

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 21, 2009 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Justin Stoker, Chad Nichols, Nathan Gedge, David McKinney, Ellen Smith, John Winn, and Jesse Valenzuela.

**STAFF:** Greg Mikolash, Tom Burdett, Robert Thorup, Julie Davis, Jennifer Jastremsky, Greg Davenport, and Rodger Broomé.

**OTHERS:** Kaylan Nichols, Justin Peterson, Chris Gamvroulas, Jeremy Jensen, Michael Jeppesen, and Robert Jones.

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The briefing meeting was called to order by Justin Stoker.

Item #2 was discussed regarding the standard language for review and/or revocation of a conditional use permit. The fencing condition was also clarified. There was some concern with the possibility of vehicle stacking. Item #3 was discussed. Density had been established previously in the original Stone Creek master plan. An update was given on the status of the crossing signal at the Gardner Village Trax station.

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

**1. Consent Calendar  
Approve Minutes from October 7, 2009**

**MOTION:** Nathan Gedge moved to approve Consent Calendar Item #1 the minutes from the October 7, 2009, meeting. The motion was seconded by Chad Nichols and passed 7-0 in favor.

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**2. A-1 Auto; 5601 Axel Park Road; Conditional Use Permit; M-1 Zone; A-1 Auto Pull/Mike Vanikiotis (applicant) [#CUP20090011; parcel 26-12-152-001, 003, 006]**

Jennifer Jastremsky gave an overview for the request for a junk and salvage yard, which is also in well water source protection zone 4. The property has three existing buildings that total about 38,000 square feet that will be used for office space, warehousing, and a mechanics shop. The applicant is proposing to place up to 978 vehicles on the site at any given time with an expected rotation of about 25 vehicles per week. All fluids will be removed from the vehicles prior to storage. There will also be 64 employee parking spaces. Some of the parking spaces have not yet been paved and staff recommended that all employee parking spaces be paved with asphalt or concrete. The engineering department is asking for an updated grading and drainage plan in association with the added pavement. On-site chemical storage will include motor oil, fuel, antifreeze, and batteries, which will all be contained within the mechanics shop building and will be in rated, double walled tanks. The storage containers have been reviewed by the engineering department for best management practices, and they determined that all BMPs are being met by the applicant. She showed pictures of the current landscaping and stated that the property on the east portion of the property has not been well maintained. All fencing on the site must be brought up to code to contain slats and all the landscaping is to be restored and maintained by the applicant. A rendering of the proposed improved site was shown.

Staff recommended that the Planning Commission grant Conditional Use Permit approval for the A-1 Auto Pull located at 5601 West Axel Park Road in an M-1 zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. All landscaping areas shall be restored and maintained, including streetscape landscaping and the detention pond per §13-13-5C.
2. Slats shall be installed in existing property boundary fencing to screen outdoor storage, per Zoning Code

Section 13-14-3B.

3. All 64 required employee/customer parking spaces shall be on a paved surface per §13-12-6C.
4. Provide a grading and drainage plan, including drainage calculations, for staff review and approval prior to increasing the amount of paved surface on the site, as required for employee/customer parking, per Engineering requirements.
5. Meet all Engineering and Fire Department requirements for best management practices for chemical and fuel storage per §13-6F-8B.
6. *The Conditional Use Permit shall be subject to review and/or revocation as per §13-7E-10.*

David McKinney asked if the number of 978 vehicles is based on the number of parking spaces provided.

Jennifer Jastremsky said yes.

David McKinney said the conditions of approval don't specify a maximum number of vehicles.

Jennifer Jastremsky said that is not specified.

David McKinney was concerned that the vehicles might be stacked.

Jeremy Jensen, 2007 McClelland, applicant, complimented staff on their thorough and competent review. Regarding the condition for slats in the fencing, he stated that they intend to replace all the fencing with an 8-foot solid metal fence, but the minimum will be to replace the slats. He asked that the condition be changed to reflect that option. In terms of visibility and stacking, he said that their site currently has no stacking other than when cars are stacked on semi trucks when they are moved. There will not be any vehicles stacked above the height of the fencing.

David McKinney asked if the applicant would be concerned with a condition of approval that either references the stacking issue or a total number of vehicles to be stored on the site at any given time.

Jeremy Jensen said they can say that nothing will be stacked higher than the fence other than in the specific loading area where they are being removed.

