

MINUTES OF THE REGULAR MEETING (ELECTRONIC) OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD REMOTELY ON AUGUST 18, 2020

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

STAFF: Larry Gardner, Nathan Nelson, Duncan Murray, Tim Heyrend, Julie Davis, Lisa Elgin, Paul Brockbank, Scott Langford, Bill Baranowski

OTHERS: Mayor Burton, Don Godfrey, Harold Shaw, Heather, Ted Kearn, Geoff Fishel, Dan Slaughter, Susan C, Shane Sanders, Patty Meranda, Sam Allen, Gould Architects, Randy Braegger, Jacob, Andrea Bai, Jack Buttars, Mark Atencio, Matthew Clewett, Gregg Grant, Spencer Riehl

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

Matt Quinney read the statement regarding Utah Code 52-4-207(4).

Tangee Sloan administered the Oath of Office for Pamela Bloom, new Planning Commissioner, and she was welcomed by Mayor Burton.

1. Approve Minutes from August 4, 2020

MOTION: Jay Thomas moved to approve the minutes from August 4, 2020. The motion was seconded by Trish Hatch and passed 7-0 in favor.

2. B & D Glass; 7668 South Airport Road; Preliminary Site Plan; C-M Zone; 4205LLC/Don Godfrey (applicant) [#21766; parcel 21-30-376-005]

Don Godfrey, applicant, said they have been in West Jordan for 22 years at a location on Nike Drive, and they are expanding with a new 36,000 square-foot building. They do light manufacturing and fabrication work for office buildings, schools, etc. and installation at the job site. All glass is made off-site. Their company will occupy the entire building.

Lisa Elgin gave an overview of the location and surrounding uses. The C-M (heavy commercial) zoning district is a good fit for this business and the area, and the proposal meets all requirements of the code.

Staff recommended that the Planning Commission approve the preliminary site plan for B&D Glass located at 7668 South Airport Road with the conditions of approval listed below:

1. Per section 15-5-3: Appeals to the board of adjustment may be taken by any person aggrieved by any administrative decision or action of city staff or the planning commission on matters pertaining to the interpretation and application of title 12, 13, 14, or 15 of this code. The appeal shall be filed within thirty (30) days following the decision at issue. The person filing the appeal shall file written notice with the zoning administrator and with the board of adjustment specifying the reasons for the appeal. The city staff associated with the issues of

the appeal shall, without delay, transmit to the board of adjustment all papers constituting the record upon which the action appealed from is taken.

2. The applicant shall execute an avigation easement through the Salt Lake City department of airports. This easement shall be recorded with the Salt Lake County recorder and a copy of the recorded easement shall be provided to the city prior to any final project approvals being granted.
3. The applicant shall continue to work with all reviewing departments to correct any redline comments until the reviewer is satisfied that the entire project complies with all applicable city codes.

Ammon Allen referred to the condition for an avigation easement and asked if there was already one on the property.

Lisa Elgin said she did not find one in the records, but they can either provide one or obtain one.

Matt Quinney opened the public comment.

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

Ammon Allen suggested that condition #2 could read that the applicant 'produce' the easement instead of requiring a new one.

Duncan Murray said as long as there is an option to either provide a copy of the existing avigation easement or produce a new one.

MOTION: Trish Hatch moved to approve the Preliminary Site Plan for B & D Glass; 7668 South Airport Road; 4205LLC/Don Godfrey (applicant) with the conditions of approval 1 through 3 as listed in the staff report, amending:

2. **The applicant shall provide an avigation easement through the Salt Lake City department of airports. This easement shall be recorded with the Salt Lake County recorder and a copy of the recorded easement shall be provided to the city prior to any final project approvals being granted.**

The motion was seconded by Corbin England and passed 7-0 in favor.

