

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD NOVEMBER 4, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Sophie Rice, David Pack, Zach Jacob, Lesa Bridge, Ellen Smith, and Bill Heiner.

STAFF: Greg Mikolash, Nannette Larsen, Todd Johnson, Robert Thorup, and Julie Davis.

OTHERS: Brent Sweet, James Hatch, Andrew McKay, Nathan Bosworth, Sarah Sebastian

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying information was given with regards to the chemicals in Item #2.

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

**1. Consent Calendar
Approve Minutes from October 21, 2014**

MOTION: David Pack moved to approve the minutes from October 21, 2014, as contained in the staff report. The motion was seconded by Ellen Smith and passed 7-0 in favor.

2. Aztec Coatings; 5717 Wells Park Road; Conditional Use Permit for Chermical Storage and Operations in the Drinking Water Source Protection Overlay Zone; M-1 Zone; Aztec Coatings/James Hatch (applicant) [#CUP20140007; parcel 26-11-200-007]

Brent Sweet, General Manager, explained that they are an industrial coater. They have established a small shop in West Jordan, but most of their work is done off-site. They will use this shop to store equipment such as sandblasters and sprayers. Their materials are usually shipped to the job site, so they don't carry much in the way of paint materials. They have a small fireproof container on the business site where they can store some materials. Truck parking will be on asphalt, and the storage area is gravel.

Sophie Rice asked if the equipment is cleaned on the project site or at this facility.

Brent Sweet said it is generally cleaned at the job site. Sometimes they might wash the equipment if they are doing repairs, but it is very minimal.

James Hatch, owner, said that at times they rebuild the guns on the property but it would never be the entire amount of paint.

Zach Jacob wanted to address the vague nature of condition one with respect to 'large quantities' of paint on site.

James Hatch said they will take a shipment of several hundred gallons and then distribute it out. Their storage container can hold about 300 gallons.

Bill Heiner asked what precautions are taken in case of a leak.

James Hatch said the paint is normally stored in the conex box and any spill is easily cleaned up without leaks. If the paint is on a pallet ready for transport it is shrink wrapped.

Zach Jacob said another vague condition refers to ‘an extended period of time’. He asked how long they usually have large quantities on-site.

James Hatch said most of the time they have about 100 gallons on-site. If there is a large shipment of 300 – 500 gallons at a time it would be on-site for only a couple of days.

Zach Jacob asked if it would work to limit the condition to say they can’t have more than 100 gallons for more than 1 week.

James Hatch said that would probably be okay.

Nannette Larsen explained that the property is located within the drinking water source protection overlay district in zone 4.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit for Aztec Coatings to allow chemical storage located at 5717 West Wells Park Road in an M-1 zone with the following Conditions of Approval:

1. Paint storage at the facility shall remain clearly ancillary to the primary use and may not include large quantities of paint stored on-site for an extended period of time.
2. All outdoor storage must be located behind the building and permanently screened from the street.
3. Parking or driveway areas within any front, side, corner side, or rear yard area shall have a parking surface constructed of asphalt, concrete, grasscrete, a minimum of 3/4” or larger gravel mix, pavers, rock, stone, or turf block (gravel, gravel mix, crushed rock and stone shall have a minimum depth of 4”) or a combination thereof.
4. Proof that the two separate parcels have been consolidated (to ensure parcel frontage along Wells Park Road).
5. Approval of a Conditional Use shall become null and void upon twelve (12) months, unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period
6. The decision of the planning commission or zoning administrator shall be final and effective fifteen (15) days from the date of the decision, unless an appeal is filed.
7. All changes to the site shall be consistent with the submitted Conditional Use application, letter of intent, and site plan.
8. The proposed use shall meet all applicable Zoning, Building, Engineering, and Fire Department’s requirements.

David Pack referred to the staff report that mentions storage on-site is typical of other properties in the vicinity and is not anticipated to adversely impact persons working in the community or adjacent properties. Later in the report it says that conditions and stipulations have been incorporated in the

approval of the conditional use permit to insure that any anticipated detrimental effects are mitigated. He understood that nothing is anticipated, but he asked what might the detrimental effects be and what are the mitigation ideas.

