

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 24, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: David McKinney, Ellen Smith, Dan Lawes, John Winn, Jesse Valenzuela, and Lesa Bridge. Nathan Gedge was excused.

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Scott Langford, Jennifer Jastremsky, Nathan Nelson, Paul Brockbank, Julie Davis, and Mark Forsythe.

OTHERS: Julia Kyte, Alecio Mejia, Cindy Wiggins, Brad Wiggins, Josh Becker, Paul Jensen.

The briefing meeting was called to order by David McKinney.

The agenda was reviewed. Staff requested to add another condition on Item #3 to require a 20-foot landscape buffer on 6400 West and Wells Park Road adjacent to the industrial properties, which shouldn't affect the number of lots. A correction was made to condition #3. Scott Langford stated that Jordan School District would not be in attendance tonight, but they asked them to refer to a letter from a previous application in June 2011, which was reviewed and discussed. Jennifer Jastremsky gave an update on the history of emergency calls to personal instruction businesses in the M-1 zone.

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

**1. Consent Calendar
Approve Minutes from January 10, 2012**

MOTION: John Winn moved to approve the Consent Calendar. The motion was seconded by Dan Lawes and passed 6-0 in favor. Nathan Gedge was absent.

2. West Jordan Elementary V (Fox Hollow) Subdivision; 6000 West 8200 South; Preliminary and Final Subdivision Plat; LSRF Zone; CRS Engineers (applicant) [#SDMA20110002; parcel 20-35-100-012]

Scott Langford said this application will ratify the existing development and facilitate the dedication of 6000 West right-of-way.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the West Jordan Elementary V Preliminary/Final Subdivision Plat located at approximately 6000 West 8200 South in a LSRF and MFR zoning districts with the conditions of approval as listed below:

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
2. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (City Code 14-3-8B)

Clarification was given on the width of the right-of-way (70 feet). The road is already constructed to the north end of the subdivision and is complete with curb, gutter, and sidewalk.

Paul Jensen, Jordan School District, said he was asked to be in attendance to represent the applicant. They appreciate working with West Jordan to construct the school and complete the improvements for safety.

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

MOTION: John Winn moved to approve the Preliminary and Final Subdivision Plat for West Jordan Elementary V (Fox Hollow); 6000 West 8200 South; CRS Engineers (applicant) with the conditions 1 and 2 as set forth in the report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Gedge was absent.

3. Echo Ridge Subdivision; approximately 6400 West Wells Park Road; Preliminary Subdivision Plat (105 lots on 40.526 acres); R-1-10E, R-1-8D and M-1 Zones; Dannen Development/Josh Becker (applicant) [#SDMA20110004; parcels 26-10-226-005, 006]

Scott Langford gave an overview of the application and the surrounding uses. There had been a previous request by another applicant to rezone the R-1-10 property, which was denied. The current applicant is working with the existing zoning for four phases with 105 lots, seven which are industrial lots. A proposed church lot is included on lot 6. The proposed phasing plan provides sufficient access for public safety, is economically viable and the last phase doesn't leave the bulk of the road improvements to be installed. A condition of approval is included that the applicant proceeds with a development agreement that clearly indicates phasing in terms of infrastructure versus costs and what triggers those improvements. The Commission had concerns with a previous concept subdivision regarding the transition from industrial use to residential use. Normally the industrial use is buffered from residential areas with other uses such as offices. They propose a 20-foot landscape buffer along 6400 West beginning from the 6-foot wall to a 5-foot sidewalk with a 9-foot parkstrip. The industrial lots across the street will have a 9-foot parkstrip and 5-foot sidewalk as well. Staff felt this is a good solution to the situation. Mr. Langford pointed out on the plat where the landscape buffer narrows to 10-feet on Wells Park Road, but staff is asking that the 20-foot wide buffer continue along Wells Park Road. The residential lots that back Wells Park Road will still meet the minimum requirements for R-1-8 if the buffer is increased.

The applicant is requesting alternative fencing materials. The code requires a 6-foot masonry wall, but allows the Planning Commission to approve different fencing or wall materials to meet the intent of the code. The proposal is for either Sim Tek Fencing (composite plastic) or Trex Fencing (composite recycled wood and plastic fibers). Both material types are more robust than standard vinyl. Staff recommended Trex with masonry pillars on 20-foot centers.

