

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JUNE 18, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

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

STAFF: Tom Burdett, Darien Alcorn, Julie Davis, Greg Mikolash, Scott Langford, Ray McCandless, Jennifer Jastremsky, Nathan Nelson, Reed Scharman, and Bill Baranowski.

OTHERS: Rob Moore, Jose Artero, Jarred Young, Kjirstin Roberts, Joey R. Clegg, Wayne Despain, Dan McCullough, Don E. Wahlen, Laura Haskell, Mike Sanders, Andrew Hatton-Ward, Ron Raddon, Dee Hansen, and Josh Fugal.

The briefing meeting was called to order by David McKinney.

Item #2 was briefly discussed. The final site plan for each phase will come back to the Planning Commission. The parking issue was discussed and clarified for Item #5. John Winn indicated that there may currently be parking issues on this property.

Scott Langford gave an overview of the planned TOD/Frontrunner field trip for June 21, 2008.

The regular meeting was called to order at 6:02 p.m.

**1. Consent Calendar
Approve Minutes from June 4, 2008**

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

2. Jordan Hills Retail Center; approximately 7800 South Highway U-111; Preliminary Site Plan and Conceptual Final Development Plan; P-C Zone; Great Basin Engineering/Jeff Randall (applicant) #SPCO20080005; parcel 20-34-100-008]

Scott Langford gave an overview of the request, which is part of the Jordan Hills Central Village. The project will be a commercial shopping center anchored by a grocery store, office buildings, credit union, retail pad, and bank. The final site plan for each of these phases will come before the Planning Commission as well as a detailed development plan. The Jordan Hills Master Plan was approved in 1999 and 2000, which allows for certain vesting and is reviewed under Title 88. The proposed plan meets the requirements of the master plan and Title 88. He pointed out the access from Serengeti Springs apartments through the commercial area to 7800 South. The access is required in order to provide necessary emergency access to the apartments. A traffic impact study had been completed to measure the safety of the ingress/egress point. This access also provides for a convenience access from the apartments to the commercial area. The applicant originally desired to have an access to U-111, but that was not allowed by UDOT, so this proposed access plan was developed. The West Jordan Design Review Committee reviewed the project and requested that the pedestrian connectivity in the project be enhanced, which had been done. He showed the pedestrian access areas. He showed elevations of the attached inline shopping center. The average height is 25 feet with the tallest height being 32 feet. Detailed exhibits will be required as the items come back for final approval.

Preliminary Site Plan:

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Jordan Hills Retail Center commercial development located at approximately 7800 South U-111 in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Approvals by these City divisions or departments are required.

Conditions of Approval:

1. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time the Jordan Hills Villages Preliminary Development Plan was adopted (Unified Development Code, Title 88); and adhere to all departmental comments, conditions of approvals as identified in this staff report.
2. Design and development of the subject site shall maintain the functional purpose of the required access road by providing efficient and safe traffic from 7800 South to Serengeti Springs Phase 2. In no case shall parking spaces be allowed on more than one side of the access road at any one given location.
3. Final Site Plan approval is required for each individual phase of development. Each phase must be able to stand alone by providing adequate means of access, circulation, and other necessary services.
4. Final Site Plans, including site layout and four-sided building architecture shall be reviewed by the City's Design Review Committee; wherein a recommendation shall be forwarded to the Planning Commission for final action.
5. The Applicant shall submit with the Final Site Plan a Final Development Plan, which will serve as the visual and textual master plan that sets the foundation for development on the subject site.

Conceptual Final Development Plan:

Staff recommended that the Planning Commission grant approval for the conceptual Final Development Plan for the Jordan Hills Retail Center commercial development located at approximately 7800 South U-111 in a P-C zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Approvals by these City divisions or departments are required.