David McKinney said he would be happy to go with a condition such as that.

Chad Nichols asked for clarification on the request for a different type of fencing.

Jeremy Jensen said they would like that as an option.

Robert Jones, West Jordan resident and business owner, stated that he owns the property to the west of the subject property. He asked what the working hours would be for the business. Maintenance of the landscaping was a big deal to him, because he had worked to keep his landscaping maintained. They have been assured by staff that the landscaping on this site will be brought up to city standards. His other concern is that they have an average of 80 break-ins per month in that industrial park, and he was concerned that this would bring more attention and traffic to the area in the late hours of the evening if it is open at those times. He said they have a break-in at their facility almost every other weekend, their alarm is set off and the cameras show the people breaking in, but they leave when the alarm sounds. He liked the idea of the eight-foot solid metal fence.

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

Jeremy Jensen said the hours of operation will be from 8:00 a.m. to 5:30 p.m. Monday through Saturday.

Greg Mikolash said staff would just need to see a detail on the fence showing the height, and if it is solid staff suggested that there be some sort of separating entity such as a column, but that is just a suggestion.

David McKinney would be in favor of adding a condition regarding stacking of vehicles and also modifying the condition regarding fencing.

**MOTION:** Nathan Gedge moved to approve the Conditional Use Permit for A-1 Auto Pull; 5601 West Axel Park Road; A-1 Auto Pull/Mike Vanikiotis (applicant) with the 6 conditions of approval as listed in the planning commission packet, modifying:

2. Slats shall be installed in existing property boundary fencing to screen outdoor storage, per Zoning Code Section 13-14-3B or metal fencing no higher than 8 feet to be installed.

And adding:

7. Stacking of vehicles higher than 8 feet will be prohibited.

The motion was seconded by John Winn.

**AMENDED**

**MOTION:** David McKinney moved to modify the motion:

7. Stacking of vehicles for storage purposes on the site will not be permitted.
2. Slats shall be installed in existing property boundary fencing to screen outdoor storage, per Zoning Code Section 13-14-3B or the fence shall be replaced with an 8-foot solid metal fence as approved with City staff.

The amended motion was accepted by Commissioners Gedge and Winn.

Chad Nichols asked if that would satisfy the provision that staff needed regarding the metal fence.

Greg Mikolash stated that it would as long as the applicant provided the fencing detail that would be attached to the conditional use plans, and a building permit would be required.

**VOTE:** Motion passed 7-0 in favor.

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3. **Hayden Court Townhomes; 7971 South Grizzly Way; Preliminary Site Plan, Preliminary and Final Development Plan, and Preliminary Subdivision Plat (24 lots on 2.7 acres); P-C Zone; Peterson Development (applicant) [#SPCO20090019, SDMA20090005, DP20090002; parcel 20-36-203-007]**

Jennifer Jastremsky gave the overview of the proposal, which will have 24 single-family attached residential units. The townhome plat is different than the condominium plat in that the land under the unit is also privately owned. It will be serviced by a private roadway system and will be 25 feet wide. Because of that width, the subdivision ordinance does not allow for on-street parking, and 'no parking' signs are required to be posted in the development. The applicant proposed that garbage collection be through the City of West Jordan. However, the West Jordan utilities department no longer accepts garbage pickup on private roadways, so the applicant will need to provide an alternate plan for garbage collection with the final submittal. The common open space is in a central location. A pavilion, picnic tables, a barbecue, water feature, and benches are proposed. There is easy access from this project to two parks in the Stone Creek development that provide play structures. Landscaping at well over the required 15% has been provided. The majority of the landscaping will be grass, shrubs, trees, and flowers. There are two fence types proposed to fence in the private areas for each unit. A 2-foot tall concrete wall is proposed between interior units and the adjacent end units in order to separate limited common area for the interior units. A vinyl fence is proposed for around the end unit limited private area. Staff suggested that the fencing types be compatible to each other versus having two completely different types. Also, because this is within the planned community zone, fencing should include stone, brick, masonry, or a metal of some kind. A condition of approval is recommended that an updated fencing plan including these suggested changes be

provided to staff for review. The building architecture has a fairly modern design and is progressive for the area. Staff felt it is a very nice plan that features stucco and stone. The preliminary submittals are of a very high quality and meet the zoning requirements, so staff suggested that final site plan and plat be reviewed at the staff level.

