

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 5, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Nathan Crane, Greg Mikolash, Nathan Nelson, Reed Scharman, Vicki Hauserman, and Jeffrey Robinson.

OTHERS: James Dahl, Travis Curtis, Greg Newbold, Shermans, Petersons, Matt Sojourner, Becca Dulgarian, Kathy Damron, Connie Gressman, Sam Galloway, Rod Davis, Mohamad Hassoun, Ryan Riley, Delaun Fullmer, Mike Damron, Paul Boyden, Greg Painter, and Ken Wright.

The briefing meeting was called to order by David Beecher.

Item #2 was briefly discussed. Corrections were made in the staff report regarding the coordinates of the project. The detention requirement was explained regarding the options available.

The location of the gate into the storage yard was pointed out on Item #3. Proposed fencing was pointed out. The second phase will be used by a future tenant.

Nathan Crane reviewed the Planning Commission calendar for November to ask if they would like to cancel or reschedule the second meeting. They will tentatively plan on either canceling the meeting or moving it to the 28th. The volume of applications will be reviewed as it gets closer to the meeting.

Greg Mikolash gave an update of the Stone Creek development plan amendment. He explained that the number that the Planning Commission based their recommendation on was slightly off. So the staff recommendation to City Council will be modified based on the correct number, which will reflect the intent of the Planning Commission recommendation.

The regular meeting was called to order at 6:04 p.m.

1. CONSENT CALENDAR

Approve Minutes from August 22, 2007

MOTION: James Dupaix moved to approve the minutes. The motion was seconded by David McKinney and passed 6-0 in favor. Justin Stoker was absent.

2. Siera Estates Subdivision (29 lots); 9270 South 1300 West; Preliminary Subdivision Plat; R-1-10G Zone; 10 acres; Oasis Construction and Design/Travis Curtis (applicant) [#SDMA20070023; parcels 27-03-476-044, 045, 046]

Greg Mikolash gave an overview of the request for a 29-lot preliminary subdivision plat. This infill piece would provide a connection to 1300 West from the Brigadoon Park Subdivision. This could produce increased traffic through the existing subdivisions. Comments from the residents were given at the time of the rezone regarding the connectivity to the existing subdivision. This connection is necessary and was planned for with stub streets. He explained the concerns with drainage as it is proposed to be on two lots, which would place the burden on those property owners. The proposal could work, but it may cause problems later on if the property owners want to build accessory structures or use the property in another way. He suggested that they use one entire lot solely for the detention basin.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for the Siera Estates Subdivision, located at approximately 9250 South 1300 West in the R-1-10(G) 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 R-1-10(G) zoning district.
2. Meet all Engineering Department requirements contained in their redline review and itemized in the August 18, 2007 memorandum and this Planning Commission report.
3. Submit a complete application, plans and fees for 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 final plat fees, applications, and plans are not submitted to the City within that time.
4. Install a 6-foot vinyl fence along the boundaries of the subdivision in such locations that no other fence or wall is already in place.
5. Since homeowners should not be burdened with the detention of an entire subdivision's storm water and have unusable rear and corner side yards, a single tract of land (shown on the proposed plat as Lot 1 or 29) shall solely be dedicated for the purpose of storm water detention and applied on the plat as a non-buildable lot. An HOA shall be established to maintain this tract of land.

Travis Curtis, 181 East 6100 South, distributed a proposed layout of Lots 1 and 29 that shows possible home placement as well as the landscaping for the detention area. He felt that the property would be better maintained if it were part of a lot instead of a vacant parcel. The HOA would be entitled on every lot, and they must hire out for the weekly maintenance of the areas. The lots would be sold at a discount, and they would already be landscaped.

David McKinney asked how the maintenance of the detention basin by an HOA would work if it is on a private lot.

Travis Curtis explained that the property owner will get to use the property, but the HOA will make sure that the drainage area is maintained. These property owners get the benefit of the extra square footage on their lots.

David McKinney asked if there would be an additional burden of maintenance.

Travis Curtis stated that it wouldn't be any more than what they would already do for their own yard. This is not a common area or play area. The HOA will mostly deal with issues of maintenance.

There was a discussion regarding the setbacks from the detention basin as well as the soil types in the area. Mr. Curtis said they are planning to set an 18" engineered lift on each home, because there are natural springs running under the property.

Nathan Hendricks asked for clarification regarding ownership of the detention basins.

James Dahl, Stanley Consultants and the civil engineer for the project, stated that the drainage ponds are easements. These ponds are designed for the 100-year storm. Lot 1 is the low end of the drainage system and will receive the majority of the water. The only time water will be seen in Lot 29 is when they are in the 100-year storm situations. The landscaping will be part of Lots 1 and 29, but they will be covered under a drainage easement, which will encumber all 29 lots by the title report.