Conditions of Approval:

1. A complete Final Development Plan for the entire site shall be submitted at such time the Applicant submits for Final Site Plan approval.
2. The completed Final Development Plan shall be reviewed by the City's Design Review Committee; wherein the Committee shall forward a recommendation to the Planning Commission for final action.
3. The completed Final Development Plan shall follow the Planned Community Final Development Plan Checklist and include, but not be limited to the following:
 - a. Introduction to and scope of the project.
 - b. Fencing Plan; including type and placement
 - c. Landscape Plan; including type and placement
 - d. Lighting Plan; including placement and lighting standard designs
 - e. Signage Plan; including all freestanding and typical wall signs
 - f. Exterior elevations for all proposed buildings; including 4-sided architecture, materials, colors, decorative elements, lighting, etc.
 - g. Parking Plan
 - h. Pedestrian Connection Plan
 - i. Phasing Plan

David McKinney asked about the access road, which will function as a through street coming from the apartment complex. He thought that there would be a tendency to drive faster than what is appropriate in a parking lot. He referred to Center Street in Provo that has parking down the center. He pointed out the parking stalls that would enter and exit directly onto the accessway and asked if they should be separated.

Scott Langford said they had some concerns as well and required that the stalls only be on one side. He said the parking in Center Street actually has a calming influence on the traffic, because the drivers will be more cautious and go slower. The same situation could be said of this layout.

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Bill Baranowski, City Traffic Engineer, said it could be appropriate to place speed tables at the pedestrian crossings on the main drive, but if they take out all of the side friction then people tend to drive faster.

David McKinney asked if he were saying that the additional friction of having the adjacent parking is more likely to reduce traffic speeds and potential traffic incidents than the elimination of the parking spaces.

Bill Baranowski said it is a balancing act. If all of the side parking is removed people get over confident and want to drive faster.

David McKinney asked for clarification regarding a recommendation from the Design Review Committee regarding separating some of the buildings.

Scott Langford said the recommendation was to offset the building slightly. Building J had been shifted to the south 6 feet with a three-foot offset between Buildings J and I.

James Dupaix asked how many traffic tables would be appropriate.

Bill Baranowski said they can work that out with the developer, but at least two would be appropriate on the main drive aisle at the pedestrian crossing.

Ellen Smith asked why there isn't a pedestrian walkway on the east side of the access road, because she thought that people would be more likely to use that area when coming from the apartments.

Scott Langford said they could look at that option, but there is a drive-through for the pharmacy on that side that might propose more of a conflict.

Ellen Smith felt that people will take the shorter route, and it would reduce the conflict of the drive-through if there were a walkway.

Andrew Hatton-Ward, 1066 East Oakridge Circle, stated that also attending were Mr. Ron Raddon, Robert Moore, and Kjirstin Roberts. They have been working on the project for awhile and appreciated staff's help in the review process. They are pleased with the economic report that puts Utah above the nation in home sales. They are in the letter of intent process for their anchor store. He felt that it made much more sense to have the main road enter from U-111, which the City supports, but UDOT said no. They are still working for that connection. They are comfortable with the addition of speed tables to slow the traffic. They are working hard on the final detailed drawings, which will be coming to the Planning Commission.

David McKinney asked if they would agree with the addition of a sidewalk on the west side of the grocery store.

Andrew Hatton-Ward understood the concern, but the anchor tenant has their own specifications and there are liability issues with people crossing in front of the pharmacy drive-through. They will have to coordinate with the anchor tenant.

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

Justin Stoker felt that the project looked great, and he appreciated the plaza feel and the changes to the pedestrian accesses. However, U-111 is a divided highway with speeds of up to 60 mph and he is strongly opposed to any additional connections.

Nathan Gedge was also in favor of the project, but he would like the additional stipulation for speed tables.

James Dupaix said the residents in the area are anxious to have a grocery store. He agreed with the concerns of Commissioner Stoker regarding the access onto U-111 and would be opposed to that access. He felt that the speed tables would adequately mitigate any problems with the design as shown.

MOTION: Nathan Gedge moved to approve the Preliminary Site Plan for Jordan Hills Retail Center; 7800 South U-111; Great Basin Engineering/Jeff Randall (applicant) with the conditions of approval listed in the Commission packet based on the positive findings of fact, adding:
6. A minimum of two speed tables be incorporated into the west direct access road. The motion was seconded by John Winn.