Nannette Larsen said on-site spillage or leaking chemicals could be detrimental. Mitigating factors listed in the conditions included condition #1 to limit the amount of chemical storage on site.

Greg Mikolash said they aren't expecting that these chemicals will spill. He explained that normally the conditional use permit for outdoor storage is approved administratively, but since this is in the well protection area it comes to the Planning Commission. He pointed out that this particular property isn't in the most sensitive of the overlay zone. He suggested that they add a condition of approval that the fire inspector check to make sure the storage of the chemicals meets the conditions of approval.

Ellen Smith asked how long it would take for water in this area to reach the well.

Todd Johnson thought that this area was in the 15 year rate.

Ellen Smith said if something were to happen there would be plenty of time to mitigate the problem before it reaches the well. She asked if the aquifer is deep or close to the surface. If this were in a more sensitive area they would make sure that storage would be on a paved or capped surface.

Todd Johnson said the aquifer is deep.

Greg Mikolash clarified the process for consolidating the parcels, which requires that a deed be recorded with Salt Lake County. The applicant then needs to show that deed to the City to verify that it matches what was originally there.

Dan Lawes opened the public hearing.

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

Zach Jacob asked if condition #8 covers the recommended condition from Greg Mikolash or if they want to specify the fire department requirements.

MOTION: Zach Jacob moved based upon the findings in the staff report and the discussion this evening with the applicant and staff to approve the Conditional Use Permit for Aztec Coatings to allow chemical storage; 5717 Wells Park Road; Aztec Coatings/James Hatch (applicant) with the conditions of approval as listed, modifying:

- 1. Paint storage at the facility shall remain clearly ancillary to the primary use and may not include more than 200 gallons of paint stored on-site for a period of time greater than 1 week.**

The motion was seconded by Bill Heiner.

With regards to an additional condition, it was pointed out that the fire department will conduct an inspection in association with the business license application.

There was a discussion regarding whether or not the limits in condition #1 were too specific and restrictive. Several options were given that might address any unforeseen circumstances that would cause them to fall outside of the limits. However, raising the limits might not address the concerns with storage in the well protection overlay. It was also pointed out that the site isn't large enough to house very large quantities and meet the other conditions of approval.

Robert Thorup said the condition is getting to the nature of the business, which is an operating business and not a warehouse, so any storage of paint is ancillary. He suggested that the second phrase in condition #1 be eliminated. If staff finds that the business is conducting a warehouse with large quantities of paint being stored for sale then this condition will allow staff to address violations without the need to measure specific quantities.

AMENDED

MOTION: Zach Jacob moved to amend the motion to modify:

- 1. Paint storage at the facility shall remain clearly ancillary to the primary use.**

The amendment was accepted by Bill Heiner and the amended motion passed 7-0 in favor.

- 3. Sun Ridge Assisted Living; 7037 South 4800 West; General Plan Land Use Amendment for 2.22 acres from Neighborhood Commercial to Very High Density Residential and Rezone from SC-2 (Community Shopping Center Zone) to R-3-12 (SHO) (Multi-family Residential 12 units per acre maximum density – Senior Housing Overlay); Sunset Village LLC/Cerrito Development LLC/Andrew McKay, Mervyn Arnold (applicant) [#GPA20140007, ZC20140007; parcel 21-30-101-005]**

Andrew McKay, property owner, and Nathan Boswell, property owner over management and operations were both in attendance. Andrew McKay said they are excited to develop a beautiful project. They concur with the staff report and the positive recommendation. The site is currently zoned as neighborhood commercial and after doing feasibility work they found this location isn't ideal or financially viable as commercial use. They want to build an assisted living center. West Jordan doesn't have a lot of resources in this field, and there is a need for it in this community. The details for the operations will come out with the site plan process.

Nathan Boswell said their facility will provide the same type of care as Beehive Homes in West Jordan. They noted that they will be the owners and operators of the completed facility.

Nannette Larsen reviewed the requested land use map amendment from neighborhood commercial to very high density residential and zoning map amendment from SC-2 to R-3-12 (SHO). She referred to the concept plan that provides an idea of what the site could consist of.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to approve the General Plan Land Use Map amendment from Neighborhood Commercial to Very High Density Residential and the Zoning Map amendment from SC-2 to R-3-12 (SHO).