Nola Duncan asked if there will be a clear defining line that will determine which portion of the property is maintained by the HOA, and how would they control what is placed in that area.

Travis Curtis said they try to do that with plantings and with a low line picket fence or something similar. He stated that the laws of the HOA would describe what could be done. It is the property owner's to use in a way, but they couldn't put a structure on it.

Nola Duncan asked if the home would ever be in danger of flooding because of the basin.

James Dahl said that the ponds are designed for the 100-year storm. If they reach that capacity there is an overflow in the southeast corner of Lot 1 that would dump out into the street before it would go into the homes. He explained that the property owners of Lots 1 and 29 would own the property, but there is a drainage easement for the benefit of the entire subdivision. A homeowners' association would maintain the ponds so they will function in a future storm.

Nathan Hendricks asked if the property owner could plant additional trees in that portion of the lot, and if so, who is to maintain it. The big question is where the easement starts and what they can do on it.

James Dahl felt that it would be the homeowners' association that would maintain the tree. There are other utility easements in the front yard that allow utility companies to maintain their utilities, and this is no different.

Nathan Hendricks felt that they are very different.

Mike Damron, West Jordan resident, stated that Brigadoon Park is a detention basin for the Brigadoon Park Subdivision. He had seen trees in the park die because of the clay soil in the area, and that problem was resolved by trenching across and dumping into the overflow system. His main concern was that they are going to create a situation that will provide a short-cut for a lot of people in an area with narrow streets, many children who play at the park, and disrespectful drivers. He said the City needs to be prepared to monitor and control the traffic that will come in the area. He referred to a curve in Brigadoon Park Drive near Redwood Road that has been a hazard instead of helping with traffic calming. He also stated that there needs to be more parking area for the park.

Kathy Damron, West Jordan resident, said if Countrywood and Siera Estates are opened to come through MacDuff Lane there will be 324 additional homes using Brigadoon Park Drive as well as others who are east of 1300 West. There are six roads going from 1300 West but only one road off of Redwood Road. She suggested that there be walking trails between the neighborhoods and fire gates instead of the connecting road. She brought photographs of vehicles parked on the street during a wedding and at the park and said it was very hazardous, and this connection will create a bad accident. She also noted that the older neighborhoods have been fine with the number of roads they have for the last 17 years, but now they need to connect. She also mentioned problems with the maintenance of the park. She said speed bumps will slow traffic but they will not stop the traffic from coming.

Rebecca Dulgarian, West Jordan resident, just moved to this area and was surprised at how busy the street is. She said it is alarming to think they would be allowing so many more homes access to Redwood Road. She stated that the parking for the park is inadequate, and the speed of traffic on the street is dangerous. She asked if there were a different solution to the problem.

Paul Boyden, West Jordan resident, clarified that in addition to the school buses that stop in their subdivision for West Jordan schools are those for the South Jordan schools. He felt it was fair for the residents in Countrywood to have access to the park and that they need additional access, but he feared that this would be creating additional problems rather than solving them. There is no parking infrastructure for Brigadoon Park, and adding additional traffic in a residential street is only making that problem worse. The Countrywood neighborhood backs an existing road that circles the shopping area to the west, and those businesses would probably like additional traffic on that road.

Delaun Fullmer, West Jordan resident, pointed out all of the other neighborhoods south of this area in South Jordan that use this street to get to Redwood Road. He was concerned with the great potential for real hazards in this area.

Ryan Riley, West Jordan resident, was also concerned with the curve in the road near Redwood Road and the number of times accidents or near accidents have occurred. He felt that adding more traffic to that road would be a tragedy waiting to happen with regards to the children in the neighborhood.

Mohamad Hassoun, West Jordan resident, was also concerned for the safety of the children in the neighborhood and felt that the subdivision could be built without the access to Brigadoon Park Drive.

Travis Curtis stated that the by-laws of the HOA will address the rules that will determine what the property owners of the lots with the ponds will be able to do with the portion of property that has the drainage easement. They are trying to provide beautiful scenery rather than just a grassy knoll. He said that there had been complaints about Brigadoon Park, which is a detention pond, but no one wants to take care of it. That is why he doesn't like the grassy knolls. He understood the concerns of traffic speeds, and they have proposed speed bumps and curves. They are trying to follow the City's master plan regarding the roads.

James Dupaix referred to a comment from the neighborhood asking for a trail system to the park rather than roads and asked about that option.