AMENDED

MOTION: David McKinney moved to amend the additional condition to state:
6. Traffic calming measures shall be provided along the west access to Serengeti Springs per approval of the City Traffic Engineer. Nathan Gedge and John Winn accepted the amendment and passed 6-0 in favor. Nathan Hendricks was absent.

The amendment would allow some flexibility as to the type of mitigation used.

MOTION: Justin Stoker moved to approve the Conceptual Final Development Plan for Jordan Hills Retail Center; 7800 South U-111; Great Basin Engineering/Jeff Randall (applicant) with the conditions 1 through 3 listed in the Planning Commission staff report. The motion was seconded by David McKinney and passed 6-0 in favor. Nathan Hendricks was absent.

3. America First Credit Union; approximately 5573 West 9000 South; Preliminary Site Plan; P-C Zone; America First Credit Union/Diana Mikesell (applicant) [#SPCO20080009; parcel 26-01-301-001]

Scott Langford explained that this project is part of the West Jordan Marketplace master plan in the P-C zone. The proposed building is 5,000 square feet with six drive-through lanes. He reviewed the zoning and land use for the surrounding areas. Staff felt the seven criteria for approval had been met. A traffic impact study had been performed and the site plan has been modified to show compliance. The only other modification staff suggested was removing some of the parking stalls, especially those on 9000 South as there are 47 extra stalls provided. He stated that the last sentence in the findings for Criteria 5 should be removed, because all required dedication and improvements had taken place. The final site plan with a very detailed final development plan will come before the Commission at a later date. He pointed out that Condition 4 asks for the Commission's guidance regarding the question of parking.

Staff recommended that the Planning Commission grant Preliminary Site Plan approval of an America First Credit Union, located on the southeast corner of 5600 West 9000 South 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. Approval by these City divisions or departments may be required.

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 Planning Commission shall review the Final Site Plan per Ordinance 01-18.
3. The Applicant shall submit with the Final Site Plan a Final Development Plan, which will serve as the visual and textual master plan that sets the foundation for development on the subject site.

4. If deemed appropriate, the Applicant shall modify the Final Site Plan to reduce the amount of parking provided adjacent to 5600 West and 9000 South, in the amount determined by the Planning Commission.
5. The Applicant shall modify the Final Site Plan to address the following:
 - a. Correct the height notation for mechanical wall (3’).
 - b. Replace ginkgo with maple trees to provide a larger canopy between the credit union and apartments.
 - c. Change brick work on east plane face to add visual interest such as a band, different color brick, false windows, etc.
 - d. Provide lateral cross sections at the property line on the south and east to determine the grade difference between the sites.
6. Meet all the requirements of Ordinance 01-18 rezoning the subject property to the P-C district and establishing the West Jordan Marketplace Development.
7. Preliminary Site Plan approval shall remain valid for one year following the date of this approval [89-5-304(a)].

David McKinney agreed that it seemed better to reduce the parking by some extent but didn't know by how much. He felt that the applicant could be consulted.

Nathan Nelson wanted the record to show that the subject of the raised center median at 9000 South had been discussed. There will be a median as recommended in the traffic report that will end short of the driveway. However, at some point in the future traffic will greatly increase on 9000 South, and the City has the right to extend the median, and it is a future eventuality and the intention of the City to do so.

Dee Hansen, 5445 South Highland Drive, real estate broker for America First Credit Union, stated that architect Mike Sanders was also in attendance. They are in favor of the conditions overall, and they are aware of the situation that Mr. Nelson spoke of and are okay with those comments. They often get comments on the amount of parking they provide, but it is based on need and their experience from other locations. Twenty of the stalls are for staff and 40 are for credit union membership. With the growing demand in the future they felt that the parking spaces are warranted. He said that one way to offset the amount of parking is to overcompensate on landscaping, which they felt they had with close to 49% landscaping.

Justin Stoker asked if six drive-through lanes were necessary and if the southeast corner could be narrowed to have less asphalt.