3. **University Federal Credit Union; 6822 South Center Park Drive; Conditional Use Permit for Building Height to Exceed 40 Feet and Preliminary Site Plan; P-O Zone; Sanders Associates Architects/M. Shane Sanders (applicant) [#21314, 20890; parcel 21-19-400-007]**

Shane Sanders, applicant, said University Federal Credit Union has grown and has the need for a corporate campus. The intent is for a four-building campus. Phase 1 is for the first building with parking to the south. Phase 2 would include a second building and parking to the north. The credit union's goal is to create an attractive campus at the forefront. Knowing that it is near residential uses, they didn't want it to be a big box, so there are multiple levels. They are requesting a height of 47 feet for the building because the parapet is at 46'9". Mountain American Credit Union received a similar approval for a 47-foot tall building in this same area. The stair towers will be at 55'6". At the initial submittal, there was a bus stop on the site plan, but UTA said they are not able to facilitate one at that

location so they would like to remove it. UFCU has spoken to MACU about sharing the cost of a bus stop at the south end of the property once UTA has the ability to facilitate a route in that location. They would also like to request a more cost-effective fencing material than brick or concrete adjacent to the airport. At 1300 feet in length, it would cost \$200,000. He did not have a suggested material at this time. He asked if the purpose of the fence is for a visual or sound barrier.

Larry Gardner said the code specifies the wall is between differing uses or zonings. The Planning Commission has the ability approve a masonry, decorative concrete, opaque fence of other durable materials, or a satisfactory landscape buffer and open space. Mr. Gardner thought that the landscape buffer would be more aesthetically pleasing next to the open space of the airport.

Matt Quinney asked about wrought iron fencing with trees, which would provide an obvious separation between land uses.

Kent Shelton said he would be in favor of a landscape buffer.

Shane Sanders said a 15-foot landscaping buffer is on the current plan. He thought that wrought iron would be less expensive than masonry.

Lisa Elgin said there may be some issues with sewer capacity for this site in the future, so the applicant needs to continue working with the engineering department. If the Commission chooses to approve the project, she asked that the motion be amended to state that it is for preliminary approval of Phase 1.

Staff recommended that the Planning Commission approve the conditional use permit and preliminary site plan for University Federal Credit Union located at 6822 South Center Park Drive with the conditions of approval listed below:

1. Per section 15-5-3: Appeal may be made to the board of adjustment from any decision, determination or requirement of the planning commission or board of adjustment by filing a written notice of appeal, and payment of a fee as established by resolution of the city council, with the city clerk/recorder within fifteen (15) days from the date such decision, determination or requirement was made. Such notice shall set forth in detail the action and grounds upon which the owner/developer, or other interested persons, deems themselves aggrieved.
2. The applicant shall execute an avigation easement through the Salt Lake City department of airports. This easement shall be recorded with the Salt Lake County recorder and a copy of the recorded easement shall be provided to the city prior to any final project approvals being granted.
3. The applicant shall continue to work with the Engineering Department to resolve any sewer capacity issues until the City Engineer is satisfied that the entire project is serviceable.
4. The applicant shall provide fencing and screening per the Municipal Code §13-14-3E.

Kent Shelton asked if allowing a change in fencing type would set a precedent for future developments.

Larry Gardner said the code allows the planning commission to review the requirement on a case-by-case basis. If the planning commission finds that the substitution is not appropriate in the next case then that is their decision.

Corbin England said that this is a unique development next to the airport and it does not border residential uses. He felt that they could find a solution that satisfies everyone.

Duncan Murray pointed out the condition of approval regarding the avigation easement that was changed in the prior item on the agenda. He suggested that the wording change to 'provide'.

Ammon Allen remembered the discussion on sewer capacity at a recent hearing and was glad that is in the conditions of approval. He asked if a traffic impact study was conducted and if there were suggestions particularly for signal timing and cross traffic with Campus View and Center Park Drive.

Bill Baranowski said a traffic impact study was not required for the project. There were some requests for a special crosswalk between the two access driveways with RRFB flashers that will allow pedestrian access from the east. The Active Transportation Plan shows a five-mile circuit around the airport with a bike trail, which will be built on the frontage as part of Phase 1. Traffic impacts have not been studied since the area is mostly built out, but they can do that phase by phase at full build out.

