

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 3, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Nathan Crane, Chris Gilbert, Scott Langford, Jennifer Jastremsky, Jeremy Olsen, Julie Davis, Madeline Francisco-Galang, Jeffrey Robinson, and Reed Scharman.

OTHERS: LaMar Coon, Tyler Miller, Nathan Childs, Brandon Childs, Karl Childs, Monte Layton, Jeff Hermansen, and Dee Bates.

The briefing meeting was called to order by David Beecher.

A minor clarification was made to the minutes. Item #2 was briefly explained regarding roadway improvements. A revised plat showing the turnaround had been submitted today. Status of the temporary turnaround was explained.

Item #3 will be continued to a date uncertain. The history of Item #4 was given as it pertained to the withdrawal of the application. The Commission discussed recommending an amendment in the code to correct the loophole situation. The undergrounding issue is proposed to be discussed at the Strategic Planning meeting. Item #5 was discussed along with the future plans of the airport.

Nathan Crane announced that the Utah APA presented West Jordan with awards of merit for ordinance development for the West Side Planning Area and the City Center zone.

The regular meeting was called to order at 6:12 p.m.

1. CONSENT CALENDAR

A. Approve Minutes from September 19, 2007

B. South Station Time Extension; Phase 1 Subdivision Plat and Final Development Plan; 3400 West 9000 South; P-C (TSOD) Zone; Development Solutions/Dee Bates (applicant) [#SDMA20050013; parcels 27-05-227-008, -010; 27-05-251-017, 018

Staff recommended that the Planning Commission approve a one-time 6-month time extension set to expire April 3, 2008, for South Station Phase 1 Preliminary Subdivision plat located approximately at 3400 West 9000 South.

MOTION: Justin Stoker moved to approve the Consent Calendar as listed on the agenda, that they continue Item #3 to a date uncertain, and that they withdraw Item #4 from the agenda. The motion was seconded by James Dupaix and passed 7-0 in favor.

2. 21ST Century Business Park Lot 7 Subdivision Plat; 9290 South Prosperity Road; Minor Subdivision Plat; M-1 Zone; 21ST Century Business Park/LaMar Coon (applicant) [#SMDI20070005; parcel 26-02-300-014]

Chris Gilbert gave an overview of the item to create four new lots and showed its location on the map. Engineering issues were noted, which still need to be completed.

Staff recommended that the Planning Commission grant Final Subdivision Plat approval for Parcel 7, 21ST Century Business Park, located at 9290 S. Prosperity Road, with the conditions as set forth below. 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, and a final Mylar plat has been recorded with the Salt Lake County Recorder's Office.

1. The Final Plat shall conform to the plat drawing submitted to the City of West Jordan for review and included in this staff report, dated 8-30-07, except as modified by the following conditions.
2. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance, and the requirements of the M-1 zoning district.
3. Plans must meet all applicable Codes and Ordinances regarding Engineering design.
4. Place a note on the plat stating that the temporary turnaround shall be abandoned once the Dannon Way extension has been completed and accepted by the City of West Jordan.
5. The temporary turnaround shall be located at the end of the paved roadway on Dannon Way.
6. All utility services to the subdivision shall be undergrounded.
7. 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.

LaMar Coon, applicant, 2655 Comanche Drive, explained that this project had gone through quite a process to get to this point. They are happy with the project and he is glad to be connecting into the Cadyn Meadows development so that it will improve the west side of the valley.

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

MOTION: David McKinney moved to grant Preliminary and Final Subdivision Plat approval for Parcel 7 in the 21st Century Business Park; 9290 South Prosperity Road; LaMar Coon (applicant) based upon the facts in the staff report and with the conditions as set forth in the staff report. The motion was seconded by James Dupaix and passed 7-0 in favor.

3. **D & J Towing Conditional Use Permit Revocation; 8473 South Welby Farm Road; Revocation of Conditional Use Permit; M-1 Zone; [#CUP20070030; parcel 21-31-451-017]**

Staff recommended that the Planning Commission table Item #3, revocation of Conditional Use Permit for D & J Towing located at 8473 South Welby Farm Road.

MOTION: Justin Stoker moved to continue Item #3 to a date uncertain. The motion was seconded by James Dupaix and passed 7-0 in favor.