Dee Hansen said he didn't know what other credit unions require, but America First has six lanes. The first four are double stacked lanes for tellers, there are two lanes for ATMs, and a by-pass lane. They get a lot of drive-through business. He explained the reason for the wider area to the south is to accommodate the stacking since the drive lanes are shorter. He said they take all of these concerns into consideration when the layout is planned. In his experience, with the volume of traffic they get they have to have a sufficient amount of lanes. The site configuration will also determine how wide it is. They could look at possibly narrowing a little bit, but the proposed site meets the engineering for their stacking plan.

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

Nathan Gedge would be in favor of eliminating some of the parking stalls on either the north or west. In his experience with this credit union the drive-through lanes are all used, but he had never seen any of the frontage parking stalls used.

David McKinney said after listening to the applicant state that they have a set number that works for them and because there isn't a maximum requirement he understood their request. The landscaping requirement had been

far exceeded and compensates for the extra parking. Regarding the wider drive-through, he felt it was a large area, but he didn't want to limit the stacking space. He suggested that condition #5 be amended to be more general in nature so that it is not specifically requiring maple trees but only a tree that provides a larger canopy.

Justin Stoker agreed with Commissioner McKinney's comment regarding parking so the applicant can provide service for the future as well, especially with their typical requirement for 20 employee spaces. He asked for clarification on the landscaping materials.

Scott Langford said the landscaping is very heavy and includes a variety of vegetation and decorative rock. This is the first commercial development on this intersection and will be setting a good precedent.

Ellen Smith said she agreed with the favorable comments regarding the parking by planning for their future expansion.

James Dupaix was also happy to see development in this area. He stated that 9000 South is planned to be a major corridor extending to the west with a de-emphasis on New Bingham Highway, and with this project coming forward they start to see the General Plan come into fruition. He didn't see any reason to eliminate parking stalls from the site or reduce the width on the stacking lanes.

Justin Stoker also appreciated the business coming to the area.

MOTION: David McKinney moved to approve the Preliminary Site Plan for America First Credit Union; 5573 West 9000 South; America First Credit Union/Diana Mikesell (applicant) with the conditions of approval as listed in the staff report based on the findings of fact in the staff report and the information presented this evening, eliminating Condition 4 and amending:

5b. Replace ginkgo trees with trees having a larger canopy between the credit union and adjacent apartment development.

The motion was seconded by Nathan Gedge.

AMENDED

MOTION: James Dupaix moved to amend the motion to renumber the conditions of approval to be 1 through 6. The motion was accepted by Commissioners McKinney and Gedge and passed 6-0 in favor. Nathan Hendricks was absent.

4. Sunset Ridge LDS Stake Center; approximately 8107 South 6700 West; Development Plan for West Side Planning Area, Preliminary Site Plan, and Preliminary Subdivision Plat (3 lots); LSRF Zone; CD Architects PC/Wayne Despain (applicant) [#DP20080001, SPCO20080010, SDMA20080003; parcels 2034200007, 008]

Jennifer Jastremsky gave an overview of the preliminary development plan, site plan, and subdivision applications. It is located in the West Side Planning Area, and the conditional use permit was previously approved. The site is on two parcels to be subdivided into three lots. Lot 1 would have a church, street improvements on 6700 West, a new fully improved road, and a stub to future development. Lot 2 will have a temporary turnaround, which should be added to the plat as well as some easements. The West Side Planning Area requires a development plan that creates a master plan for the area with possible development configurations of adjacent properties in to order how see they could be developed. They would like to see a development configuration for the northeast corner of 8200 South 6700 West on the land use map. The main access is off of Church View Drive with a third access from 6700 West. The site will also contain a pavilion, storage shed, dumpster and enclosure, and a satellite dish enclosure. All structures meet the minimum setback requirements. Required parking is 122 stalls with 299 provided. A crosswalk will connect to the pavilion, which will provide safety for those in the parking lot as well as those going to the pavilion. The landscaping

requirement is well exceeded with 34% overall landscaping. The main façade will be brick, and asphalt shingles will be used. A 71-foot steeple is proposed, which is exempt from the height limitation. The Design Review Committee met on May 20, 2008 to consider the site plan. Staff's recommendation includes the DRC recommendations for additional site lighting, buffering trees on the east of the property, use of durable materials of an earthtone color on the main building, including masonry colors in the proposed fencing, and the removal of the proposed pedestrian walkway on the north side of the building that leads directly into the parking lot. The applicant expressed concerns with the addition of site lighting in the parking lot along the pedestrian walkway, next to the dumpster, and pavilion. Additional lighting is not required, but would add greatly to the aesthetics of the development. If the Planning Commission chooses to deviate from the recommendation, staff recommended that at the least 15' tall acorn lights be placed around the pavilion and around the pedestrian walkway through the parking lot.