Shane Sanders said they did provide a traffic impact study as required at the pre-application meeting.

Ammon Allen clarified, and Bill Baranowski concurred that since there is a study, staff will see how the existing traffic signals can be adjusted based on the recommendations.

Kent Shelton asked about future road expansion.

Bill Baranowski said this location is already very wide and protected bike lanes are being added on both sides.

Shane Sanders said the initial plan for phasing is to add a building every two years. When the second one is built, they will also include the parking lot to the north.

Matt Quinney opened the public hearing.

Dan Slaughter, Mountain America Credit Union, said the main outcome of the traffic study long-term at 6200 South is to increase the length of the turn lane and a turnabout at Campus View Drive and Center Park Drive. The crosswalk was associated with the proposed bus stop, but since UTA does not have the capacity for a bus route, they have opted to decline at this time.

Sam Allen, West Jordan resident, asked if the future buildings will be in the same area as Phase 1. Since the airport is a military installation, the fencing around the airport is also for safety.

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

Shane Sanders said that Phase 2 would be the second building, and if they need more then that will be in Phases 3 and 4. The initial goal is a building every two years. All of the buildings are located in the center of the property and a landscaped center courtyard will be in the middle.

Matt Quinney asked staff if the fencing type should be left up to the applicant.

Larry Gardner said that the airport has a chain-link fence and that cannot be removed. The hotel south of this property was only required to have an increased landscape buffer in conjunction with the existing chain-link.

Corbin England thought that all of the questions had been addressed. He did not have an issue with the requested building height, because other buildings in the area are similar. He thought that it is a beautiful building.

It was clarified that the Commission had decided that the increased landscape buffer could be provided instead of requiring another fence adjacent to the existing one.

Trish Hatch asked how 55 feet of height for the stair towers would affect the people living to the east.

Larry Gardner said when they look at the scale of the property and the distance then it does not affect the view. This building is shorter than My Space hotel, which is 65 feet tall.

The wording of condition 4 should eliminate the word 'fencing' and add 'as approved by the zoning administrator'. Rather than specifying 47 feet, the approval is to exceed 40 feet, that way if a situation arises that slightly increases the height then they do not have to get new approvals.

MOTION: Ammon Allen moved to approve the Conditional Use Permit and the Preliminary Site Plan for Phase 1 of University Federal Credit Union; 6822 South Center Park Drive; Sanders Associates Architects/M. Shane Sanders (applicant) subject to conditions 1 through 4, amending:

- 2. The applicant shall provide an avigation easement through the Salt Lake City department of airports. This easement shall be recorded with the Salt Lake County recorder and a copy of the recorded easement shall be provided to the city prior to any final project approvals being granted.**
- 4. The applicant shall provide screening per the Municipal Code §13-14-3E, as approved by the zoning administrator.**

The motion was seconded by Kent Shelton and passed 7-0 in favor.

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- 4. West Jordan Water Communications Tower - Sycamores; approximately 7400 West 7900 South; Conditional Use Permit for 100-foot Communications Tower; P-C Zone; City of West Jordan Public Works/Travis Martin (applicant) [#21860; parcel 20-34-101-008]**

[This item was pulled from the agenda]

5. West Jordan Water Communications Tower – Veteran’s Park; approximately 8025 South 2200 West; Conditional Use Permit for 100-foot Communications Tower; P-F Zone; City of West Jordan Public Works/Travis Martin (applicant) [#21861; parcel 21-34-101-028]

Tim Heyrend said the request is for a very simple 100-foot monopole tower. The attachment is 2-inches in diameter and is hardly noticeable. The radio read towers allow the individual meter antennas to send data to the network making it much easier to process data, billings, and track water use. They only need three throughout the entire city.

