

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD APRIL 4, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, David McKinney, Ellen Smith, Nola Duncan, and Nate Hendricks. David Beecher and James Dupaix were excused.

STAFF: Tom Burdett, Jeffrey Robinson, Greg Mikolash, Peter Simmons, Chien Hwang, Vicki Hauserman, and Reed Scharman.

OTHERS: Terry Krieger, Art Pasker, Vic Barnes, John Walsh, and Greg Rasmussen.

The briefing meeting was called to order by Justin Stoker.

The procedure for correcting minutes was discussed. Clarification was requested to Page 2 of the March 21, 2007, minutes to add 'overlay' to the statement from James Dupaix regarding 1" of asphalt.

Item #2 was discussed regarding the list of engineering comments.

The regular meeting was called to order at 6:06 p.m. by Justin Stoker. Tom Burdett introduced Jeff Robinson, newly hired Deputy City Attorney.

ITEM #1 CONSENT CALENDAR

A. APPROVE MINUTES FROM MARCH 7, 2007 AND MARCH 21, 2007

MOTION: Nola Duncan moved to approve the minutes of March 7 and March 21 with corrections as indicated in the pre-meeting. The motion was seconded by Ellen Smith and passed 5-0 in favor. David Beecher and James Dupaix were absent.

ITEM #2: 20-35-300-021 to -026 **THREE FORKS #3; 8600 SOUTH 6200 WEST; PRELIMINARY SUBDIVISION PLAT; R-1-10E ZONE; PETERSON DEVELOPMENT COMPANY, LLC (APPLICANT) [#SDMA20050023]**

Peter Simmons presented an overview of the request for preliminary plat approval consisting of 48 lots. All lots meet the ordinance requirements. As part of the Barney's Creek realignment they have received a Conditional Letter of Map Revision (CLOMR) with FEMA, and once the conditions of the realignment are met they will receive their LOMR and the 13 lots indicated will be taken out of the flood plain. If development occurs before the LOMR is received the ordinance for developing in a flood plain will have to be followed. The future Barney's Creek trail corridor is adjacent on the south side, which will be 100' minimum width. The final design will be provided with Phases 4 and 5. However, one thing that staff recommends is that either a wrought iron or split-rail fence as discussed in the General Plan trails specifications be placed on the north side with this development, which will be mimicked on the south side with Phases 4 and 5.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for Phase 3 of the Three Forks subdivision located at 8430 – 8630 South 6290 – 6400 West, with the conditions as set forth below. The Applicant should be advised that the Planning Commission approvals do not include Fire, Building and Safety or Engineering approval. Requirements by those departments must be met and site changes or additions may be required. Building permits will not be issued until all departments' requirements have been satisfied.

1. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance, and the requirements of the R-1-10E zoning districts.
2. Meet all Engineer Department requirements contained in the memorandum dated 12/13/2006.
3. The project will be required to install the necessary barricades at the southern terminus of 6160 South per the City of West Jordan standards until the bridge is constructed with the future phase to the south.

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4. The Applicant shall submit certified elevations of the flood plain to determine the lowest buildable floor elevations for Lots 316- 326 and Lot 340.
5. Lots 316 – 326 and Lot 340 are located in the 100-year flood plain and will be required to follow the City of West Jordan ordinances and all applicable rules and regulations for building in the flood plain until the LOMR is completed.
6. The Applicant shall install either a 6' wrought iron or split rail fence along Lots 313-326 and Lots 329-330 per the adopted trail specifications and cross sections within the Parks, Recreation & Trails Master Plan. The Planning Commission can make the determination of which fence shall be installed.
7. Staff will recommend that the Applicant install landscaping and irrigation for the trail access, which will be submitted with the Final Plat.
8. No building permits including grading and/or land disturbance permits, within the subdivision shall be issued until a final Mylar plat is recorded with the Salt Lake County Recorder's Office.
9. Submit a complete application, plans and fees for a final subdivision plat approval within one (1) year of the approval of the preliminary plat. The preliminary plat and any approvals expire within one (1) year of preliminary plat approval if the final plat fees, applications, and plans are not submitted to the City within that time.

Nola Duncan asked if there would be a connection of this trail to the Ron Wood Park.

Peter Simmons stated that the Master Trails Plan calls out a multi-use trail along Barney's Creek as well as one through the power corridor. When Phases 4 and 5 are built there will be a connection into the park area, most likely connecting to the sidewalk with way-finders to the park. It is a City goal to have an east/west connection of trails from the Jordan River Parkway trail to the Westside. He explained how this section of the trail would fit into the overall connection. He explained the different fencing types. An update of current construction of the overall Three Forks area was given.