Engineering staff has worked closely with the applicant on modifications to the standard roadway sections. Since the extra wide landscape buffer has been provided, the City Engineer has agreed to a 42-wide road cross section for some of the roads. The asphalt remains at 25 feet, but the parkstrip has been removed and sidewalks expanded to six feet. Staff felt that the criteria can be met with the proposed conditions of approval. The Jordan School District had indicated there will be an impact to the local schools upon build-out of the subdivision, so they can look at the impacts phase-by-phase. The concerns deal with elementary school capacity and bussing and providing safe walking routes especially for the high school students.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Echo Ridge Preliminary Subdivision Plat located at approximately 6400 West Wells Park Road in an R-1-10E, R-1-8D, and M-1 zoning districts with the conditions of approval as listed below:

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
2. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (City Code 14-3-8B)
3. A Development Agreement shall be adopted by City Council prior to the recording of the first phase of development. The Development Agreement shall include but not be limited to items pertaining to the phasing of onsite and offsite improvements and the costs associated with the required improvements.
4. A Home Owners Association (HOA) shall be established as part of the recording of the first phase. Codes, Conditions, and Restrictions (CC&R's) concerning the HOA shall be recorded at the same time as the first subdivision phase is recorded. Among other things the CC&R's shall include a clear maintenance plan for all of the landscaped buffer area running along the perimeter of the residential lots that back 6400 West and Wells Park Road. This improved landscaped buffer shall include maintenance on the approved subdivision boundary fence/wall and all landscaping from the fence/wall to the back of curb.
5. The streetscape wall around the perimeter of the residential lots backing 6400 West and Wells Park Road shall either meet the masonry requirements as stated in the Zoning Ordinance (13-14-3G) or as an alternative be constructed with Trex® fencing with decorative masonry pillars every 20 feet on center (minimum). A precast concrete cap shall be placed on every masonry pillar.
6. Adequate public road access shall be completed per the approved Phasing Plan included in the required Development Agreement (see condition #3) prior to any building permits being issued.
7. All standards and requirements of the City's Municipal Code in effect at the time of this approval shall be adhered to.

Scott Langford gave clarification on the access points to the subdivision onto 6400 West. As part of phase 1 the applicant proposes to extend 6400 West going south to lot 5. In order to get two points of access, the Fire and Engineering departments agreed to a 20-wide access road that connects 6400 West with Wells Park Road and phase 2 will complete the road. A traffic study hasn't been done at this point. The industrial users may favor using Wells Park Road.

Regarding the potential uses on the industrial lots, Greg Mikolash said it could be any that are currently allowed in the ordinance.

Dan Lawes was concerned with the potential conflicts with the residential and industrial traffic.

Greg Mikolash said they are trying to eliminate the access conflicts by having shared driveway access points.

Ellen Smith asked if the 20-foot access will be public access to Wells Park Road and if it will be wide enough to handle both residential and industrial traffic.

Nathan Nelson said it will not be dedicated to the City, but it will be an easement. There is no opposition to having it as a public access easement so the public can use it. Once phase 2 comes in it will be dedicated and brought to full City standards. The access road won't be the full width that accommodates parking like the 25-foot residential streets do, but this access is through undeveloped area and wouldn't be needed as parking. They can easily place signs to prohibit parking.

David McKinney asked why it is only required to be 20 feet wide.

Nathan Nelson said that was the request by the applicant. Originally there was a desire to not pave it, so it was a kind of concession to help reduce the cost.

David McKinney indicated that another reason to add the 20-foot buffer on Wells Park Road is that the property to the south is zoned M-1 and the uses are unknown. He asked if there was a provision to have a berm as well as landscaping.

Scott Langford said they discussed it with the applicant. It shouldn't be too high because of irrigation, but the applicant indicated they would include a two-foot berm.

David McKinney asked how much more durable are masonry fences than the two being proposed by the applicant.

Scott Langford said the applicant has specifications that address it.

David McKinney asked for the timing on the sidewalk improvements for school children. The school district says the infrastructure for safe walking routes has to be in place for this development.

Scott Langford said the City traffic engineer said a lot of the sidewalk improvements will be installed by UDOT as part of the Mountain View Corridor project, but he didn't get an exact timeline. He said he didn't know if the school district could require the improvements of the development.

