

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 21, 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: Tom Burdett, Jeffrey Robinson, Greg Mikolash, Jennifer Jastremsky, Madeline Francisco-Galang, Chris Gilbert, Reed Scharman, and Julie Davis.

OTHERS: Lynn Bailey, Darin Staples, Ken Nadolski, Patrick Roach, David Neal, Joey Clegg, Barrett Peterson, Tefton Smith, Colin Reynolds, and Elizabeth Romero.

The briefing meeting was called to order by Justin Stoker.

A name correction was made to the minutes. The plat extension process was discussed for Item #1B. Clarification was requested as to the engineering and access issues as well as fencing options for Item #2. Best Management Practices was explained regarding Item #3. Item #5 was discussed regarding the minimum distance from another similar business if located outside of the City. Some Commissioners felt that there could be a location outside of the City that was within 1,000 feet from the proposed business.

The regular meeting was called to order at 6:08 p.m. by Vice Chair Stoker.

1. Consent Calendar

A. Approve Minutes from May 7, 2008

B. Paige Meadows Time Extension; 7480 South 2540 West; Subdivision Plat Time Extension; R-1-10 Zone; DWS Ventures, LLC/David Neal (applicant) [#SDMA20070002; parcel 21-28-403-026, 027]

Staff recommended that the Planning Commission approve a one-time 6-month time extension for the Preliminary Plat of Paige Meadows Subdivision set to expire June 6, 2008, located at approximately 7480 South 2540 West. If approved, this extension will expire on December 6, 2008.

Justin Stoker asked if there were any in the audience to speak on Item #1B. There were none.

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

2. Mountain America Credit Union; approximately 2195 West 9000 South; Preliminary Site Plan; P-O (ZC) Zone; Ward Engineering Group/Colin Reynolds (applicant) [#SPCO20080001; parcels 27-03-301-001, 017]

Greg Mikolash gave the overview of the item. It is required that the abutting portion of 2200 West be improved as well as portions of 9000 South cutting a new approach. He pointed out the area that requires more trees to be shown on the south portion. There is a 6' masonry wall on the south with an open area left in native grass. If walled off that area could become non-maintained over time. Staff suggested that the wall be moved to the southern property line as to keep ownership responsibilities of the vacant land with the credit union. Opaque fencing is required to the east where it abuts the church. The existing fence is slatted chain link, and options for that property line are to construct a masonry wall, a decorative concrete wall, a fence or wall of other durable material, or to install an adequate landscape buffer. He explained that the proposed landscape area would not be adequate, but if the parking on the east were eliminated and replaced with landscaping it would meet the buffer requirement. He reviewed the required and provided parking. Mr. Mikolash showed the building elevations. A traffic impact study is attached to the report in a memorandum that outlines some suggested corrections for the final site plan. The TIS is something that is requested after the fact and is not a part of our code. The site plan that is shown at this time is a reflection of what staff had requested over the last few months. He noted that

modifications of some conditions were suggested. He suggested that subcondition a. on Condition 8 be used. Condition 9 can be eliminated as it is already stated in #8. Condition 10d. would be in conjunction with removal of parking spaces and increasing the landscape buffer area. Condition 12 isn't applicable and could be removed. Condition 13 could be removed, because it is already being met through a staff interpretation. In Condition 15 the language should be amended to state that it is recommended instead of using 'shall'. Finally, in Condition 16 lettering can be used in conjunction with the logo, but it would have to be modified to include the business name.