Preliminary Subdivision Plat

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for Sunset Ridge LDS Stake Center, located at 8106 South 6700 West, with the following conditions:

1. Meet all requirements of the Conditional Use Permit granted May 21, 2008.
2. Meet all requirements of the Planning, Building and Safety, Fire and Engineering Departments.
3. Obtain Final Subdivision approval form the City of West Jordan, and record the approved plat with the Salt Lake County Recorders Office.
4. Obtain and adhere to Final Development Plan approval form the City of West Jordan.
5. Obtain and adhere to Final Site Plan approval from the City of West Jordan.
6. Show the temporary turn-around easement on the subdivision plat. This turn-around will need to be recorded as an easement on the plat map for it to be a valid turn-around.
7. Show the easement on the subdivision plat for off-site storm drain outfall and for the off-site sanitary sewer line.

Preliminary Development Plan

Staff recommended that the Planning Commission accept the findings and forward a positive recommendation to the City Council for the Preliminary Development Plan for Sunset Ridge LDS Stake Center, located at 8106 South 6700 West, with the following conditions:

1. Meet all requirements of the Conditional Use Permit granted May 21, 2008.
2. Meet all requirements of the Planning, Building and Safety, Fire and Engineering Departments.
3. Obtain and adhere to Final Development Plan approval form the City of West Jordan.
4. Obtain and adhere to Final Site Plan approval from the City of West Jordan.
5. Obtain and adhere to Final Subdivision Plat approval from the City of West Jordan.
6. Update the Land Use map on page 14 to show a potential future development layout for the property to the south of the subdivision boundary. The layout that was used within the Development Plan, draft date 4/30/08, shall suffice.
7. Update the following plans to reflect the final site plan and subdivision plat submittals with Final Development Plan submittal:
 - a. Site Plan
 - b. Parking Plan
 - c. Utility Plan
 - d. Subdivision Plat
 - e. Landscape Plan
 - f. Landscape Materials List
 - g. Any other pages that have been affected by changes made to the site plan/subdivision plat, such as fencing, lighting, or zoning regulation information specific to the site.

Preliminary Site Plan

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for Sunset Ridge LDS Stake Center, located at 8106 S 6700 W, with the following conditions:

1. Meet all requirements of the Conditional Use Permit granted May 21, 2008.
2. Meet all requirements of the Planning, Building and Safety, Fire and Engineering Departments.
3. Obtain and adhere to Final Development Plan approval form the City of West Jordan.
4. Obtain and adhere to Final Subdivision Plat approval from the City of West Jordan.
5. Obtain and adhere to Final Site Plan approval from the City of West Jordan.
6. Provide elevations and details for the below items.
 - a. Dumpster enclosure
 - b. Bicycle rack, including how it will be attached to the ground
 - c. Lighting
 - d. Satellite dish
7. All on-site lighting is limited to a maximum of 15-feet in height.
8. Update the landscaping plan to reflect the required 33 street trees.
9. Zoning Ordinance section 89-6-605(a), requires a 4-foot screen between street facing parking stalls and the public right-of-way. Please alter the landscape plan to provide a 4-foot screen, or provide a cross section demonstrating how the proposed landscaping will provide the required screening.
10. Update the Final Site Plan to conform to the below recommendations from the May 20, 2008 Design Review Committee meeting:
 - a. Add lighting in the parking lot, along the pedestrian walkway running through the parking lot, next to the dumpster enclosure and around the pavilion.
 - b. Take out the pedestrian walk ways leading from the main building entrances into the parking lot on the north and south side, fill those spaces with landscaping.
 - c. Add trees next to the potential residential lots to the east for additional screening.
 - d. Include masonry pillars at 20-foot centers within fencing.
 - e. Building siding should be of a durable material and of an earth tone color.