There was a discussion regarding bussing school children. The middle school boundary for bussing would be split in the development. High school students wouldn't qualify for bussing.

David McKinney read from the letter by Jordan School District that said the capacities of both West Hills Middle School and Copper Hills High School could accommodate either a 59-lot development or a 162-lot development and this is proposed for 97 lots. Then it indicated that Copperview Elementary is closer to its capacity and would need to add portables to accommodate a 59-lot development. In the event it became a 162-lot development additional adjustments beyond the portables would have to be made. He said since the request is for 97 lots we don't know if that can be accommodated.

Josh Becker, applicant, Dannen Development, 2445 North 1450 East, Lehi, said they have been working for quite a while with staff and felt they had done a good job in addressing most of the issues. He didn't see an issue with increasing the south buffer. He said one reason they requested a different type of fence is it is 30 feet from the road and serves more like a backyard fence.

The applicant was asked to explain the differences in durability of the fencing products.

Josh Becker said they are all no maintenance. Both have been tested for wind load up to 115 mph with the 6x6 posts and they both did fine. They are proposing 18" masonry posts. Neither material needs to be sanded or stained. They are both plastic material but stronger than vinyl. Sim Tek is injected with a substance that makes it solid and Trex is solid. He said the life expectancy is 20 to 30 years. He has masonry and Trex fencing at his home, and his wife likes the looks of Trex better. Because of the expanded landscaping and berm there isn't much risk to vehicles hitting the fence.

David McKinney asked him if masonry fences were more durable than these.

Josh Becker said his masonry fence has cost him more than the Trex because it started to flake after five years and had to be repainted. He agreed that they are more durable in strength if they are hit by a car, but as far as longevity and upkeep his personal experience has been that masonry is not necessarily more durable. He said the supplier feels the same way, because concrete can get water into it and flake and chip.

Lesa Bridge asked if he researched the demographics of the area.

Josh Becker said they did a long time ago. He had spoken to Jordan School District four to six weeks ago and the concern is once they go over 70 lots. However that won't happen until phase 4, which could be a year or two and the even more time to build out. They will start on phases 1 and 2 right away, but it takes time to build and get them occupied. The school district said they will call in six months to check on the project status and take it step-by-step.

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

Lesa Bridge asked if the school district isn't as concerned about the school capacity in two or three years because those students would have made it through the school system. The younger children are growing up and moving on as well so there won't be as many students since the neighborhood is growing up.

Greg Mikolash said they probably look at the cycle of schooling, but they need another letter from the district and will report back to the Planning Commission. Final approvals for this subdivision could come through the Planning Commission, if they desire.

Tom Burdett agreed that it's not so much a succession of children going through school years as much as coming back with an analysis of capacity at a time when the subdivision progresses and develops and how quickly that may impact their system. He felt that the letter just indicates that they want to be kept involved and in the communication loop at all phases so they can evaluate as it develops.

Lesa Bridge felt that the Commission's major concern is the ability to serve these children.

David McKinney said the capacity issue is significant and whatever they do they should require final approval through Planning Commission so they have time to get a better indication from the school district, since the letter is from a prior situation that no longer applies. Another concern has to do with timing of phasing, which is not predictable. They don't know when the sidewalks will be built, which is a concern and relates to children walking to school. He was glad the applicant agreed to the 20-foot buffer on the south. Regarding fencing, he was inclined to require a masonry wall as required by the ordinance, because they are more durable and will look better for a longer period of time.

John Winn felt that where the fence is 30 feet off the street there isn't much risk of cars hitting it. He would be in favor of something like the Sim Tek fencing where it looks like a masonry fence but doesn't warp like vinyl.

David McKinney didn't think durability in a collision was the issue. Time and weather and degradation are the issues. He felt that Trex looks bad in a short time, and he wasn't sure about Sim Tek. He felt that masonry would be better and last longer.

Ellen Smith asked if there is a difference with the auditory buffering with the different fencing types.

Greg Mikolash didn't know if it had been studied. He did say that if a masonry wall is hit or damaged they never match aesthetically again and they don't always get fixed due to cost.

Lesa Bridge felt Trex is more attractive than the other two.