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Mountain America Credit Union project located at 9017 South 2200 West in a Professional Office (P-O) 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. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time of this approval.
2. The Preliminary Site Plan shall remain valid for one year following the date of approval (Section 89-5-304a).
3. The Applicant shall apply for Final Site Plan review and receive approval before a final building permit is issued for the development.
4. All mechanical units and utility boxes (roof, building, or ground mounted) shall be screened 100% as viewed from all adjacent properties and roadways (§89-6-803c).
5. All Engineering Department redlines must be addressed prior to Final Site Plan submittal.
6. All building downspouts (roof drains) shall be placed internal to the building and exit at the parking lot level.
7. The Final Site Plan shall be amended to show 12 trees located within the required buffer between the credit union and the residence to the south, as required in Section 89-6-708(e3) of the Zoning Ordinance.
8. As selected by the Planning Commission, the Applicant shall be required to do one of the following:
 - a. Relocate the required 6 foot masonry wall to the southern property line, and a notation be added to the Final Site Plan which states in detail how the "native grass" portion of the site will be maintained.
 - b. A notation be added to the Final Site Plan which states in detail how the "native grass" portion of the site will be maintained.
9. The Final Site Plan shall be amended to show a 6 foot high wall running the length of the southern property as required by the Zoning Ordinance.
10. As selected by the Planning Commission, the Applicant shall amend the Final Site Plan to show:
 - a. a 6 foot high masonry fence along the east property line
 - b. a 6 foot high decorative concrete fence along the east property line
 - c. a 6 foot high opaque fence of other durable material along the east property line
 - d. leave the existing chain link with slats fence along the east property line
11. The Final Site Plan shall be amended to show compliance with Section 89-6-804(c) of the Zoning Ordinance, which requires all fencing and/or walls within the required front and corner side yards to be no higher than 36 inches.
12. The Final Site Plan shall be amended to remove the notation that states there is an existing fence on the southern property line, as there is no such fence currently on the site.
13. The Final Site Plan shall be amended to show proper berms and landscaping between onsite parking and adjacent street rights-of-way. Said berms and landscaping shall be designed to provide a solid screen a minimum 4 feet in height as required by Section 89-6-605(a).
14. The Final Site Plan shall be amended to show compliance with Section 89-6-606(h3) of the Zoning Ordinance, which states, "*parking lot and security lighting shall not exceed a maximum of 15 feet in height including lamp, pole, and base within 150 feet a residential district.*"

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15. The Final Site Plan shall be amended to replace the majority of the parking spaces located on the east side of the development be with landscaping.
16. The final building elevations must be amended to remove all wall signage, with the exception of appropriate lettering stating the name of the business per Section 89-6-1108(m) of the Zoning Ordinance. All wall signage placed on the building shall be individual backlit pan channel lettering with no raceways.

David McKinney understood that the traffic impact study was not produced until after the initial requirements for the site plan were conveyed to the applicant, so the recommendation to remove the access from 9000 South occurred after the site plan was submitted.

Greg Mikolash said the site plan had always shown an access on 9000 South. It just so happened that the site plan required the TIS, which had language that highly recommended it not be there.

David McKinney said the TIS states the access on 9000 South does not meet the City standard for minimum corner clearance. He asked if the Commission could waive that or if they were obligated to enforce the standard. If the Traffic Engineer says that the access is too close do we recommend that it be taken out?

Jeffrey Robinson said yes.

David McKinney asked if the Fire Department would require two access points.

Reed Scharman said the size of the building is relatively small, and much of the access in terms of fire protection will be from the street. Based upon the Fire Code they wouldn't say that it absolutely had to have two fire accesses.

Stacking requirement for the drive-through is sufficient. The trash enclosure could remain in its proposed location should they choose to remove the parking on the east and increase the landscape buffer.

Colin Reynolds, Ward Engineering, 231 West 800 South, stated that Pat Roach with DC Architects was also in attendance. Mr. Reynolds stated that the credit union had been in close and continual negotiations with the City Traffic Engineer on the issue of access onto 9000 South. A compromise was reached in which the access would be for a right turn only, and a median would be installed along their entire stretch of 9000 South plus 100 feet beyond their property in order to mitigate traffic concerns with the intersection. It was his understanding that this compromise was already approved. By not allowing the access it would make the site nearly unusable in terms of the owners' approach to design of traffic flow for the site. He explained the conflicts that would occur if it were removed. They want to avoid moving the fence on the south primarily because the owner is in negotiations with the property owner to the south to purchase the vacant property. They would make the note on the plat and make a maintenance schedule that would hold the credit union responsible for maintaining the property until it is no longer owned by them. They have already agreed to remove the 16 parking spaces on the east, which would give a 26-foot landscaping buffer and the existing fence would be sufficient. They are happy to meet all of the remaining requirements.

Nathan Hendricks asked for clarification that the access on 9000 South would be right turn exit only.

Colin Reynolds said it is a right-in and right-out, but there would be no crossing of traffic on 9000 South.

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

David McKinney felt the Commission had been left in a quandary, because the traffic study doesn't indicate a compromise being reached, and the distance from the corner is less than 300 feet.

Greg Mikolash said the only reason the plan was able to be brought to the Commission at this time was because of the negotiations between Bill Baranowski and the discussions with Ward Engineering to allow this. The traffic impact study didn't come from Bill Baranowski, but it was an outside contract. He didn't think the 300-foot standard is steadfast in every case, because there may be situations of a legal lot that the City created that doesn't have 300 feet.