Justin Stoker asked for clarification regarding 10b and why they would take out the walkways.

Jennifer Jastremsky explained that the walkway led right into the parking lot; she said they could adjust the wording in the motion to indicate specifically which walkways they are speaking of.

James Dupaix asked why the DRC suggested additional lighting.

Jennifer Jastremsky said the proposed lighting is in key points around the structure as well as street lighting along the new road. The Committee wanted it for security reasons and general safety.

Wayne Despain, CD Architects, 9176 South 300 West #18, said that also in attendance were Joey Clegg, Don Wahlen, and Laura Haskell. They appreciated working with staff and the time of the Planning Commission. He said there is a little bit of an issue with the lighting, which they feel is excessive. The building has lighting, the pavilion is lighted, and there are some lights in the parking lot. He stated that most of the services are held during the day, and the evening meetings don't generally require parking in the far ends of the parking lot. They have standards they try to adhere to with the Church. The Church is very concerned with the safety of their members and takes those issues into consideration.

Justin Stoker asked if they had any objections with removing the pedestrian walkway on the north entrance.

Wayne Despain said that walkway is to serve the people parking across from the drive. However, they don't have an objection if they want it removed.

David McKinney asked what sort of lighting is provided in the pavilion.

Wayne Despain said the pavilion has interior lighting used only when in use. Sometimes security lighting is provided on the exterior like the one on the storage building. As far as any effect to the adjacent property owners, he said the property to the north is a greenway that will be difficult to develop. The property to the rear could be a concern, but the lighting would be aimed more toward the parking area. Mr. Despain addressed questions regarding fencing of the pavilion field, which is open to the church property, and there is a fence proposed to be around the church property. They are anticipating a vinyl fence.

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

Justin Stoker said after hearing the testimony from application he was in favor of removing 10b and allowing the pedestrian access to remain in order to serve the parking stalls across from the drive aisle.

David McKinney said he was concerned with excessive lighting in the parking area and the spillover of light into residential areas. He felt they could eliminate condition 10a so long as the lighting plan meets the basic requirements.

John Winn agreed that adding too much light is excessive. Most meetings are during the day and those in the evening don't go past 9:00, and parking for those meetings is closer to the main building entrances where it is lit.

Ellen Smith said security is an issue with her, and she would be in favor of a compromise between the recommendation from the Design Review Committee and the elimination of the condition.

Justin Stoker said another option to the 15-foot high lighting is a timed bollard style to light the walkway.

Ellen Smith agreed with that.

James Dupaix said it is true that the meetings may end at 9:00, but sometimes it gets dark before that. He wasn't as concerned with the effect the lighting would have on surrounding areas, because they are far away from residential. He felt they needed some greater security lighting than what was proposed, and he felt that instead of recommending a certain type of lighting that a condition is added that a good lighting plan that addresses the safety issue be approved with the staff review.

Staff pointed out the proposed location and types of the lighting. Commissioner McKinney felt that since there is not sufficient information to know how much lighting is proposed and how much the DRC recommended that a condition be general in nature.

Tom Burdett said staff is capable of working with the applicant in determining a safe lighting plan.

MOTION: Justin Stoker moved to approve the Preliminary Subdivision Plat for Sunset Ridge LDS Stake Center; approximately 8107 South 6700 West; CD Architects PC/Wayne Despain (applicant) with the conditions 1 through 7 in the Planning Commission report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

MOTION: Justin Stoker moved to accept the discussion and findings of fact and forward a positive recommendation to the City Council for the Preliminary Development Plan for the Sunset Ridge LDS Stake Center; approximately 8107 South 6700 West; CD Architects PC/Wayne

Despain (applicant) with conditions 1 through 7 in the Planning Commission report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

MOTION: Justin Stoker moved to approve the Preliminary Site Plan for Sunset Ridge LDS Stake Center; approximately 8107 South 6700 West; CD Architects PC/Wayne Despain (applicant) with conditions 1 through 10 listed in the Planning Commission report, modifying:

10a. The applicant should work with staff to come up with an acceptable lighting plan for all areas of the parking lot.