David McKinney asked if a problem could be presented with future property owners if the fencing type isn't determined now, because they may install their own fencing. He felt that the decision should be made before the lots are sold.

Peter Simmons agreed and stated that is why staff would like it resolved at this time. However, the applicant would rather hold off the installation until the ultimate trail design is completed and installed with Phases 4 and 5. He said that as long as the condition that it be installed is there staff can work with the applicant on what will be provided, or the Planning Commission could require their preference of fencing type.

Vic Barnes, Peterson Development, 225 South 200 East, Salt Lake City, explained that Peterson Development will sell the lots in the subdivision, so they are not the homebuilder. He pointed out Barney's Creek and that the flow is outside of the subdivision, so no lots are in jeopardy. That change will be made on the plat once it is reviewed by FEMA. He asked that condition #4 be amended to indicate that the application for elevations be provided at the time of the building permit and that it is not specified as the applicant. The reason for that is that Peterson doesn't have a say as to when the lots are constructed upon, but it would be up to the builder. Barney's Creek and the other trails have been under review to see how they will be treated. Phases 1 and 2 do not have fences bordering Barney's Creek, and it is not a condition of subdivisions to put a fence along that dry wash. If they had a preference it would be the split-rail fence. They would like to leave the fencing option open at this time, because they may be requesting a rezoning on the other phases to be in the new density-based zoning.

Nate Hendricks explained that one of the purposes for the recommendation to have the fence determined now is for consistency along the trail. The applicant's request for condition #4 made sense to him.

Justin Stoker understood that the engineer needed to establish the base flood elevation of the creek so when the builder comes in they know the minimum elevation for construction of the home.

Peter Simmons said it was his experience that one of the things required on plats are the finished floor elevations, and they need to understand the base flood level so when the finished floors are put on the plat it meets the minimum requirement for 1 ½' above the flood plain elevation.

Justin Stoker said that this requirement is specifically referring to the engineer's determination of the base flood elevation rather than a certification of the finish floor.

David McKinney said if the developer is preparing the plat and the plat normally shows the elevations then it seems logical that the elevations would be determined as part of the plat process.

Vic Barnes said the certification form has a place to indicate the elevation of the home, but they don't have that information. They have already provided the flood elevations in the area, but it is the engineer's certificate that they want turned in with building permits, which had been done in Phase 1 and in the Stone Creek project.

Greg Mikolash referred to Section 89-4-600 in the Flood Plain Overlay. Information on the plat is a way for staff and purchasers of the property to know that they may have to meet additional criteria.

Vic Barnes said that if all they need is information provided on the plat they are fine with that. However, in his experience an engineer's stamped, certified letter that this is a flood plain and where the home is going to go has been required. Peterson Development doesn't know where the home is going, so they can't submit it.

Nate Hendricks asked if this had been handled differently on other projects.

Peter Simmons said it is part of the code and has been done in the past. The finish floor elevation has been shown on the plat for those lots that are in the hatched area.

Vic Barnes said that if it is only the information on the plat they will provide that, but they can't provide the separate certified engineer's page.

Justin Stoker gave amended language for condition #4 to clarify which party is providing specific information.

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

David McKinney felt that wrought iron fencing would be more appropriate given that the fence will be separating open land from individual property, and it would provide extra security.

Nate Hendricks didn't prefer the aesthetics of a wrought iron fence along a trail, but he understood the security issue. At any rate he felt that the decision should be made at this time so there is no question for the property owners.

Nola Duncan wondered about the fencing along the other portions of the trail as well and if that decision should be made city-wide.

Tom Burdett said similar fencing creates a more consistent feel as you travel the trail. There will be some variations from east to west, but hopefully not between subdivisions. He felt that they should have a discussion regarding the fencing, and they need to determine if they want that discussion before they make a decision on this approval.

Peter Simmons explained the policy for maintenance of the fencing that is installed by the developer and maintained by the property owner. He also stated that whatever is decided in this instance would go for the

length of all the trails. Phase 2 was approved before the trail specifications were in place and calls for a vinyl fence with masonry pillars, which may create a hodge-podge in this area. Three Forks Phase 3 is the first subdivision to come before them since approval of the trail specifications.

Justin Stoker felt that wrought iron is best for security, and he had seen some decorative styles. He asked for clarification on condition #7 that staff recommends that the applicant install landscaping, because it sounds very subjective.

Peter Simmons said that is a recommendation. There is a trail access that will be dedicated to the City, and they would like to see landscaping.

David McKinney asked if the wrought iron would have masonry pillars.

Peter Simmons said that they could mix in masonry pillars, but the goal is to have an open feel next to the trail.

Nate Hendricks asked if condition #7 could be changed to be required in order to ensure that it happens.

