal authority for everything other than fees. An appeal within the executive branch of the government can't transfer to the legislative branch. Some changes reflect the change in final development plan procedures. Duties of each review body were reviewed.

Kelvin Green asked if references to the city planner and/or zoning administrator should be consistently called the same thing since they are the same position.

Larry Gardner said some communities have two people for the two positions and others have one person in both positions, like West Jordan does. The workload in West Jordan currently doesn't have a need for separate positions, but it could be examined in the future.

Appeals were reviewed. Board of building appeals of a decision by the building official are provided in Title 10 and are set by State code. The process of conditional use permit revocation was discussed. Section 13-7E-10 says that the development services director can revoke a conditional use permit after review and recommendation by the planning commission. That decision can then be appealed to the board of adjustment. A reference to that section will be included.

Title 12 - Signs

Cosmetic changes and change of government titles.

Title 14 - Subdivisions

Cosmetic changes. Change of title from clerk to recorder. City Council is removed from actions that will now be administrative.

Title 13 – Zoning Regulations

Most of the title changes are from city manager to city administrator. Definitions are updated. Updated information for the code enforcement department. Mostly cosmetic changes.

Kelvin Green referred to a case regarding appeal to district court and asked that we make sure that process is accurate in our code.

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There was a discussion regarding if we can require additional lighting for safety in a completed development. Staff would research the ordinance, but there aren't minimum lumens in parking lots. If the area is in the public right-of-way then the city would have more control than if it is private property. Larry Gardner said he would look at the specific location they were discussing.

**MOTION: Corbin England moved to adjourn.**

The meeting adjourned at 8:08 p.m.

MATT QUINNEY  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Services Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019