Travis Curtis said that was their first proposal, but the City ordinances won't allow a gated community of this size. It would be redundant to add a trail along side a road.

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

Nathan Hendricks asked if the proposal for the drainage easement is common and if it were legal.

Tom Burdett said that prior experience with this type of proposal has not been good. The City would rather see the property in a separate tract of land. The property owners also complain that they pay taxes on land they can't use. The design of the basin(s) is between the engineering staff and the applicant.

Nathan Hendricks asked if this subdivision could be built without connecting to MacDuff Lane.

Nathan Nelson said the City Council would have to approve the modification to the code requirement in 87-5-106. If they are going to separate the two he would rather not connect to 1500 West and allow a pedestrian access to the park.

Nathan Hendricks felt that the planning of the existing subdivisions intended that the streets be connected. He asked who owns the Brigadoon Park.

Tom Burdett stated it is City-owned and maintained.

Reed Scharman said there was a situation a few months ago with a downed power line where no one was able to get into or out of the Countrywood Subdivision because of lack of access. The Fire Department will always advocate for the maximum number of accesses. He understood the concern of traffic and speed and the enforcement of those items, but roads are for the purpose of moving people in and out and providing emergency service.

Nola Duncan asked if at least one of those accesses would be required by the Fire Department.

Reed Scharman stated that they could not do a cul-de-sac because of the length of the street, and the connecting stub streets give access to all of the properties.

Nola Duncan explained that she lives on 7000 South and can empathize with their concerns for traffic. Sometimes things happen when we move somewhere first and then things come along afterward that can't be controlled. She asked why the Brigadoon Park does not have a parking lot like the one at Constitution Park.

Tom Burdett said that neighborhood parks don't typically have parking lots, but they allow parallel parking adjacent to the park. The idea is that a neighborhood park is the type that someone would walk to. Constitution Park is a community park.

Nola Duncan said there is no way to control other people outside of the neighborhood from using the park.

Tom Burdett said it would take a capital project approved by the City Council to add any parking.

Nola Duncan didn't think they could stop the development just because of some problems that are inherent with the situation. The neighborhood park is already established for the use of the area. She didn't know that they could block off a stub street that is needed for fire protection. She was still concerned with the proposed layout for the detention areas.

Ellen Smith asked if traffic calming measures could be added as a condition of approval for this long, straight street.

Greg Mikolash said the solutions would have to be discussed with the Traffic Engineer to determine what would be best.

Ellen Smith asked about soil saturation problems next to the homes with the proposed detention basin layout.

Nathan Nelson said that the City had done these types of basins in the past where they are located fairly close to homes, but he had never seen one in a subdivision that is 10 acres in size. He said that there would be water in the ponds on more frequent events than just the 10-year storm, but it won't reach capacity until a 100-year storm. He is concerned with the deep detentions ponds close to homes and close to basements, because they will get soil saturations. It needs to be designed so it doesn't saturate the ground and so that it would drain after a number of hours and not days or weeks.

Ellen Smith asked if water quality issues would be created if the water goes onto 1300 West as stated by the applicant.

Nathan Nelson said that would be a rare circumstance for it to flow over capacity, and water quality issues aren't enforced in that type of situation, because it is a flood event.

David McKinney said based on the information they had received tonight and from the staff he was inclined to think that the developers proposal for the detention basin to be part of an individually owned lot is not a workable solution, and he favored the recommendation for separate parcel(s) set aside specifically for the detention pond. When this proposal was discussed at the rezoning hearing the traffic issues were also discussed. It looked to him that this proposal with traffic calming measures will be as good as it will get with this particular piece of land.

Nathan Hendricks agreed with Commissioner McKinney regarding the detention ponds and would like to see them have requirements for grass and to be for park use when not being used for water detention. He didn't

know of any other way to give access to this property. He asked if the Commission could forward a recommendation to the City Council to add parking at the park. He said that the problem of lack of parks has turned the Brigadoon Park into more than just a neighborhood park, and that is another reason for having the proposed detention ponds be in a park-like setting.

Tom Burdett said they could make a recommendation but it would be a capital project request.

MOTION: David McKinney moved to grant Preliminary Subdivision Plat approval for Siera Estates Subdivision; approximately 9250 South 1300 West; Oasis Construction Design (applicant) based upon the facts put forward in the staff report and including the conditions as set forth in the staff report adding:

- 6. The developer cooperate with City staff in developing traffic-calming measures that can be included in the final site plan.**

The motion was seconded by James Dupaix.

Nathan Hendricks wanted to see grass and playground improvements on the lot and asked if it should be added to condition #5.

David McKinney said it could be generally amended.