Staff recommended that the Planning Commission approve the Conditional Use Permit for the West Jordan Water Communications Tower – Veteran’s Park, located at 8025 South 2200 West in a P-F zone, with the Conditions of Approval listed below:

1. The communications tower shall be consistent with the submitted application, letter of intent and site plan.
2. The communications tower shall be solely owned and operated by the West Jordan City. Telecommunication antenna or equipment collocations that are not for the sole purposes of West Jordan City shall not be permitted.
3. The total height of the communications tower shall not exceed 101 feet.
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.

Ammon Allen said he loved the information that will be available to the residents with this technology such as high water usage alarms and real time water usage. He asked how deep the footings for the tower are.

Tim Heyrend said it will depend on the geotechnical report, but they are typically a 10-20 foot burial.

There was a discussion on why the conditions disallow collocation, which could be a source of revenue. There is not a technical reason, but the city likes to keep city facilities for our use only. If repairs or changes are needed then it might be difficult to work around other equipment. The condition could be removed and left up to the policy makers in the future.

Matt Quinney opened the public hearing

Randy Braegger, West Jordan resident, said he has lived in the area for ten years and was impressed that the properties around the park are very open and inviting. He thought that a 100-foot tower with potential cell tower collocation could be an obstruction. He asked if there were another location less open, that is more suited in design for with less concern for visibility purposes.

Gregg Grant, West Jordan resident, asked what kinds of frequencies and communication waves are used and if there are studies regarding long-term health effects to people in close proximity.

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

Tim Heyrend said a siting study was conducted. The towers have to be within certain parameters otherwise even more could be needed, and they are limited to city-owned property. No matter where they go, they will be near someone. He thought that this is a perfect location. The pole is very slim, unlike a cell tower that has large antenna, and is almost like a tall flagpole. It will not obstruct views of or interfere with things that people are used to looking at. The radio frequency is 450 to 500 megahertz, which is a very safe range. These frequencies are similar to what the fire and police departments use for their radios. Manufacturer documentation states that there are no health hazards, so staff is confident with the safety of the broadcast signal.

Larry Gardner said at the foundation is seven inches wide in the foundation and tapers from there. With everything else in the park it will be hard to pick this out.

Ammon Allen appreciated staff's discussion and review and the public input. It is a difficult thing to balance all of the criteria for siting. There are three sites that the city owns, and if they change one location then they may have to add more towers. It is impossible for everyone to be happy always, but staff is trying to make it beneficial with the least amount of detriment.

Clarification regarding condition #3 was given that the height is only the exposed portion. The commission could choose to exclude the lightning rod from the total height requirement in order to give some leeway.

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 the West Jordan Water Communications Tower – Veteran's Park, located at 8025 South 2200 West in a P-F zone, with the conditions of approval 1 through 6 as listed in the staff report, amending:

- 2. The communications tower shall be solely owned and operated by the City of West Jordan.**
- 3. The total height of the communications tower shall not exceed 101 feet, excluding the lightning rod.**

The motion was seconded by Jay Thomas and passed 7-0 in favor.

- 6. West Jordan Water Communications Tower – New Bingham; approximately 6701 West New Bingham Highway; P-F Zone; Conditional Use Permit for a 100-foot Communications Tower; City of West Jordan Public Works/Travis Martin (applicant) [#21862; parcel 26-10-201-002]**

Tim Heyrend gave an overview of the location for the proposed tower, which is near a power pedestal. The specifications are similar to those discussed during the previous item located in Veteran's Memorial Park.

Staff recommended that the Planning Commission approve the Conditional Use Permit for the West Jordan Water Communications Tower – New Bingham, located at 6701 West New Bingham Highway in a P-F zone, with the conditions of approval listed below:

1. The communications tower shall be consistent with the submitted application, letter of intent and site plan.
2. The communications tower shall be solely owned and operated by the West Jordan City. Telecommunication antenna or equipment collocations that are not for the sole purposes of West Jordan City shall not be permitted.
3. The total height of the communications tower shall not exceed 101 feet.
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.

Matt Quinney opened the public hearing.