4. **Southside Church of Christ; Continued from 9-19-07; 3138 West 7000 South; Modification of Design Standards to Section 87-5-111(c) requirement to underground overhead utilities; R-1-10D Zone; Swan Law Firm, PLLC/Mark S. Swan (applicant) [#APP20070003; parcel 21-21-353-004]**

The applicant requested an interpretation of Section 87-5-111(c) of the City of West Jordan Subdivision Ordinance. Staff has determined that the requirement to underground the power lines does not apply and the applicant has been instructed that they will no longer be required to underground the power lines. Therefore, the applicant is requesting to withdraw their application. Since the application has been withdrawn, no action is required.

MOTION: Justin Stoker moved to withdraw Item #4 from the agenda. The motion was seconded by James Dupaix and passed 7-0 in favor.

5. Soccer Complex Parking Rezone; 8060 South 4000 West; Rezone .44 acres from R-1-10D to P-F (Public Facilities); City of West Jordan (applicant) [#ZC20070012; parcel 21-31-200-012]

Jennifer Jastremsky gave an overview of the request to rezone the property in order to expanding the parking area of the soccer complex in the future. She showed the surrounding land use and zoning.

Staff recommended approval of the Zoning Map Amendment for 8060 South 4000 West based on the findings as outlined.

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

MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for the Soccer Complex Parking Rezone; 8060 South 4000 West; to Rezone .44 acres from R-1-10D to P-F; City of West Jordan (applicant) based upon the positive findings of fact in the staff report. The motion was seconded by James Dupaix and passed 7-0 in favor.

6. Text Amendment – Trail Fence Standards; City-Wide; Amend the West Jordan Municipal Code - Section 89-6-803(h) Trail Fences and the West Jordan Parks, Recreation & Trails Master Plan - Chapter 4 Trails; City of West Jordan (applicant) [#TA20070008]

Jeremy Olsen explained that this item includes both an amendment to the Parks, Recreation & Trails Master Plan and the Zoning Code. The Parks and Open Lands Committee had met to discuss guidelines for fencing along trail corridors. Positive criteria were found for the amendments to the Master Plan and the Zoning Code. He showed some examples of the recommended fencing type that would be 6-foot black wrought iron with 6-foot pillars of a rock or stone appearance with a cap. Placement of pillars would be on the corners of property lines, and a maximum of 20 feet apart.

Staff recommended the Planning Commission provide a positive recommendation to the City Council to amend Chapter 4 of the West Jordan Parks, Recreation & Trails Master Plan as to include goals and policies for trail amenities and fences as suggested by the Parks and Open Lands Committee.

Staff recommended the Planning Commission provide a positive recommendation to the City Council to amend the West Jordan Municipal Code to include regulations regarding fencing along trail corridors; Section 89-6-803(h), Fencing and Screening, General provisions and regulations; and Section 87-5-116(b)(12), General Design Principles as suggested by the Parks and Open Lands Committee, based on the findings of fact listed in the staff report.

David McKinney felt that the language under (2) of the text amendment should be adjusted to address the style of fencing such as ‘bar-type’, in order to prevent a solid panel fence.

Jeremy Olsen said phrases could include ‘decorative wrought-iron type’ or ‘view fencing’, but staff would look into that.

Justin Stoker said they could also state that sheet fencing is not allowed.

James Dupaix said they should look at the intent of the fencing along the corridors, which is to provide an open view for safety. ‘Open view’ is a common term used in municipal ordinances.

David McKinney asked if they want to allow a low masonry wall to extend between the pillars, because it might help with durability of the wrought iron.

Jeremy Olsen said the Committee was concerned with that idea, because it might be used as a ladder to climb over the metal portion of the fence and gain entrance into the yards. He said the language of the ordinance

requires 6 feet of metal, but it doesn't prohibit additional masonry below it. The maximum height would be eight feet.

David McKinney said he would like to allow for that.

Nathan Hendricks liked the option of adding the two-foot masonry wall. However, he didn't think that the purpose of the fencing was to make the yards secure, but it was to provide consistency with the fencing. He felt that wrought iron makes it very unsafe for children, so he liked the option of adding the two feet of masonry with the option of only four additional feet of the metal.

James Dupaix said Herriman has an open view ordinance, and residents are balking at not being allowed to provide safety in the backyards.

Justin Stoker said wrought iron bars are typically six inches apart, and he didn't think they were wide enough for a child to fit through, but they could make a spacing requirement. He thought that they could have the option for concrete at the bottom with a total height of six feet, which would help more with rodent and fire control. He asked if there were a provision of putting in solid fencing next to the wrought iron.

Jeremy Olsen said the amendment has language that prohibits covering the slats, and the intent of the sentence would stop that from occurring.

David Beecher asked if they could install a fence at a certain distance away.

