

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 20, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, Nathan Gedge, David McKinney, Nathan Hendricks, Ellen Smith and John Winn. James Dupaix was excused.

STAFF: Julie Davis, Tom Burdett, Robert Thorup, Assistant Chief Marc McElreath, Greg Mikolash, Ray McCandless, and Chien Hwang.

OTHERS: Darrin Balfour, Gary Whitmore, and Mark Sudbury.

The briefing meeting was called to order by Justin Stoker.

Questions were asked regarding chemicals to be stored for Item #2 as well as the possibility of the concrete pad cracking in the future allowing for liquids to get into the soil. The Fire Department will do annual inspections of the property, which could include the containment area. The proposed street and gate layout was reviewed on Item #3. At the direction of City Council staff will be working to develop standards that promote gated communities in the future. The current policies of the General Plan encourage connectivity between neighborhoods. Tom Burdett gave a history of the purposes for establishing Title 91 for Permit Processing.

The regular meeting was called to order at 6:00 p.m. by Vice-Chair Stoker.

1. Consent Calendar

A. Approve Minutes from August 6, 2008

MOTION: Nathan Gedge moved to approve the Consent Calendar as listed in the Planning Commission agenda. The motion was seconded by John Winn and passed 6-0 in favor. James Dupaix was absent.

2. Walker Tape Outdoor Storage; 9620 South Hawley Park Road; Conditional Use Permit for Outdoor Storage in Wellhead Protection Overlay; M-1 Zone; Walker Tape/Brent Bonham (applicant) [#CUPA20070001; parcel 26-12-151-015]

Greg Mikolash gave the overview of the request for outdoor storage within the 15-year Well Water Protection Zone. All site improvements were provided in 1998. This request would allow storage of 55-gallon drums containing four chemicals in two containment areas, which he pointed out on a site plan. He reviewed the list of chemicals to be stored. The letter of intent listed the number of drums and their contents. These items are typical of those stored in the M-1 zoning district.

Staff recommended that the Planning Commission approve the Conditional Use Permit for Walker Tape Company, located at 9620 South Hawley Park Road, with the following conditions.

1. All chemical drums shall be stored on a concrete pad with a concrete dike of sufficient height to contain the entire contents of drums with 6-inches of free board capacity.
2. Review and approval by the Fire Department and the Building and Safety Department will be required for any chemical storage within the storage container.
3. Usage of the water testing equipment inside the storage container will require review and approval from the Fire Department and the Building and Safety Department.
4. The project shall comply at all times with the City of West Jordan Best Management Practices, as determined by the Engineering Department.
5. The Conditional Use Permit shall be subject to review and/or revocation as per §89-5-404.

Gary Whitmore, a principle of Walker Tape, explained that their business came to West Jordan in 1998 and hadn't changed since that time except for the expansion. These are the same operations they had always done, including the chemicals outside. Their company buys drums of chemicals to repack in smaller containers for

sale. Their building is explosion-proof. The drums are plastic so they do not rust, and they are on a surface that won't allow seepage into the ground. He said they don't understand why they had to come to a hearing when their business has been the same since 1998 and felt that the City is making things difficult.

Nathan Gedge asked for the typical hours of operation and when the chemicals are moved from the outside storage area.

Gary Whitmore said they are typically from 7:30 a.m. to 4:30 p.m. Monday through Friday. The chemicals are wheeled into the building, which is explosion proof, fire sprinklered, and has a containment system. The drums are taken off a truck, put inside the building, and locked up every night. They are put in the explosion-proof building every morning and transfer the chemicals from the drums into small containers.

David McKinney asked if the containment pad would have a liquid barrier to prevent leakage should the concrete crack.

Gary Whitmore said they had never had a spill, so they hadn't thought about that. They thought they had a permit to do business since 1998 and had been storing things outside since then. He didn't know why the rules had changed just because they were adding onto the building. The Engineering department asked for a containment system with a berm, and they have designed a system that they felt would be acceptable to the City.