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

MOTION: Jay Thomas 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 the West Jordan Water Communications Tower – New Bingham, located at 6701 West New Bingham Highway in a P-F zone, with the conditions of approval 1 through 6 as listed in the staff report, amending:

2. The communications tower shall be solely owned and operated by the City of West Jordan.
3. The total height of the communications tower shall not exceed 101 feet, excluding the lightning rod.

The motion was seconded by Trish Hatch and passed 7-0 in favor.

7. West Jordan Well #8 Pump Building; 6183 West 8600 South; Conditional Use Permit; P-F Zone; West Jordan Public Works/Tim Heyrend (applicant) [#21772; parcel 2602126001]

Tim Heyrend said this application is for a building in the center of the site located at the northwest corner of Ron Wood Park. A 7-foot tall wrought iron fence around the site will be installed for security reasons, as this is a future well site. The site has open landscaping with trees and dual color rock with low growing plants. The water department will check the site two to three times per day to make sure the pump is operating correctly, but there generally will not be a lot of traffic. A crane will set the initial well pump and pipe. The site has an emergency backup generator, which is located on the east side and enclosed in brick walls, except that the south side is open for access. To reduce noise, there

are no openings on the west side of the well house, noise controls are incorporated into the doors, and the brick structure will significantly cut down on any noise.

Staff recommended that the Planning Commission approve the Conditional Use Permit for the West Jordan Well #8 Pump Building; 6183 West 8600 South; in a P-F zone, with the conditions of approval listed below:

1. The well house shall meet all applicable zoning, building, engineering and fire requirements.
2. All changes to the site shall be consistent with the Conditional Use application.
3. The well house will operate continuously within the noise level established by the Salt Lake County Health Department.
4. The decision of the Planning Commission shall be final and effective fifteen (15) days from the date of the decision, unless an appeal is filed pursuant to section 15.5.2 and subsection 15.5.5B of this code (West Jordan City Code, section 13.7E.7B).

Ammon Allen asked if the fence height of seven feet should be listed as a condition. The plans only show six feet.

Tim Heyrend described the fuel tanks, which are aboveground.

Matt Quinney opened the public hearing.

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

MOTION: Corbin England 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 the West Jordan Well #8 Pump Building; 6183 West 8600 South; City of West Jordan (applicant) with the conditions of approval 1 through 4 as listed in the staff report, adding:

5. A 7-foot tall wrought iron fence is allowed.

The motion was seconded by Trish Hatch and passed 7-0 in favor.

8. Text Amendment – Accessory Dwelling Units; Amend the 2009 City Code adding Accessory Dwelling Units to all Residential Zones; city-wide applicability; City of West Jordan (applicant) [#19432]

Larry Gardner said accessory dwelling units (ADU's) have become a hot topic in the community as an alternative source of potentially affordable housing. This text amendment was first proposed for only the P-C zone and as part of the fabric of a new development. It is currently legal to have other relatives live in your home, but this amendment would allow for an additional rental unit for all R-1, RR, WSPA, and P-C zones. He felt that is a sharp departure from R-1 zoning. There are no proximity requirements and it makes R-1 zones into duplex zones. He wants to be sure that is really what the planning commission and city council want. Parking is usually an issue, but that can be addressed, and they could make it a conditional use. He suggested that the planning commission recommend that additional public outreach occur before adoption of an ordinance. He is not sure what the public outreach will look like with our current situation. We should try to hear all opinions before adoption.

Most people who purchase in a single-family zone expect it to remain that way, so it would be good to let the public know that this is being considered.

Trish Hatch agreed that it needs to be addressed, but it is a bit premature. Parking especially becomes an issue. She doesn't want single-family areas to turn into duplex neighborhoods.

Jay Thomas agreed. He noted that when the city council discussed this topic many of the people who commented were not from West Jordan. We need more outreach from West Jordan residents.

Ammon Allen agreed with all of the comments. People usually advocate for change but those in opposition don't recognize the need to defend until they are made aware of it afterward. The city needs to make it known that change may come so that those people can speak up at the beginning. He asked if there is an expectation of what the outreach will look like and the information that it will provide.