Final Development Plan:

Staff recommended that the Planning Commission grant Preliminary and Final Development Plan approval for the Hayden Court Townhomes project located at 7971 South Grizzly Way in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. Provide two updated versions for city records which contain an updated title page and final versions of the final site plan and final subdivision plat.
2. Modify proposed fencing so all fencing types within the project are compatible to each other and include brick, stone, masonry, and/or metal. Provide updated plans to staff for final approval.

Preliminary Site Plan:

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Hayden Court Townhomes project located at 7971 South Grizzly Way in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. Provide full sized elevations of all building.
2. Provide two separate application drawing sets for Final Site Plan and Final Subdivision Plat applications.
3. Private roads less than 28-feet in width are to be posted with "no parking" signs. Please provide these signs on the site plan per Engineering Department signage requirements.
4. Provide a copy of the CC&Rs for staff review with final application.
5. Final Site Plan approval to be done at staff level.
6. Modify proposed fencing so all fencing types within the project are compatible to each other and include brick, stone, masonry, and/or metal. Provide updated plans to staff for final approval.

Preliminary Subdivision Plat:

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for the Hayden Court Townhomes project located at 7971 South Grizzly Way in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. Provide two separate application drawing sets for Final Site Plan and Final Subdivision Plat applications.
2. Provide for private garbage collection on the proposed private road way system.
3. Final Subdivision Plat approval to be done at staff level.

Justin Peterson, Peterson Development, 225 South 200 East, said this is a remnant piece in the Stone Creek development. He also felt that staff had done a good job on their review, and they are excited about bringing this product to the market. Regarding the comments on fencing, they wanted the fencing on the two end units available for the resident where they can have some limited common area to use for pets or entertaining with privacy. The developer would not install the fencing, but would want the resident to have the discretion to do so. Because of the price point and the market they don't want to make that that option cost prohibitive. Some of the materials staff is asking for on the fencing is typically required on a large scale, but since this development is on

a small scale they felt it was an over burdensome requirement. He asked that the fencing requirement and type of fencing be left to the HOA and the buyers while having a minimum of a tan vinyl with a 12" privacy section on the top, which he felt would be tasteful and would complement the color scheme for the buildings. Regarding colors, he asked for a qualifier that they are asking for the palette of colors more closely represented on the 8 ½ x 11 renderings.

David McKinney asked Mr. Peterson to clarify his concern with the fencing condition.

Justin Peterson said the divider for the interior units is less of a practical wall and more aesthetic, because it may not really be seen. The end units will be more high-profile, and they would lobby for a more consistent theme with vinyl.

David McKinney asked if the dividers between the interior units will be cast in place concrete.

Justin Peterson said he thought they would be a plastered, cast in place concrete that will have a clean finish that would complement the modern architecture. The proposal for the end units would maybe be a five-foot vinyl with a 12-inch shadow box or screen.

David McKinney understood that Mr. Peterson was concerned with both issues of consistency and materials, and that he wouldn't want the vinyl on the interior units.

Justin Peterson stated that they felt that they would prefer to stay with their plan as proposed.

Chris Gamvroulas, Ivory Development, stated that Ivory is developing townhomes directly adjacent to this parcel. They don't have any opposition to the density or product type, and they have a good working relationship with Peterson. His concern with the site plan was that it appears that there are only 2 ½ parking stalls per unit, and Ivory's townhome development has 4 ½ parking stalls per unit. He asked if they can increase parking, because he worried that people will start parking on Hayden Peak Drive, which is across from the elementary school, and Grizzly Way. Other than that, he felt that the product was nice looking and he liked that it was something different.

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

Justin Peterson said his experience with the Stone Creek condominiums in this area was that Grizzly Way was designed and built to accommodate on-street parking, and it is consistent for this project as well. He couldn't speak to the parking situation for Hayden Peak Drive.

Chad Nichols said he lives near this area and can verify that cars do park on Grizzly Way. He had concerns with parking on Hayden Peak Drive and wondered if the City can address that issue with 'no parking' signs or some other solution. He liked the project, and he tended to agree with the applicant regarding the fencing.

David McKinney said the parking issue wasn't addressed in the staff report. It is clear that Grizzly Way is noticeable wider than Hayden Peak Drive. He asked staff about the required on-site parking.