10b. Take out the pedestrian walk leading from the south peninsula of the main building entrance, leaving the north peninsula alone to service the north parking lot. The motion was seconded by Ellen Smith.

It was pointed out that the walk on the south had already been removed.

AMENDED

MOTION: Nathan Gedge moved to amend the motion to remove Item #10b, and renumbering the conditions. The amendment was accepted and passed 6-0 in favor. Nathan Hendricks was absent.

5. Jumpin Jacks @ Landings Point; 7988 South Welby Park; Conditional Use Permit; M-P Zone; Jumpin Jacks/Mike Tippets (applicant) [#CUP20080010; parcel 21-31-178-022, 023, 024, 025]

Ray McCandless gave the overview of the request for an entertainment center at Landings Point. The proposed Building #2 is still under construction, and Building #4 has not been constructed. There is a variety of uses in the two existing buildings. The use will be conducted entirely within the building and proposed hours of operation are Monday through Thursday from 11 a.m. to 8 p.m. and Fridays and Saturdays from 11 a.m. to 9 p.m. with the heaviest use in the evening and Saturdays. Staff doesn't have any concerns with the proposed use. Additional parking will be constructed with the building. He showed pictures of the existing site and reviewed the parking calculations. The required parking based on the use category seems to be fairly excessive. The applicant provided a parking count for the area at varying times of the day and night, which showed that only a dozen spaces were ever being used. However, the Commission expressed some concern with the parking during drop-off times at the adjacent businesses. Staff compared West Jordan's parking requirements for indoor recreation with other cities. Several of the other cities required 1 space per 300 square feet, but West Jordan's is 1 per 100 square feet, which staff felt was geared more toward an arena use or a more intensive indoor recreation use. The applicant has two other locations that required 54 spaces and 48 spaces shared. The current code would require 93 parking spaces, which the Planning Commission can reduce.

Staff recommended approval of the Conditional Use Permit for Jumpin Jacks for an indoor recreation facility located at 7988 South Welby Park Road, based on the findings outlined above with the following conditions:

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). Should parking become an issue in the future, the Conditional Use Permit will need to be brought back to the Planning Commission for further consideration or possible revocation.
3. No temporary or final certificate of occupancy be granted until the building permit is finalized and all required landscaping and parking improvements are installed per the approved building permit drawings or bonded for as allowed by ordinance.

4. Modification of the required number of parking spaces for Jumpin Jacks indoor recreation and entertainment center if the Applicant can demonstrate that there are at least 37 spaces available to Jumpin Jacks during their peak hours of operation.

Justin Stoker would rather establish a standard for this type of use than take an average from four different states. In that way they can have a basis for recommendations in the future.

Ray McCandless said that 1 per 300 square feet in this application would have a requirement of 31 spaces.

James Dupaix asked the attorney if the Commission could legally do that.

Darien Alcorn said because the development has a number of parking spaces that are being shared by different uses the code permits the Commission to make considerations of different conditions and adjust the parking.

Ellen Smith asked if the proposed business would be taking the entire building or if another tenant space is available and if the additional 28 parking spaces would be for that tenant space as well.

Ray McCandless said there is a small space available that will use the parking, but we don't know what type of use that would be.

Reed Scharman gave the history of a similar use where parking wasn't a problem except when they scheduled large special events the fire department access was blocked due to the lack of parking. He pointed out to the applicant that this is an industrial park, and there really isn't on-street parking available, especially with the curved nature of the road. The proposed use is not a problem, but a special use permit for a larger event may be denied due to the lack of parking.

Jarred Young, 293 South 540 West, Spanish Fork, stated that Josh Fugal, investor, and Dan McCullough, were also in attendance. He gave the hours of operation and stated that most of their traffic is between 5:30 and 6:00 p.m. until closing time. They hadn't had any conflicts with businesses at their other locations, and parking had been adequate.

James Dupaix said that some of the other businesses in this area have similar operations that cater to after business hours.