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

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for Walker Tape Company; 9620 South Hawley Park Road; Walker Tape/Brent Bonham (applicant) based upon the testimony and findings of fact with the conditions 1 through 5 as listed in the Planning Commission packet. The motion was seconded by John Winn and passed 6-0 in favor. James Dupaix was absent.

3. **Masters Subdivision (Town Homes of Mountain View) (6 lots);** 2651 West Sugar Factory Road; Preliminary Subdivision Plat; 1.17 acres; R-2 Zone; Darrin Balfour (applicant) [#SDMA20080004; parcel 21-33-451-019, 016, 021]

Ray McCandless gave the overview of the application of a 6-lot townhome subdivision. He showed the site on an aerial photograph and noted that a portion of the single family lot to the east will be taken and consolidated into the property. A future UTA park-and-ride lot will be located to the north. The property is within a flood zone, and staff recommended that the applicant certify that the lowest floor area, including the basements, are elevated to or above the level of the 100-year flood elevation or that it is flood-proofed according to the zoning ordinance. In the 1990's there was a cleanup and cap of contaminated soils along the Bingham Creek drainage. A condition recommended by staff is that the applicant provides verification that the proposed development does not adversely affect or compromise the mitigation work that was done. The West Jordan Parks, Recreation, and Trails master plan shows both a pedestrian and equestrian trail along the Bingham Creek drainage. If that trail were installed in the future it would most likely be along the south side of the drainage, so staff is not asking for a trail easement through the property. The applicant proposes that T-box court will be a private street that will include a separate landscape parcel to be owned and maintained by a homeowners' association. The applicant proposed gates on both entrances, with the northeast gate being set back about 50 feet to allow room for emergency vehicles to get off of the road. The street is designed for two-way traffic. Staff is not particularly in favor of the gates as stated by the policies in the staff report including that they tend to block pedestrian and automotive linkages to other neighborhoods and subdivisions. This property is a little different due to the location. It is oddly shaped and somewhat isolated. The disadvantages of the gates include delayed response times for emergency vehicles, difficulty in accessing the east entrance by eastbound emergency vehicles, and the gates may create conflicts depending on which ways they swing. A map of current gated communities within West Jordan was shown.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for the Masters Subdivision located at approximately 2651 West Sugar Factory Road, 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 revisions may be required. Building permits will not be issued until all departmental 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-2 zoning district.
2. Meet all Engineering Division requirements.
3. No gates be allowed to be installed on the private street.
4. The Applicant shall submit certified elevations of the flood plain to determine the lowest buildable floor elevations for all lots and that all lots be required to follow the City of West Jordan ordinances and all applicable rules and regulations for building in the flood plain.
5. 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.
6. 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.
7. Implementation of a homeowners' association that assures the perpetual ownership and maintenance of the private street and landscaped area. The CC&R's must be submitted to the City for review.
8. Given its proximity to Bingham Creek, provide written verification from the applicable local, state or federal agencies that there are no health or safety issues created by developing the property.
9. Provide written approvals from the applicable local, state or federal agencies that the proposed development will not compromise the areas along Bingham Creek that have already undergone soil mitigation.
10. Coordinate with the Utah Transit Authority to determine what, if any, kinds of impacts may be created due to the 2200 West Station site and the proposed improvements to the area (i.e. medians, approaches etc.).