Madeline Francisco-Galang stated that adding the median and limiting the access to right-in/right-out was to protect from the potential traffic problems.

David McKinney said the documents seem to state that they can't do it, but the statement from engineering is that this is not a hard and fast rule, but he doesn't have anything from the traffic engineer.

Madeline Francisco-Galang stated that she is not a traffic engineer, but the intent is to limit the access on 9000 South. By installing a median and limiting it to right-in/right-out that is accomplishing the goals of safety.

David McKinney asked if they could get a confirmation that the distance of access is recommended and not required.

Greg Mikolash said they can, but they couldn't get that tonight. They are at preliminary approval with the Engineering Department indicating to staff that there is no reason why they can't move forward with the submitted site plan. He suggested that they can put it in as a condition of approval for the final site plan, if desired.

Reed Scharman pointed out that one concern he had with the weed abatement of the property to be left vacant is that if it weren't sold to the neighboring property owner there would be no access for fire apparatus or maintenance should it be walled off.

David McKinney agreed and felt that the condition to move the wall to the south end should remain as long as the property is owned by the credit union.

John Winn said the applicant indicated that a maintenance plan would be laid out with the owner, which would make a difference.

Nathan Hendricks said that wouldn't address the point of accessibility. The Commission could ask that this be brought back for final site plan and address the issue at that time. If the property is sold by then it won't be an issue.

Justin Stoker felt they may want to see the final site plan with the changes that are being made as discussed. They could modify the condition for the southern wall depending upon whether or not it is sold.

David McKinney said there is no guarantee that the property will be sold, so they need to take the approach of what is best for the City, which is to move the wall. If the property ownership changes the condition wouldn't apply.

The applicant wished to speak, but there having been no public comment there was no requirement to allow rebuttal.

Nathan Hendricks said that if the condition stated that the wall has to be on the south property line and the property was sold it would be located at the current placement. He didn't think the condition would need to be amended.

- MOTION:** David McKinney moved to approve Preliminary Site Plan for Mountain America Credit Union; 9017 South 2200 West; Ward Engineering Group/Colin Reynolds (applicant) with the conditions of approval as listed in the staff report, amending and removing:
- 8: The applicant shall be required to relocate the required 6-foot masonry wall to the southern property line, and a notation be added to the Final Site Plan which states in detail how the "native grass" portion of the site, if any, will be maintained.
 - 9. Remove.
 - 10. d. Leave the existing chain link fence with slats along the east property line if the east parking stalls are removed and the eastern region of the property is made into a landscape buffer.
 - 13. Remove.
 - 15. It is recommended that the final site plan be amended to replace the majority of the parking spaces located on the east side of the development with landscaping.
 - 16. The final building elevations must be amended to remove all wall signage, with the exception of appropriate lettering stating the name of the business along with the business logo per Section 89-6-1108(m) of the Zoning Ordinance. All wall signage placed on the building shall be individual backlit pan channel lettering with no raceways.

The motion was seconded by Nathan Hendricks.

AMENDED

- MOTION:** Nathan Hendricks moved to amend condition #15 to specify that the landscape buffer would be at least 20 feet wide, and to insert the same language in #10d. The amendment was accepted by David McKinney.

Justin Stoker understood that Condition 12 was recommended to be removed as well.

David McKinney asked if it caused a problem to leave it in. Greg Mikolash said it could stay.

- VOTE:** The motion passed 6-0 in favor. James Dupaix was absent.

- 3. Louis and Company; 9826 South Prosperity Road; Conditional Use Permit for cabinet finishing operations in the Well Water Protection Zone; M-1 Zone; STS Properties/Darin Staples (applicant) [#CUP20080003; parcel 26-11-301-001]**

Jennifer Jastremsky gave an overview of the request for a hardware finishing company to operate in the well water source protection zone. Engineering and Fire Departments have reviewed the application and best management practices and had no objections at this time. She showed the location of the nearest well, which is .6 miles away. All chemicals will be stored within a hazmat room. The chemicals will be piped into the paint room in order to apply the finishes without the need to move chemicals within the facility. The pipes and tubing in the paint room must be above ground and visible at all times. No outdoor storage is requested or approved.

Staff recommended that the Planning Commission approve the Conditional Use Permit for Louis and Company, located at 9826 South Prosperity Road, with the following conditions.