Jarred Young said the dance and Tae Kwon Do studios are mostly drop off businesses. Jumpin Jacks does schedule parties, but most people will carpool to the party or drop off.

Justin Stoker asked if the parking counts were for the entire complex.

Dan McCullough, current building owner, explained that he is at the site all day while the building is being constructed. He is there from 7:00 a.m. to 7:00 p.m. For the most part the parking lots are basically uninhabited. Rocky Mountain Glass uses only 4 or 5 parking spaces, and their vehicles are parked inside at night. He said the second largest user of parking spaces is Academy West Gymnastics anywhere from five to seven stalls, usually in the front. He tracked the parking at all times of the day.

Justin Stoker said for the most part 28 spaces will be adequate. But there may be occasions where they may need more than that. Since some of the tenants have posted signage that prohibits parking for anything other than their business, he asked if the applicant would be willing to approach the other tenants and obtain a letter that allows them to share the parking, when needed.

Jarred Young said they would do that.

Dan McCullough said he is in the owner's association and is not aware of any reserved parking. The owners work together and help each other.

John Winn said having observed the parking at Academy West after 6:00 p.m., they are parking in the front and sides as well as in the driveway and alleyway. He stated that there are signs in front of the Tae Kwon Do business and Rachel's Dance Studio.

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

Nathan Gedge said he was in favor of this type of business. He wanted Condition #2 to be defined more clearly to say at least two official police complaints regarding the parking and that the business come back to the Planning Commission when the other portion of this building is filled to review parking.

John Winn said even with comments he made earlier, he didn't know if the parking will be an issue. He was in favor of Commission Gedge's suggestion.

Justin Stoker said he would be in favor of amending Condition #4 to 31 parking spaces, or 1 space for 300 square feet, and allowing the applicant to obtain written permission from the other residents to make up the additional parking spaces.

Ellen Smith was in favor of Commissioner Stoker's recommendations. She was concerned with a condition for review after two complaints, but she would give three or four. She didn't think this situation was the same as the hearing for D and D Toys where two citations was the limit, because that was a neighborhood nuisance issue.

James Dupaix said they need to be careful of due process. If they take away the property owners' rights because of a complaint they may be acting outside of due process. If a warning or citation is issued then due process has to occur before they consider the conditional use permit.

Tom Burdett said currently the code only allows the City Council to revoke a conditional use permit based on a recommendation from the Planning Commission. Staff knows if there is a problem with a conditional use and through enforcement they can document the complaints and site observances to bring forward to the Commission. He didn't think they needed to define the observances, but in all cases it has to be documented that they are operating well outside of the approved conditional use before it is brought forward.

David McKinney felt that Condition #2 should be left as it is, because it calls to attention the normal enforcement mechanism that already exists.

Justin Stoker wanted to make the distinction between this project and the D and D Toys where they knew there were violations in place and becoming a public nuisance. Even then they still required the adjudication of the citation to take place before it would come back to the Commission. The issue of parking isn't becoming a public nuisance, so he was in favor of leaving the condition as written allowing staff to decide whether or not to bring it back to the Commission.

Ellen Smith agreed with Commissioner Stoker, but she wanted to confirm the enforcement procedure.

Greg Mikolash explained that biweekly meetings are held with the enforcement department to discuss these types of issues.

MOTION: Justin Stoker moved to approve the Conditional Use Permit for Jumpin Jacks @ Landings Point; 7988 South Welby Park; Jumpin Jacks/Mike Tippetts (applicant) based upon testimony and the findings of fact they've received with conditions 1 through 4 listed in the Planning Commission staff report, modifying:

4. Modification of the required number of parking spaces for Jumpin Jacks indoor recreation and entertainment center if the Applicant can demonstrate that there are at least 31 spaces available or one space per 300 square feet to Jumpin Jacks during their peak hours of operation, allowing the applicant to provide a document from the other [tenants] to make up the additional spaces for a secondary overflow parking area.

The motion was seconded by John Winn and passed 6-0 in favor. Nathan Hendricks was absent.

Staff reminded the Commission of the special meeting/tour on Saturday, June 21, 2008.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 8:06 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008