Mark Sudbury, 2220 Murray Holladay Road, and Darrin Balfour, 9202 South Kensington Park, were in attendance to speak on the item. Mr. Sudbury stated that they felt good about the recommendations from staff with the exception of not allowing the gate. He gave a presentation and distributed a handout that compared their proposal to three gated communities in West Jordan: Spring Hollow, Compass Cove, and Garden Grove South. All of these communities have the same issue with delayed response times, and they are blocked off from the surrounding developments even though there was more potential for connection than their development. However, they were still approved. Regarding the delayed response times he agreed that gated communities cannot get away from some delay while the gates open, but with a siren activated system it would cut down on that delay. They also felt that they have a better access for the emergency vehicles than the sample subdivisions, and they are willing to widen the radius of the entrance. Their development is closer to the road than the other examples, so there is very little internal travel time to get to the units, there is a fire hydrant inside the property, and there are only six units. He said that they will address with staff the best way for the gates to open so it does not interfere with the residents and traffic. The man gates on the other developments are always locked, but they may keep theirs unlocked so there won't be an issue for pedestrians. He said there are no possible accessibility points to the surrounding properties, so there will be no traffic to come through either on foot or by automobile. There is a sidewalk along Sugar Factory Road going to 2700 West to provide for pedestrian traffic. The golf course wouldn't allow access to their property. Mr. Sudbury said that Ensign Engineering did an auto turn test coming from the right on that entrance. The fire trucks will usually be coming from the east because of the fire station location, but the auto turn shows that turn is workable for the emergency vehicles. The swinging of gates can be handled in a number of ways by lifting or sliding, and they would like to be able to review that with staff. The gates will also provide additional safety to the residents of the development. The Trax station

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will propose a unique environment for annoyance, and the gates will help alleviate that. Gated communities bring higher dollars, they are generally better maintained, they are safer, and people prefer them. The owner of the property, who will live here, would like to have gates. He understood and supported the intent of the code with the restrictions of gates, but he didn't think that this particular site pertained.

Nathan Gedge asked what they envision for fencing and protection from the golf balls.

Darrin Balfour said that they want to install some precast walls, but as far as golf balls, there are trees lining the property that will stop them. Tall walls and nets would take away from the project. They intend to make this a first-class area. The church property actually has more problems with the balls.

Mark Sudbury said that Mr. Balfour offered to buy the property on the east in order to improve and maintain it, but the golf course wouldn't consider it. They are allowed to work with them regarding the trees, but the golf course will control and maintain the area.

David McKinney asked if the gate would have a center post in the roadway.

Darrin Balfour said there will be no obstruction.

Nathan Hendricks asked if soil samples had been taken in the area regarding the Bingham Creek clean up

Darrin Balfour said there were two studies done on the property. They went down twelve feet in the ground for samples. There were zero contamination levels in the samples with the only contaminated area being in the creek bed itself. Their buildings won't go deeper than 4 feet.

Mark Sudbury stated that they have turned in the elevations certificates that show they are about a foot above the flood plain area.

Ellen Smith asked if they are asking for the gates because of Trax or if there are present security concerns along the street.

Darrin Balfour said gated communities look nicer and bring more value to the properties. He plans to live there himself along with his elderly parents. He currently lives in a gated area, and the security of the gates give for a better feeling. This is a high-traffic area with Trax going in. South Jordan has a lot of gated communities that look very nice and bring up property values. He didn't know why West Jordan didn't want more of them.

Ellen Smith said it was her understanding that the Trax station is meant for local community use and wouldn't be bringing people in from different areas.

Darrin Balfour said there will be people who will travel into the area to use it, so there will be more traffic than normal in the area.

Ellen Smith noted there is also a high school in the area.

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

Nathan Hendricks said he didn't care if there were gates. With the added traffic from the Trax station across the street, with the high school in the area, and the fact that they are trying to gear the community toward the golf course he felt their reasons for the gate were good.

David McKinney felt that the issue regarding the gate presents a different situation than one that the Commission recently dealt with. This property has no through street, so neighborhood connectivity issues are not a problem. There are only six units. He didn't know that the gates would make that much of a difference either way, but many times the differences are psychological. He said it seemed that West Jordan doesn't have a standard for when gated communities can and cannot be allowed. However, he felt that this was a situation where a gate seemed to be reasonable. If the Commission wants to allow the gate as shown then recommendation number three would have to be removed. As long as there is adequate stacking area and the street is made one-way with proper signage it could work.

John Winn agreed that a gate should be allowed, but recommended that condition three be modified to indicate that the applicant should work with staff on the correct type of gate.

Ellen Smith asked if staff's view was still that there shouldn't be a gate.

Ray McCandless said staff prefers no gate.

Ellen Smith felt that gated communities are more for show and the psychological aspects. The community is still only as safe as your neighbor, and she didn't see the need for a gate with only six homes. She didn't think that the Trax station would be a big draw from outside of this area.