John Winn asked how long a masonry fence lasts, because if the Sim Tek lasts 20 to 30 he didn't see why it couldn't be used.

Scott Langford didn't have the specifications on masonry walls, mainly because once the perimeter fences are installed they are maintained by the property owners. In this case an HOA will be established for long-term maintenance of the perimeter fence and landscaping.

John Winn asked if the Sim Tek and Trex fencing could be repaired more quickly and efficiently.

David McKinney felt that the Sim Tek fencing would be more difficult to repair to a pre-damage state, but Trex would probably be easier in that regard. He felt they need to look at what is in the interest of the City to make it attractive and livable.

John Winn felt that a masonry fence seems to attract graffiti more than the others.

Nate Nelson commented on that topic and said he didn't know if anything was immune to tagging.

MOTION: Dan Lawes moved based on the findings in the staff report and the evidence and testimony this evening to approve the Preliminary Subdivision Plat for Echo Ridge Subdivision; approximately 6400 West Wells Park Road; Dannen Development/Josh Becker (applicant) with conditions 1 through 7 as set forth in the staff report, amending:

- 3. A Development Agreement shall be adopted by City Council prior to the recording of the first phase of development. The Development Agreement shall include but not be limited to items pertaining to the phasing of onsite and offsite improvements and the costs associated with the required improvements.**

Adding:

- 8. A 20-foot wide landscape buffer along the residential lots that back 6400 West and Wells Park Road.**
- 9. Final approval to come to the Planning Commission.**

The motion was seconded by Jesse Valenzuela

AMENDED

MOTION: David McKinney moved to amend the motion to change condition #5 to read:

- 5. The streetscape wall around the perimeter of the residential lots backing 6400 West and Wells Park Road shall meet the masonry requirements as stated in the Zoning Ordinance (13-14-3G).**

Commissioners Lawes and Valenzuela accepted the amendment and the amended motion passed 6-0 in favor. Nathan Gedge was absent.

- 4. Text Amendment – Amend the West Jordan Municipal Code Section 13-5F-2 to allow Personal Instruction Service as a conditional use in the M-1 Zone; City-Wide; Julia Kyte and Alecio Mejia (applicants) [#TA20120001]**

Jennifer Jastremsky said the application is to conditionally allow personal instruction service within the M-1 zone. This use has an inconsistent past in the M-1 zone. It was allowed in the 1990 ordinance but was removed with the 2000 recodification. In 2002 the City approved an application to allow it again, but was removed again in the 2003 recodification. In 2006 another application was received, which was denied for M-1 but approved in P-O and P-C zones. There are currently five personal instruction businesses in the M-1 zone. They are mostly in multi-tenant buildings with other office and warehouse uses and not typically in areas with outdoor storage or major manufacturing operations. This is a common request to the planning department. Buildings in manufacturing zones have a lot of square footage and ceiling heights that allow for regulation sized dance floors and fitness apparatus. These properties also cost less than buildings of similar size in commercial zones. Staff

asked fire and police if there had been any emergency calls at these businesses. As of January 17, 2012 there had been two calls for the existing businesses. One incident involved a fall in the parking lot and another was a minor auto-pedestrian conflict and neither involved manufacturing equipment, vehicles, chemical storage, etc., and were events that could have happened in any zone. The fire department stated that there isn't the emergency response data to suggest a concern. She pointed out that Criterion B and F dealing with conditional use permits will allow staff to review each request on a case-by-case basis for potential conflicts with chemical storage, heavy manufacturing, or other conflicts that could arise in the manufacturing zone. Also, the parking standard is substantially higher than what is typical in the manufacturing zone, so that will ensure the use can support the parking needs for various classes. These uses in manufacturing zones must also provide pedestrian access, sidewalks, and loading/drop off areas so there are safe walking areas. While there are some concerns for locating personal instruction service in the M-1 zone, past experience suggests that these two uses can locate safely within the same neighborhood.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed text amendment to Code Section 13-5F-2 allowing Personal Instruction Service as a Conditional Use within the M-1 zoning district.

Julia Kyte, 10497 Oquirrh Lake Road, also introduced Alecio Mejia and stated that she is currently an attorney and Mr. Mejia is a Rio Tinto employee and EMT and first responder. They seek to open a personal instruction service facility, which requires this amendment. Because of their background they are definitely focused on safety. Because the use would be conditional, the City would have complete control in each situation, and they feel their situation will meet the criteria. They have worked with property owners Mac and Calvin Brubaker who are in support and will attend the City Council meeting, if desired.