Tom Burdett said they could require a bond for the installation of the landscaping and irrigation. Regarding the timing of the decision for the fencing type, the Commission could let staff decide at the time of the final plat based on a future discussion by the Commission, or they could require that the final plat be brought back to the Commission to determine the fencing type.

Nate Hendricks liked the idea of pillars with the wrought iron, because it gives variety while maintaining the integrity of the purpose of a trail.

Ellen Smith asked if staff had studied the different wrought iron designs.

Peter Simmons said that wrought iron with masonry pillars at 20-foot on center would tie in better with the vinyl with pillars that is approved for Phase 2. He said that they will be working closely with Public Works, Parks, and Peterson Development on the appropriate type.

Nola Duncan asked if the condition could remain with either a split-rail or wrought iron fence and then continue the style type to a future discussion in which samples of fencing could be shown.

Tom Burdett felt that was a good idea. He stated that the Parks and Open Lands Committee might also have comments on the matter. He stated that unless there is a covenant placed on the subdivision the homeowners could place another fence adjacent to the one that is required. He said the City is interested in what works best from the perspective of a trail corridor.

MOTION: Justin Stoker moved to modify condition #4 to read, "The applicant shall provide the base flood elevation on the plat to determine the lowest buildable floor elevations for Lots 316 through 326 and Lot 340, and that the builder submit certified finished floor elevations of the flood plain per West Jordan Municipal Code Section 89-4-601 through 609". The motion was seconded by Nate Hendricks and passed 5-0 in favor. David Beecher and James Dupaix were absent.

There was a discussion regarding the action that is desired in order to bring back discussion on the fencing. Peter Simmons suggested that the Commission could approve the preliminary plat tonight and then bring fencing options to be discussed at a future meeting. The determination would then be given to the applicant to show on the final plat.

MOTION: Nola Duncan moved to approve the Preliminary Subdivision Plat for Three Forks #3; approximately 8430 - 8630 South and 6290 - 6400 West; Peterson Development Company, LLC (applicant) with the conditions outlined in the staff report with #4 as motioned and voted on in this meeting. The motion was seconded by Nate Hendricks.

AMENDED

MOTION: Ellen Smith moved to require a landscaping bond for condition #7. The amendment was accepted by Nola Duncan.

AMENDED

AMENDED

MOTION: David McKinney moved to amend condition #7 to state, "The applicant shall post a bond sufficient to cover the installation of landscaping and irrigation for the trail access as a public area, and this bond and a corresponding landscaping and irrigation plan will be submitted with the final plat." The motion was accepted by Nola Duncan and Nate Hendricks and passed 5-0 in favor. David Beecher and James Dupaix were absent.

MOTION: Nola Duncan moved to continue the discussion on the type of fence for the wash section of the trail in the West Jordan Parks, Recreation, & Trails Master Plan to give staff time to get examples and develop a plan and procedure and idea towards how the fencing should be done. This could be done in a timely manner based on staff's schedule so that Peterson Development Company would have the information in time for the final plat submittal, etc. The motion was seconded by Ellen Smith and passed 5-0 in favor. David Beecher and James Dupaix were absent.

ITEM #3: 21-31-176-008 WELBY MANUFACTURING PARK REZONE; 8152 SOUTH WELBY PARK DRIVE; REZONE 15.45 ACRES FROM M-P (MANUFACTURING PARK) TO M-1 (LIGHT MANUFACTURING); WEST WELBY DEVELOPMENT, LLC/CRAIG AMES (APPLICANT) [#ZC20070002]

Peter Simmons gave the staff recommendations for this item. He explained that a larger single piece of property will be subdivided into two lots with one lot remaining in the M-P zone and the other portion being rezoned to M-1. Peter Simmons said that the subdivision application had been submitted.

Based on the findings of fact, Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the request to relocate the zone boundary between the M-P and M-1 zone districts on 18.45-acres of property located at 8152 South Welby Park Drive.

Art Pasker, PGA & W Architects, had nothing to add to the report.

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

David McKinney stated that the types of businesses that are likely to be in an M-1 zone are likely to be less pristine than those in the M-P zone. The proposed boundary relocation doesn't appear to make anything worse, but for future consideration they should perhaps try to have more of a buffer between residential and M-1 zones.

Tom Burdett reviewed the main differences in the two zoning districts.

MOTION: David McKinney moved to forward a positive recommendation to the City Council for Welby Manufacturing Park Rezone; 8152 South Welby Park Drive; for the request to relocate the zone boundary between the M-P and M-1 zone districts on 18.45 acres of

property [rezoning 15.45 acres from M-P to M-1]. The motion was seconded by Ellen Smith and passed 5-0 in favor. David Beecher and James Dupaix were absent.