Larry Gardner was not sure. West Jordan's Communications Specialist would probably be involved in the process. Open houses have been used in the past, but it is not advisable during the Covid-19 situation. He hoped that the outreach would provide more than a snapshot of what the community thinks. There are mixed opinions on the topic.

Kent Shelton asked if it would be worthwhile to see how Salt Lake City and South Jordan did their outreach.

Pamela Bloom said that some of the neighborhood homeowners' associations prohibit them, so that would take away the option in some of the newer developments.

Larry Gardner said that in some of the newer developments it would be built into a limited percentage of the lots and specified which lots are allowed to have them.

Trish Hatch said ADU's are the future of affordable housing for all communities. How we package and present this to the city and residents is key. We need to find a way to create a space for our families to stay in our neighborhoods.

Ammon Allen asked how Salt Lake City's program was received and eventually affected the code.

Larry Gardner said they first restricted it to certain zones and then after more public outreach it is now allowed in many of the residential zones. It was more of a progression. We might want to do one area at a time to see how it is received and if other areas want that opportunity.

Matt Quinney opened the public hearing.

Harold Shaw, West Jordan resident, said under the current provisions other family members can occupy, and he built his house with that provision for a basement apartment. He would like to be able to use the upper floor for medical professionals to provide for care. Under the present provision they can't do that. The current code also does not allow for church missionary housing. He wants more leeway in how they use the spaces according to their needs as long as it is not a commercial endeavor alone. There are many people with basement apartments for commercial reasons, but there is no enforcement when discovered. He wanted to know how to change that.

Matthew Clewett, Public Policy Director for Salt Lake Board of Realtors, thanked the city for continuing to considering this important issue. There is a severe housing inventory and housing affordability crisis. That problem will just continue as Utah has more individuals coming to the state or individuals growing up and wanting to stay in the state. ADU's can be an excellent option for communities to address the affordable housing issues and a great way for young professionals, current residents, retirees with fixed income, etc. Going forward, he asked West Jordan to continue to look into ADU's as a possible option. He offered the help of his team to anyone working on the ordinance.

Andrea Bai, West Jordan resident, said she would love to build an accessory dwelling unit for her parents on her property where they could be close by, but she is not in the correct zone. They can't find an affordable house in Utah. She understood the need to get public input, but she did not want it to take too long. With covid, financial security is uncertain and housing prices are extreme. There are many older neighborhoods that have large backyards that could accommodate an ADU, so she asked that established neighborhoods be considered. She understood that her parents could live in her home, but she would like them to have a separate unit.

Spencer Riehl, West Jordan resident, said he lives in an apartment. There are a lot of people who want to live in West Jordan. It is unfortunate that people are able to rent here for a while but then are unable to put down roots due to unaffordable housing.

Patty Meranda, West Jordan resident, asked if zoning would be changed if the ADU's were allowed. Her concern is that neighborhood roads are not built for more than one family. Many people already have ADU's in her neighborhood, which overcrowds the streets with cars and creates safety hazards and blocks access for first responders. She asked what the plan would be for overseeing rentals. They have not received a lot of support in her area with this issue. Adding the option will only increase the problem. There is an ADU next to her with unsavory characters and the homeowner had a difficult time trying to evict them. This has impacted her quality of life and she thought that it would be unsafe to continue to live in West Jordan if this passes unless there is a lot of control that can be seen.

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

Matt Quinney said if we go forward with public outreach then there should be a timeframe because they have been kicking this can down the road for quite some time.

Trish Hatch said ADU's are the wave of the future, but it would be nice to hear from the neighboring communities to align with them and to learn from their mistakes.

MOTION: Trish Hatch moved to forward a recommendation to City Council that further public outreach be conducted for this application with a tentative deadline of February 2021. The motion was seconded by Corbin England and passed 7-0 in favor.

MOTION: Corbin England moved to adjourn.

The meeting adjourned at 7:47 p.m.

MATT QUINNEY
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development Department
Approved this _____ day of _____, 2020