Jeremy Olsen said there isn't a specific distance spelled out, but it could be considered.

Nola Duncan said she had seen some residents in Herriman challenge the open fencing by installing slats. She asked if allowing the two feet of masonry wall and four feet of wrought iron negates property security, because it would be easier to climb over. If they are speaking of security the wrought iron should be six feet on top of the two-foot base.

Jeremy Olsen said they spoke to the police department regarding fencing designs, and they didn't have specific guidelines regarding fencing as long as it is six feet in height total. A masonry base didn't make a substantial difference to them.

Ellen Smith said she liked the ordinance as it is written. In her previous home there was an alley in the back that had a six-foot solid fence, and it was being graffitied all the time. The open view fencing will deter that type of activity. She didn't think that six-inch openings would be dangerous to children. She had an issue with a two foot base with only four feet of iron, because she had experience with the problems of people being able to easily climb over them. She suggested that if the base is allowed the metal should be six feet on top of that.

Nathan Hendricks said there are also issues with small pets being able to get through the slats or with toys being thrown out. He didn't have an issue with the eight foot height, but he would like it to be an option of the homeowner of whether it is six feet or eight feet. He didn't think it was the Commission's job to provide protection, and he felt that an eight-foot fence is very tall. He thought the intent of the recommendation is to make the fencing aesthetically pleasing along the corridors.

David McKinney commented on the screening issue and said there is an option for the homeowner to plant vines or vegetation to cover it. He said there is an issue with dogs and cats, because this type of fencing would allow them to go in and out very easily. He said that homeowners could put up chicken wire that wouldn't block the view, but it would affect the aesthetics of the fencing. He thought that the language still needed to be clarified

regarding the screening, but he agreed that the current language allowed for the masonry base with a minimum of six feet of wrought iron on top.

It was pointed out that this ordinance would apply to all trails in the City. Homes existing before the ordinance would be grandfathered, but the ordinance would be used for future homeowners.

Nola Duncan noted that the purpose of the ordinance was to provide for consistent fencing along the trails, and if they give options they are diminishing the purpose for the amendment. If they want to give those choices, then they will have to set aside their original purpose.

David Beecher referred to the language in (h) that said a minimum 6-foot high fence shall be installed along all trail corridors rights-of-way and said there are some portions of trails that don't back onto homes but they are along a road that faces the trail. He didn't think that a fence would be needed in that situation. Also, he would prefer that new subdivisions be encouraged to not have homes backing the trail. That would provide for better security, and it would be accessible from any point. He asked that the language be tightened up.

Tom Burdett said the intent isn't to place a fence along a configuration where the street is adjacent to a drainage corridor, but it is where properties back the corridor and would include commercial and industrial properties. Hopefully there are enough connections into the trail system from roadways to provide good access and avoid long stretches of trails without access points. The security issues are for the trail users as well as the properties that abut the trail.

Dave Jenkins, South Jordan, said Bingham Creek is behind his property and asked if this ordinance would apply to existing trails. He asked why they are asking for rock and not brick.

Jeremy Olsen said the masonry requirement was the preference of the Parks and Open Lands Committee.

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

MOTION: Justin Stoker moved that the Planning Commission forward a positive recommendation to the City Council to amend Chapter 4 of the West Jordan Parks, Recreation & Trails Master Plan as to include the goals and policies for trail amenities and fences as suggested by the Parks and Open Lands Committee. The motion was seconded by James Dupaix and passed 7-0 in favor.

Justin Stoker said he liked the idea that they stay with the recommendation of the Parks and Open Lands Committee.

MOTION: Justin Stoker moved that the Planning Commission forward a positive recommendation to the City Council to amend the West Jordan Municipal Code to include regulations regarding fencing along the trail corridors Section 89-6-803(h) Fencing and Screening, General Provisions and Regulations and Section 87-5-116(b)(12) General Design Principles as suggested by the Parks and Open Lands Committee based upon the positive findings of fact. The motion was seconded by James Dupaix.

AMENDED

MOTION: David McKinney moved to amend the motion in Subsection (2) that the first sentence be amended to state that wrought iron, aluminum, or stainless steel clear view fencing shall be installed. And that the fourth sentence be amended to read that no screening slats or other type of fencing materials may be used to cover, conceal, fill, or block openings in metal fencing sections. The amendment was accepted by Justin Stoker and James Dupaix.

David McKinney explained that by eliminating the word 'between' and adding 'in' it clarifies the area that is prohibited from being blocked.