- 1. Obtain and adhere to Preliminary and Final Site Plan approval from the City of West Jordan.
- 2. The project shall comply at all times with the City of West Jordan Best Management Practices, as determined by the Engineering Department.
- 3. Piping and tubing for chemicals shall not be buried and shall be visible for inspection and leak detection

at all times.

- 4. The Conditional Use Permit shall be subject to review and/or revocation as per §89-5-404.

Darin Staples, Tom Stuart Construction, 360 North 700 West, North Salt Lake, representing Louis and Company, said they desire the conditional use permit in order to proceed with construction.

David McKinney asked if this company will supply product to KraftMaid.

Darin Staples said not a lot to KraftMaid, but to companies like that.

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

MOTION: David McKinney moved to approve the Conditional Use Permit for Louis and Company; 9826 South Prosperity Road; STS Properties/Darin Staples (applicant) with the conditions 1 through 4 as listed in the staff report. The motion was seconded by John Winn and passed 6-0 in favor. James Dupaix was absent.

- 4. **Sunset Ridge LDS Stake Center; approximately 8107 South 6700 West; Conditional Use Permit; CD Architects PC/Wayne Despain (applicant) [#CUP20080005; parcels 2034200006, 007]**

Nathan Hendricks disclosed that John Winn and he would be attending church in this building. In discussions with the City Attorney it was determined that there is no conflict of interest.

Jennifer Jastremsky gave the overview of the request for a church use located in the West Side Planning Area. The site plan, subdivision plat, and development plan will be forthcoming to the Commission. The church is proposed to be 24,000 square feet with a pavilion. The site plan shows 299 parking spaces and 33% overall landscaping, which both exceed the minimum requirements. The proposed use is compatible with the surrounding zoning and uses.

Staff recommended approval of the Conditional Use Permit for Sunset Ridge LDS Stake Center located at 8107 South 6700 West, based on the findings outlined above with the conditions set forth below.

- 1. Address and adhere to all Department comments, conditions of approval and all applicable code standards.
- 2. Obtain Preliminary and Final Subdivision approval form the City of West Jordan, and record the approved plat with the Salt Lake County Recorders Office.
- 3. Obtain Preliminary and Final Development Plan approval form the City of West Jordan.
- 4. Obtain Preliminary and Final Site Plan approval from the City of West Jordan.
- 5. The Conditional Use Permit is subject to review and/or revocation as per §89-5-404(f).

Joey Clegg, CD Architects, 9176 South 300 West #18, said the site had been reviewed, and he noted that there is a turnaround on the revised site plan. He stated that the use is a positive influence on the community, and there are many examples of how well these facilities are maintained.

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

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for Sunset Ridge LDS Stake Center; approximately 8107 South 6700 West; CD Architects PC/Wayne Despain (applicant) based upon the findings of fact with the conditions 1 through 5 as listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. James Dupaix was absent.

5. Money Fixers; 3655 West 6200 South; Conditional Use Permit; C-G Zone; Money Fixers, Inc./Tefton Smith (applicant) [#CUP20080008; parcel 21-20-129-002]

Jennifer Jastremsky gave an overview of a request to locate a check cashing center in the C-G zone. The proposed tenant space is 1205 square feet. She stated the zoning code regulates the spacing of the business types to be no more than 1,000 feet from one another, and the total number of check cashing businesses cannot exceed 12. She gave the location of the nearest facilities in West Jordan, which far exceed the required distance separation. A question was raised in the pre-meeting as to whether or not there was a similar facility in the area of 6200 South and Bangerter Highway outside of West Jordan. Staff verified that there are some along 5400 South and 3400 West and 3800 West. Staff was unable to verify that there was one in the structure in question on 6200 South, but the distance from the proposed property and the structure in question ranges from 866 feet to 915 feet depending upon which unit it is measured from. There are currently 10 check cashing service businesses in West Jordan, which leaves two openings. The site meets all zoning conditions including parking and spacing requirements.

Staff recommended approval of the Conditional Use Permit for Money Fixers for “check cashing credit service” located at 3655 West 6200 South, based on the findings outlined above with the conditions set forth below.

1. Address and adhere to all Department comments, conditions of approval and all applicable code standards.
2. The Conditional Use Permit is subject to review and/or revocation as per §89-5-404(f).