ITEM #4: 21-32-227-017 7800 SOUTH RETAIL; 3245 WEST 7800 SOUTH; PRELIMINARY AND FINAL SUBDIVISION PLAT; P-C ZONE; TERRY KRIEGER (APPLICANT) [#SDMA20060028]

Greg Mikolash gave an overview of the application, which would subdivide the old lumberyard area from the newly refurbished retail area and create a pad in the front portion of the parking lot. The intent is to be able to sell the other pieces of land for future development. Some interest had been shown in residential development, and the pad site could be a small restaurant use. This subdivision will also dedicate a piece of property that was overlooked when the original development took place.

Staff recommended that the Planning Commission grant Preliminary and Final Subdivision Plat approval for the Sutherland Subdivision, located at 3245 West 7800 South in an P-C zoning district. Planning Commission approvals do not include Fire, Building and Safety or Engineering approval. Requirements by those departments must be met and site changes or additions may be required.

1. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance, and the requirements of the P-C zoning district.
2. Submit a final Mylar (and any other pertinent information) of the proposed subdivision to the City for recording purposes at the Salt Lake County Recorder's Office.
3. Site Plan reviews and building permit issuance will not commence without the recording of the final Mylar plat for the proposed subdivision.
4. Update the Title sheet of the Preliminary Development Plan to indicate "Final Development Plan".

David McKinney asked if there would be a requirement to widen 3200 West with the development of Lot 2.

Greg Mikolash said that the additional 7 feet of dedication is for that purpose and is adequate.

Terry Krieger, Springville, Utah, stated that if they don't subdivide the property now their finance company will take the property as collateral, and they will never have the opportunity to develop the other parcels.

John Walsh, West Jordan resident, explained that he was in attendance representing him and his neighbors who border the south property line. They are concerned with the wood fencing, parking, and lighting that would come with the future development.

Greg Rasmussen, West Jordan resident, felt that the road needed to be widened more than what was indicated because of the traffic in that area. He had concerns with the possibility of apartments and would rather have senior homes.

Nate Hendricks stated that items such as fencing, lighting, and parking would come before the Commission for review in the future when a development proposal is submitted. He asked if additional land could be required for 3200 West at this point.

There was a discussion regarding the physical characteristics of the roadway in that location.

Tom Burdett explained that there will be an additional opportunity to review this with the development of Lot 2, and dedication could be required at that time.

Greg Mikolash stated that the traffic engineer is aware of the site. When an application for development of Lot 2 is submitted they will be required to perform a traffic impact study.

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

MOTION: David McKinney moved to approve the Preliminary and Final Subdivision Plat for 7800 South Retail (Sutherland Subdivision); 3245 West 7800 South; Terry Krieger (applicant) with the conditions as presented in the staff report. The motion was seconded by Nate Hendricks and passed 5-0 in favor. David Beecher and James Dupaix were absent.

ITEM #5: TEXT AMENDMENT – AMEND THE WEST JORDAN MUNICIPAL CODE SECTION 89-3-803 TO ALLOW FARMERS MARKET AS A PERMITTED USE IN THE P-F (PUBLIC FACILITIES) ZONE; CITY-WIDE; CITY OF WEST JORDAN (APPLICANT)

Greg Mikolash explained that the City desires to allow Farmers Markets in the Veteran’s Memorial Park. The amendment could provide for an expansion into all P-F zoning districts, but most uses in the P-F zone consist of government agencies, schools, and churches. Parking could be an issue, but the accommodation for these types of events had been figured into the design of the park.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend Section 89-3-803 – *Permitted and conditional uses in the public facilities zone*, to allow farmer’s markets.

Greg Mikolash said that a private entity would have to get permission from the City to conduct the event on City property. If it were held on private property it would just be permitted.

There was a discussion regarding the formalities one would have to go through to have a Farmers Market. The Commission felt comfortable leaving the language as proposed.

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

MOTION: Ellen Smith moved to forward a positive recommendation to the City Council to amend Section 89-3-803 of the West Jordan Municipal Code to allow Farmers Market in the P-F (Public Facilities) Zone. The motion was seconded by Nola Duncan and passed 5-0 in favor. David Beecher and James Dupaix were absent.

Greg Mikolash reminded the Commission to turn in their comments for the conditional use review at the next meeting.

Tom Burdett updated the Planning Commission on recent City Council actions, which included stipulations for the development of a new elementary school at 6000 West 7000 South.

There was further discussion regarding the need for schools in the City.

MOTION: Justin Stoker moved to adjourn. The motion passed unanimously.

The meeting adjourned at 8:16 p.m.

David L. Beecher
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2007