Nathan Gedge asked if the City Council took any action at their meeting the previous night that would give any further direction on this matter.

Tom Burdett said that the City Council had an informal discussion and directed staff to bring forward changes to the code that would promote and provide for gated communities.

MOTION: Nathan Hendricks moved to approve the Preliminary Subdivision Plat for Masters Subdivision; 2651 West Sugar Factory Road; Darrin Balfour (applicant) with the recommended conditions, amending:

- 3. Gates can be allowed to be installed on the private street as long as the roadway is marked as one-way with a proper stacking for emergency vehicles. The motion was seconded by Nathan Gedge.**

AMENDED

MOTION: Justin Stoker moved to renumber the conditions 1 through 10. The amendment was accepted by Commissioners Hendricks and Gedge.

David McKinney didn't feel that condition three needed to be so specific or that it needed to be one-way. Stacking area for emergency vehicles is necessary.

AMENDED

MOTION: Nathan Hendricks amended the condition to state:

- 3. Gates can be allowed to be installed on the private street, and the applicant is to work with City staff.**

The amendment was accepted by Commissioner Gedge.

VOTE: The motion passed 5-1 in favor with Ellen Smith casting the negative vote. James Dupaix was absent.

4. Text Amendment – Continued from 8-6-08 - Amend the West Jordan Municipal Code establishing a new Title regarding Permit Processing; City-wide; City of West Jordan (applicant) [#TA20080003] Greg Mikolash said the purpose of the title is to integrate various portions of Titles 87 and 89 that deal with permit processing. Most of the code exists today and would just be moved to Title 91. The amendment came about primarily due to recent changes to Utah Code. There are two major portions of the code that will change. Chapter 2, Project Permitting Process will identify review bodies and review process types. Chapter 4 deals with time limits and the changes to State Code, which he explained.

Based on the findings of fact in the report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to adopt Title 91, Permit Processing as requested.

Nathan Hendricks asked if the appeals section had changed.

Greg Mikolash and Tom Burdett said no, they had not changed.

Tom Burdett said Chapter 2 is not required by State Law, but Chapter 4 is required and is consistent with State Law.

Justin Stoker summarized that Chapter 2 better clarifies the current development processes.

Greg Mikolash said that is correct. Tiers are also provided to show the processes that a particular application would follow.

Nathan Hendricks noted that conditional use permits weren't listed under actions taken by the Planning Commission.

Tom Burdett said that was an oversight and would be added into Type III.

It was pointed out that the definitions section of the zoning code would give the characteristics of the application, such as defining major and minor subdivision. Title 91 identifies the processes.

Nathan Hendricks thought that there might be some unintentional changes as to what the duties of the Planning Commission and administration are, and he would like additional time to review it again.

Greg Mikolash said they are still going through the recodification process, and the Planning Commission can still make recommendations along the way, because it still has to go to City Council.

MOTION: David McKinney moved to forward a positive recommendation to City Council to adopt Title 91 Permit Processing as presented, changing Section 91-2-104 to specify that Conditional Use Permits are brought before the Planning Commission. The motion was seconded by Nathan Gedge.

Nathan Hendricks said he would like to review it further and continue the item to the next meeting. Should the motion fail he would move to do so.

VOTE: The motion passed 5-1 in favor with Nathan Hendricks casting the negative vote. James Dupaix was absent.

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Tom Burdett gave an overview of recent City Council action. The Agreement to Development Land was signed for the Oracle Data Center. The City Council also talked about conditional use permits and asked staff to look for more opportunities for staff to handle some administratively. City Council indicated they have confidence that staff will apply the standards correctly and wants staff to communicate better with the smaller customers in order to help them through the process.

Robert Thorup said Title 91 is a work in process, and if any of the Commissioners sees anything else in the next few weeks or months they should let staff know. The City Council action will be a minor action authorizing it to be included in the recodification, but it will still require further final approval.

Birthday wishes were expressed to Commissioner McKinney.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 7:15 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008