AMENDED

MOTION: David McKinney moved to amend the motion to add ‘landscaped’ between ‘single’ and ‘tract’ in line two of condition #5. The amendment was accepted by James Dupaix and passed 6-0 in favor. Justin Stoker was absent.

Jeffrey Robinson agreed that the amendment for beautification of the property could be included, but he would not want the condition for playground equipment.

MOTION: Nathan Hendricks moved to forward a recommendation to the City Council that they look in to parking improvements for the Brigadoon Park. The motion was seconded by Nola Duncan.

AMENDED

MOTION: James Dupaix moved to amend the motion to additionally consider extended law enforcement along Brigadoon Park Drive for mitigating traffic violations. Nathan Hendricks and Nola Duncan accepted the amendment. The motion passed 6-0 in favor. Justin Stoker was absent.

- 3. Painter Landscaping Office/Warehouse; 7238 South Airport Road; Preliminary and Final Site Plan and Conditional Use Permit; M-1 Zone; McNeil Engineering/Rod Davis (applicant) [#SPI20060041 & CUP20060042; parcel 21-30-176-002]**

Greg Mikolash gave an overview for the item. He explained the phasing plan and approval schedule. The proposal includes two 7,300 – 7,400 square foot structures, and access points will have cross-access agreements with neighboring properties. He explained the proposal to screen the loading bay doors and said staff had worked extensively with the applicant to meet the code requirements. He explained the screening requirements. The parking requirement was reviewed. He pointed out that the utility poles that front the property need to be undergrounded as was required for Mobilight and other properties in the SorTech Subdivision. Regarding the outdoor storage, any area that will have a parked vehicle on a temporary or permanent basis must be on a paved surface.

Site Plan:

Staff recommended that the Planning Commission grant Preliminary and Final Site Plan for Phase 1 and Preliminary Site Plan approval for Phase 2 for Painter Office/Warehouse, located at 7238 South Airport Road, subject to the following conditions:

1. Meet all requirements of Title 89 of the Zoning Ordinance and the requirements of the M-1 zoning district.
2. Meet all requirements and conditions of the Conditional Use Permit as established in this staff report.
3. Meet all Engineer Department requirements contained in their redline review and itemized in the August 22, 2007 memorandum, noting that the Phase 2 building permit will not be released until such time that the second approach and access drive to the north is built and complete (with a cross-access agreement recorded with the County Recorder's Office), wherein 30-feet is to be either hard-surfaced in concrete or asphalt.
4. Address and adhere to all Department comments, conditions of approval, and all applicable code standards.
5. Shield any and all proposed lighting to prevent up-lighting and light pollution.
6. Meet the landscaping review comments as issued by Von Isaman dated and show these changes on the Final Construction drawings for Landscape and Irrigation.
7. Per §89-6-903(b) of the Zoning Ordinance, underground all existing and proposed utilities along the west side frontage of Airport Road.
8. All building mounted mechanical equipment shall be screened with integrated architectural features, per §89-6-803(c).
9. Apply and submit the necessary information and fees for final site approval of the second phase of the development.

Conditional Use Permit:

Staff recommended that the Planning Commission approve the Conditional Use Permit for the outdoor storage of materials for Painter Office/Warehouse Phases 1 & 2, located at 7238 South Airport Road, subject to the following conditions:

1. Meet all requirements and conditions of approval as established in this report for Site Plan approval.
2. Meet all Code requirements established for the outdoor storage of materials per §89-3-705 (d) of the Zoning Ordinance.
3. The front and side yards of the outdoor storage shall be screened and placed behind a sight obscuring 6-foot fence; wherein, the gates for the storage yard shall be sight obscuring as well. Adequate landscaping, as proposed in the landscape plan, shall be installed along the rear yard boundary of the outdoor storage area to establish adequate screening.
4. Any and all areas proposed for the parking of vehicles in the outdoor storage area shall be hard-surfaced in either concrete or asphalt per §89-6-606(c)(1).

Nola Duncan asked if there are conditions of approval for the final site plan in Phase 1.

Greg Mikolash said these conditions also cover the final site plan, but a separate motion indicating the same conditions could also be made.

David McKinney asked if the joint access on the north side of the property would be completed as part of Phase 1.

Greg Mikolash said that would happen at the time of construction for Phase 2. Staff should make sure that the cross-access agreement is recorded with the County before they grant a signature for the construction drawings. An access on the north as part of Phase 1 was not required by the Traffic Engineer.

Planning Commission Meeting Minutes

September 5, 2007

Page 8

Reed Scharman said the building is proposed with a fire sprinkler system, and he is okay with the single access for Phase 1 as long as they can get access around the building and back out.