Dan Lawes opened the public hearing.

Sarah Sebastian, West Jordan resident, stated that lives next to the proposed building. She had heard that there would be a line of trees and a garden in that area and she asked where those would be located. Her other questions had to do with site layout as well.

Dan Lawes explained that site plan issues would be discussed at the next phase of the process. He said the applicant could discuss that with her after the public hearing. If the request is approved it will come before the Planning Commission at another hearing. After tonight's meeting it will be forwarded to City Council for a hearing that will also be noticed. Tonight's hearing is to make a recommendation on whether or not the property should receive a zone change.

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

Zach Jacob said the reasoning in the staff report for the future land use map amendment is that the Highlands commercial development makes this property less viable as commercial. He was interested to know the timeline of the land use map with regards to this property and the Highlands property.

Greg Mikolash said this property has been commercial since at least 1994 and the Highlands area was mostly in an agricultural zone with low density land use and was changed to commercial with the West Side Planning Area.

David Pack wanted to look at all points of view. The property is currently underutilized and vacant and the intended commercial use is low. He understood that they aren't approving the site plan at this time, but he liked the concept.

Zach Jacob asked if 7000 South will be extended to Airport Road.

Todd Johnson said the City's property acquisition group has recently been working on that.

Zach Jacob said that could change the viability of the commercial use if the airport is used to its full potential. He thought this was a good idea as the property sits now, but he didn't know if Criteria #4 and #2 were being met. To him it seems that the change is benefiting a specific spot for a specific person or entity. He felt that the future land use map was laid out with a lot of forethought. This property is on the corner of an arterial and main collector and he wondered if that was a good place for an R-3-12 zoning. The City seems to be amending single parcels at a time.

Dan Lawes said sometimes changing a single parcel makes it more congruent to the surrounding development.

Zach Jacob wasn't saying that there is never a reason to do it or that this isn't a good option, but as a general principle they are changing parcel by parcel instead of planning a city.

Sophie Rice was concerned that this area already has too many little pockets of commercial that aren't doing very well, and she felt that the request was a good idea.

MOTION: Sophie Rice moved based on the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council for Sun Ridge Assisted Living; 7037 South 4800 West; Sunset Village LLC/Cerrito Development/LLC (applicant) to amend the General Plan Land Use Map for 2.22 acres from Neighborhood Commercial to Very High Density Residential. The motion was seconded by Lesa Bridge and passed 6-1 in favor with Zach Jacob casting the negative vote.

MOTION: Sophie Rice moved based on the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council for Sun Ridge Assisted Living; 7037 South 4800 West; Sunset Village LLC/Cerrito Development/LLC (applicant) to amend the Zoning Map for 2.22 acres from SC-2 to R-3-12 (SHO). The motion was seconded by Lesa Bridge and passed 7-0 in favor.

4. Text Amendments – Amend the West Jordan Municipal Code Section 13-2-3 “Definitions”, Title 13 Chapter 5 “Permitted and Conditional Uses”, and deleting Section 13-8-20 “Special Residential Facilities”; City Wide applicability; City of West Jordan (applicant) [#TA20140009]

Robert Thorup was available to answer any questions regarding the proposed changes.

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 amendments to the West Jordan Municipal Code as discussed in the report.

Dan Lawes opened the public hearing.

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

MOTION: Bill Heiner moved based on the finding set forth in the staff report and upon the evidence and explanations received to forward a positive recommendation to the City Council for the proposed Text Amendments to Section 13-2-3 “Definitions”, Title 13 Chapter 5 “Permitted and Conditional Uses”, and deleting Section 13-8-20 “Special Residential Facilities”; City-wide applicability; City of West Jordan (applicant) as discussed in the report. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

5. Planning Commission 2015 Meeting Schedule

The proposed calendar was discussed. The meeting dates will be as noted in the staff report changing the second meeting in November to Wednesday the 18th.

MOTION: Lesa Bridge moved to adjourn.

The meeting adjourned at: 6:56 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014