David McKinney felt they needed to find out if there actually is another check cashing service within 1,000 feet. They also need an official interpretation from the City Attorney of this particular ordinance, because the code does not specify that the distance requirement is limited only to businesses within the City. Without this information he didn't think they have enough to make a ruling tonight.

Jeffrey Robinson said the language is clear that the distance pertains to any business, and it doesn't restrict it to only businesses within the City. However, he didn't know if that was the intent.

David McKinney wondered if that brought up any conflict of law issues.

Jeffrey Robinson said the question is whether or not they can impose that limitation including businesses outside of our City. If it is determined that there isn't a check cashing business in the area it would eliminate the concern for this particular instance.

Tefton Smith, Money Fixers, Inc., said he was unaware of the issue with a possible check cashing facility across the corner in the other municipality. They were aware of the requirements when they applied and provided a map showing every known check cashing facility within ten miles. He said, as an attorney, he assumed that this body would only be able to regulate businesses within this municipality, but he would be curious to see what the research brings forward. He wondered what the reasoning was as to why the Commission was led to believe there is another one in the area. He said staff had been very good to work with and extremely helpful.

Nathan Hendricks said the question arose in the pre-meeting tonight when he thought there was another check cashing business at that location. He asked if the applicant knew of one there.

Tefton Smith said not to his knowledge. The end unit in that retail space was vacant when they applied for this site, and at that time they researched the locations of every one within the city. It is possible that one could have moved in. However, with a distance of 900 feet he hoped the Commission would grant some leeway being close to the 1,000 feet minimum.

Nathan Hendricks asked if there would be a problem postponing this until the next meeting.

Tefton Smith said they were hoping to sign their lease tomorrow, and they don't want to sign a long-term lease until they have approval from the City. If the Commission decides to postpone he will see what could be worked out with the landlord. The problem is the difficulty in trying to find another location with the correct zoning in a high traffic area.

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

Nathan Hendricks said he was the one who brought up the issue of another possible check cashing business, but he is now very sure that he was confusing that retail center with one on 5300 South. Even so, at a distance of 900 feet he felt that it was good enough.

Jeffrey Robinson said that they could approve the conditional use permit with an additional condition to verify the existence of another business. In that way they will know by tomorrow. If there is one, the additional condition could be to satisfy the legal question.

Justin Stoker said they have to meet 89-3-605(c) anyway, so that would cover any issue.

Ellen Smith said she would rather have an extra condition in the approval rather than continuing the item.

MOTION: David McKinney moved to approve the Conditional Use Permit for Money Fixers for check cashing credit service; 3655 West 6200 South; Money Fixers (applicant) based on the findings of fact outlined in the staff report and with the conditions 1 and 2 in the staff report adding:

3. Verification of the possible existence of another check cashing, credit service type business nearby shall be made prior to the conditional use permit being issued.

Jeffrey Robinson suggested that language be added that if it is verified that there is another check cashing, bail bonds, pawn shop in that specific building then the permit is still conditioned upon completion of our legal research as to whether or not they can impose a limitation that includes a business outside of our municipality boundary. He clarified that this is different than regulating outside of their boundary, which they are not doing.

RESTATED

MOTION: David McKinney moved to approve the Conditional Use Permit for Money Fixers; 3655 West 6200 South; Money Fixers, Inc./Tefton Smith (applicant) based on the findings of fact outlined in the staff report and with conditions 1 and 2 in the staff report and adding:

- 3. Verification of the possible existence of another check cashing, credit service, pawn shop, or bail bond use in the retail center located at 6200 South Bangerter Highway shall be made prior to issuance of the conditional use permit. If there is such a use, the issuance of the conditional use permit is conditioned on the City Attorney researching and concluding that the application of 89-3-605(c) does not apply to businesses outside of the municipality.**

The motion was seconded by Nathan Gedge and passed 6-0 in favor. James Dupaix was absent.

Tom Burdett said UTA gave a presentation regarding berms and walls along the Trax corridor. Another issue UTA needs to address is the use of the Welby spur at night for coupling and uncoupling of trains, which is creating noise for the residents. Oracle has been working on site selection for a 200,000 square foot data center. West Jordan was selected for the site, and they anticipate a submittal in the near future. They will have approximately 100 employees with average salary at \$65,000+. The three reasons they listed for their choice were the trained labor force (90% will be hired locally), availability of reliable power, and West Jordan's ability to meet the permit processing schedule.

MOTION: Justin Stoker moved to adjourn.

The meeting adjourned at 7:34 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008