AMENDED

MOTION: Nathan Hendricks moved to amend the motion that in subsection (2) it be added that there can be an optional maximum one-foot masonry section between the two pillars. The amendment was accepted by Justin Stoker and James Dupaix.

David McKinney thought the second amendment is not necessary and it is too restrictive, because the current language doesn't prevent it and would allow choice of height. It also requires that the metal section still be six feet tall.

Nathan Hendricks said he disagreed, because the current language was specific that it would have metal sections of fence.

Nola Duncan said she was in favor of the language as it stood, because the Parks and Open Lands Committee had designed the amendment for consistency. She would vote against the motion.

David Beecher asked if they would require a concrete strip under the wrought iron or if it would just be ground.

Jeremy Olsen said the proposal is the minimum requirement and would not require it, although it would be allowed.

There was a brief discussion regarding the maintenance of the fence. Nathan Hendricks felt that if the homeowner is the maintainer they could add or alter the fence within the code. James Dupaix discussed the possibility of it being maintained by an HOA, and any changes would have to go through them. Nathan Hendricks understood the argument for consistency, but he didn't think these small options would make enough of a difference in appearance. He could see a code enforcement issue with people blocking off the fence. Tom Burdett pointed out that covenants and restrictions could also regulate fence maintenance and alterations.

Justin Stoker said that he agreed with the idea of having a concrete base so dogs couldn't dig under the fence. If anyone would take down or modify the fence it would be a code violation.

Nola Duncan pointed out the statement that speaks of a permanent sealer to aid in cleaning of the fence and asked who would be cleaning it.

Jeremy Olsen said the sealer is for graffiti removal. The ultimate maintenance of the fence is with the property owner, because it will be on their property. However, the City does offer a graffiti removal program as a service.

Nola Duncan asked if individual wrought iron gates could be added in order to access the trail.

Jeremy Olsen said it is not specified in the code, so it is not prohibited.

Nola Duncan said that option could be a real draw for someone wanting to purchase a home.

Jeremy Olsen said if the Commission was to make any amendments to the language that it be spelled out. The goal is for continuity, so they need to be specific as to what they want the walls or gates to look like. Language

could be similar to 'Any gates which are installed along the fence shall be of same material and construction as the remaining portions of the fence'.

Nathan Crane said tonight the Commission had raised a number of additional issues that might require more research. Design standards can be created to meet the goal of the Commission. He suggested that staff could do this research and bring it back with other options.

David McKinney agreed that there are additional issues that are not clear, and he would vote against the motion. He liked the idea of seeing several options to choose from.

Justin Stoker withdrew the motion.

Nathan Hendricks asked if they could send this issue back to the Parks and Open Lands Committee addressing these new issues such as gates.

Tom Burdett said they could.

David Beecher felt that a mow strip under the fence is an important consideration due to the nature of the vegetation that is next to the trails.

MOTION: James Dupaix moved to send the ordinance amendment regarding Trail Fence Standards back to the Parks Committee for review along with the minutes of this meeting and that they specifically address at least the issues of what they intend with the rights-of-way, clear view, protection, mow strips, and gates. The motion was seconded by Justin Stoker and passed 7-0 in favor.

David Beecher thanked the Parks and Open Lands Committee for working on this.

Tom Burdett said City Council requested a report from staff regarding paving or gravel of RV pads in side yard setbacks, which may come to the Commission at a future time as an amendment request. A memo was sent to City Council regarding the Commission's concerns with the parking at Brigadoon Park. The City is working on a recodification of the Municipal Code. This project is not to change policy, but it cleans up references that are conflicting or incorrect. There will also be a reorganization of the Code. Tom Burdett announced that Jennifer Jastremsky had been promoted to Associate Planner as a permanent staff member.

David Beecher said as part of the recodification they should make sure that the definitions list includes all of the uses throughout the code.

MOTION: James Dupaix moved to make a recommendation that the loophole in the undergrounding of utilities section be considered by staff and City Council. The motion was seconded by Ellen Smith.

AMENDED

MOTION: David McKinney moved to amend the motion to specify that the loophole is the language regarding the requirement that only applies to utilities serving that particular development. Section 87-5-111(c). The amendment was accepted by James Dupaix and Ellen Smith and passed 7-0 in favor.

James Dupaix said the motion is with the idea that it was the intent of the ordinance to underground adjacent utility lines whether or not they serve the new development.

MOTION: James Dupaix moved to adjourn.

The meeting adjourned at 7:21 p.m.

David L. Beecher
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2007