Greg Mikolash said the parking standards are being met as required by the ordinance, which is a two-car garage per dwelling unit. In addition, guest parking is being provided for at one stall for every 4 units. If the site were shaped differently they might be able to fit more, but if they changed that now it would take away from open space.

Justin Stoker said he lives near Grizzly Way and travels this area, and there is adequate room on Grizzly Way for on-street parking in this area.

Ellen Smith asked if snow removal would be done privately since these are private roads.

Jennifer Jastremsky said snow removal and garbage collection will be private.

Ellen Smith felt that condition 6 was completely adequate; it is just saying that the fencing needs to be compatible. Given the area and that it is in a planned community they are expecting a higher standard than just plain vinyl, but she felt that there was enough freedom in the condition to work it out with staff.

Greg Mikolash said that there is a standard in the ordinance for P-C zones that calls for high quality materials, but vinyl fencing is not high quality and does last for more than 10 years. The condition is asking for high quality and consistency.

Justin Stoker would like to leave that up to the homeowners' association by putting that in the HOA documents and let them manage it.

Greg Mikolash said that staff is trying to emphasize that vinyl is not high quality material, and they don't want to see it here. They understand that it is less expensive and more marketable, but this area is subject to a higher standard.

Justin Stoker said the end units will not be fenced by the developer, but by the homeowner. So that requirement would be put upon the homeowner.

Ellen Smith said the condition still allows for freedom.

David McKinney said the condition doesn't exclude vinyl. He asked if a fence with masonry pillars and vinyl panels would be allowed.

Greg Mikolash said staff is suggesting that vinyl is not a high quality material and does not fit in the P-C, PRD, or WSPA areas, but it is the commission's decision.

**MOTION: Nathan Gedge moved to grant Preliminary and Final Development Plan approval for Hayden Court Townhomes; 7971 South Grizzly Way; Peterson Development (applicant) with the 2 conditions of approval as listed in the planning commission agenda based upon the discussion and testimony given. The motion was seconded by David McKinney.**

Chad Nichols asked about the parking and traffic issue on Hayden Peak Drive. He was concerned with the safety of the children at the elementary school. He asked if the City could post 'no parking' signs to prohibit parking during certain hours of the day.

Greg Davenport said there are probably a lot of options for the City to consider. For example the curb was not always painted red in front of the school, but when the problems arose that was changed. They can evaluate the situation once the development is built to see if there will be any problems.

**AMENDED**

**MOTION: David McKinney moved to amend the motion to modify:**  
**2. Modify proposed fencing so all fencing types within the project are compatible to each other and are constructed of high quality materials such as brick, stone, masonry, and/or metal. Provide updated plans to staff for final approval.**  
**The motion was accepted by Commissioner Gedge and the amended motion passed 7-0 in favor.**

**MOTION:** Nathan Gedge moved based on the testimony and discussion to approve the Preliminary Site Plan for Hayden Court Townhomes; 7971 South Grizzly Way; Peterson Development (applicant) with the 6 conditions of approval as listed, modifying:

6. Modify proposed fencing so all fencing types within the project are compatible to each other and are constructed of a material to include brick, stone, masonry, and/or metal.

The motion was seconded by David McKinney and passed 7-0 in favor.

**MOTION:** Nathan Gedge moved based on the testimony and discussion to approve the Preliminary Subdivision Plat for Hayden Court Townhomes; 7971 South Grizzly Way; Peterson Development (applicant) with the 3 conditions of approval as listed. The motion was seconded by David McKinney.

Ellen Smith asked if snow removal and road maintenance should be added to condition #2.

Jennifer Jastremsky said staff listed garbage collection because the proposed plan specifically called out that it would be done by the city, but the city doesn't collect garbage on private roads.

Ellen Smith was concerned that if someone were to look at the conditions they might think only garbage collection has to be private but not snow removal or road maintenance.

David McKinney said the only reason to add that language would be for clarification, since the code already requires it. He didn't know that there was a need for the amendment.

Ellen Smith said in some cases being more specific is better.

**AMENDED**

**MOTION:** Justin Stoker moved to amend the motion, amending:

2. Provide for private garbage collection, private snow removal, and maintenance on the proposed private road way system.

The amended motion was accepted by Commissioners McKinney and Gedge and passed 7-0 in favor.

**MOTION:** Nathan Gedge moved to adjourn. The motion passed unanimously.

The meeting adjourned at 6:49 p.m.

Justin Stoker  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009