Cindy Wiggins, owner of West Jordan business Extravagance Dance Studio, stated that they took over the existing dance studio and are looking to move to a bigger location within M-1 zoning, which they are unable to do without the amendment. She has been a dance studio owner for 30 years, and they have a great track record as far as students' safety. She appreciated whatever could be done so they can also move into another building and continue in their business. To get a large facility with high ceilings in a retail area is impossible due to cost, which is a main reason they prefer industrial buildings.

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

MOTION: John Winn moved to forward a positive recommendation to the City Council for the proposed Text Amendment allowing Personal Instruction Service as a conditional use within the M-1 zoning district; City-wide; Julia Kyte and Alecio Mejia (applicant). The motion was seconded by Dan Lawes.

John Winn thought these are good areas for this type of use and didn't foresee any problems. Dan Lawes said especially as a conditional use. David McKinney also agreed. He said they are largely used on weekends and evenings and there generally aren't any conflicts.

VOTE: The motion passed 6-0 in favor. Nathan Gedge was absent.

**5. Discussion – Regarding amending the West Jordan Municipal Code Section 8-2-4
Undergrounding of Utilities [#TA20110011]**

Scott Langford led a discussion based on research provided in the memo.

Ideas brought out in the discussion were:

Strategies:

- Underground entire stretch of roadway at once, because piecemeal doesn't work
- Two funding possibilities, which could be combined: 1) fee in lieu for a developing property, and 2) all developers whether utilities are an issue or not pay an impact fee that goes in a fund until there is enough to do a section, based on a prioritization map with cost estimates per segment (updated 5-10 years)
- Trigger would be when funds are large enough; could also be when widening a road or other work in order to be wise with resources
- Fee in lieu will bury all lines; those that service the property and those that only traverse it
- Feasibility analysis for 1) technically to show where the lines are and the priority; 2) Economic to see if it is feasible to have a fee system (even a multitier) and if it will work, since Sandy and Draper decided it doesn't work. What kind of fees would be required and what kind of push back would we get from developers and the public; 3) Legal standpoint with charging fees for burying lines that serve property as well as lines that traverse property.
- Option for services districts dividing up the city and fees would depend upon the district and would end once the project is accomplished.
- Focus on brand new areas and the impact fee and leave the existing alone or maybe only require on large infill parcels or with road widening.
- Survey/study city-wide to see if there is interest and how important it is to residents and developers.

Concerns:

- There are other factors in moving lines such as multiple users; each user hires its own contractor and it is rarely done at the same time.
- Would have to disclose upfront that payments don't necessarily go toward your power lines, but to the next project on the priority list.
- City needs to remain competitive with development fees. Don't want to chase away potential commercial developments.
- Make sure fees are only charged once; so much per year or one-time fee.
- A tax with a sunset charge was mentioned, but the project could extend 20 to 30 years.
- General public may not be as concerned about the issue as the city. If the residents don't care enough to pay something, maybe it isn't something to pursue.

Staff will do further research, including a legal analysis. Mapping of the poles and lines is completed.

Scott Langford said they would do more work on Option #4 Payment in Lieu of Undergrounding. He asked how they felt about excluding industrial areas or if they should be included in a special service area.

David McKinney said it made sense to at least have a different provision for types of areas. It doesn't make as much sense to put as much effort into undergrounding in the manufacturing zones.

Ellen Smith said it is important to not make the cost of doing business so high that it will limit our economic development. Maybe they could concentrate on undergrounding lines on the outside of the industrial areas

along major collector and arterial streets for new development and they wouldn't worry so much about existing or interior roads in the manufacturing areas.

Scott Langford asked if the code should steer away from waivers and require either burying the lines or paying a fee in lieu of.

Several commissioners agreed to that.

Dan Lawes volunteered to be the Planning Commission representative for the CDBG/HOME Committee that evaluates submittals from sub-grantees to assist low and moderate income residents.

MOTION: John Winn moved to adjourn.

The meeting adjourned at 7:53 p.m.

David R. McKinney
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2012