Greg Mikolash said the retaining wall and landscaping does not need to be installed with Phase 1. Staff's suggestion is to have it installed with Phase 2 in order to have full access around the Phase 1 building.

Rod Davis, McNeil Engineering, 6895 South 900 East, said the property owner to the north will not sign a shared access agreement.

Greg Painter, 14514 Fox Creek Drive, subject property owner, said they are now planning to do buildings 1 and 2 at the same time. Their issue is what to do with the shared access agreement.

David Beecher asked if they will be occupying both buildings.

Mr. Painter stated that he would be occupying one of the office spaces and the others will be leased.

Ken Wright, CFO of Mobilight, explained that they are being charged a fee of \$2,000 per year to hold a \$40,000 bond for the undergrounding of utilities. Since this applicant is also required to bury the lines he asked if the City would be willing to release the bond now if they agree to underground at the same time. If not, he asked if this applicant will also be required to post a bond.

David McKinney said the Planning Commission cannot release bonds.

Ken Wright asked if the City had any plans to underground on the road, because it seemed that they are being singled out to have the bond. He felt it would be unfair for the City to approve the application without requiring undergrounding and that they should be required to cooperate with the neighboring properties in the matter. The City should also try to facilitate that cooperation between property owners.

Rod Davis asked what happens when the adjacent property owner will not agree to the shared access.

Jeffrey Robinson suggested that the applicant talk to a lawyer regarding that.

Rod Davis said the reason for the question is that the project has been held up for at least a year because of that agreement.

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

James Dupaix explained that the Commission is not able to help the applicant with regards to the access agreement.

MOTION: James Dupaix moved to approve the Preliminary and Final Site Plan for Phases 1 and 2 for Painter Landscaping; 7238 South Airport Road; Rod Davis/McNeil Engineering (applicant) subject to the conditions 1 through 9 based upon the findings of fact in the staff report. The motion was seconded by Ellen Smith.

There was a discussion regarding whether or not both phases could be approved for final site plan since the staff report stated that final was only for Phase 1. Jeffrey Robinson explained that the Open and Public Meetings Act had recently been changed, and he recalled that they can address items not on the agenda, but they cannot take final action.

AMENDED

MOTION: James Dupaix moved to approve the Preliminary and Final Site Plan for Phase 1 and Preliminary Site Plan for Phase 2.

There was additional discussion regarding noticing of the items and what they could approve at this time. The agenda does not break out the approvals. It was also noted that final site plan could be a staff review.

The motions were withdrawn.

MOTION: James Dupaix moved to grant Preliminary Site Plan approval for Phases 1 and 2 for Painter Landscaping; 7238 South Airport Road; Rod Davis/McNeil Engineering (applicant) subject to the conditions 1 through 9 based upon the findings of fact in the staff report. The motion was seconded by Ellen Smith.

David Beecher asked why a half access isn't allowed on the north side. Greg Mikolash said they can work with a single in and a single out until such time that the property on the north agrees to move along with the shared access at the time of development. Signs will have to be posted similar to what is provided for Mobilight.

VOTE: The motion passed 6-0 in favor. Justin Stoker was absent.

MOTION: James Dupaix moved to grant Final Site Plan approval for Painter Landscaping Office/Warehouse Phase 1; 7238 South Airport Road; Rod Davis/McNeil Engineering (applicant) subject to conditions 1 through 9 based upon the findings of fact in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Justin Stoker was absent.

MOTION: James Dupaix moved to approve the Conditional Use Permit for the outdoor storage of materials for Painter Landscaping Office/Warehouse Phases 1 and 2; 7238 South Airport Road; Rod Davis/McNeil Engineering (applicant) subject to conditions 1 through 4 based upon the findings in the staff report. The motion was seconded by Ellen Smith.

David Beecher asked if the outdoor storage will be only for this business or if it would be used by the future shared tenants.

MOTION: James Dupaix moved to allow applicant to come to the podium to answer the question. The motion was seconded by David Beecher and passed 6-0 in favor. Justin Stoker was absent.

The applicant replied that the storage is only intended for their use.

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

VOTE: The motion passed 6-0 in favor. Justin Stoker was absent.

Jeffrey Robinson commented on the traffic and parking recommendation that was forwarded to the City Council earlier in the meeting. He wasn't sure that with the new Open and Public Meetings Act that the Commission could render a decision on that matter unless it is on the agenda. Staff will consider the request to be a directive to address with the City Council.

MOTION: James Dupaix moved to adjourn.

The meeting adjourned at: 7:53 p.m.

David L. Beecher
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2007