

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD DECEMBER 21, 2010 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Justin Stoker, David McKinney, Ellen Smith, John Winn, and Jesse Valenzuela. Nathan Gedge and Kathy Hilton were excused.

**STAFF:** Tom Burdett, Robert Thorup, Scott Langford, Todd Johnson, Paul Brockbank, and Julie Davis.

**OTHERS:** Robby West and Sheri Copier.

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The briefing meeting was called to order by Justin Stoker. The agenda was reviewed. Scott Langford distributed revised recommended conditions of approval based on the latest site plan submittal, which he explained. Status of the general plan update was given.

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

**1. Consent Calendar  
Approve Minutes from December 7, 2010**

**MOTION:** David McKinney moved to approve Consent Calendar Item #1 the minutes of December 7, 2010. The motion was seconded by Ellen Smith and passed 5-0 in favor. Nathan Gedge and Kathy Hilton were absent.

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**2. O'Reilly Auto Parts; 1289 West 7000 South; Preliminary Site Plan; C-G Zone; O'Reilly Automotive, Inc. (applicant) [#SPCO20100011; parcel 21-26-101-028]**

Scott Langford gave a description of the application and site layout for a proposed 7100-square foot auto parts store. He pointed out a 30-foot wide public utility, drainage, and access easement that was created to facilitate the Spring Hollow Apartments. Seven findings of fact need to be met in order to receive approval. These findings were reviewed as noted in the staff report. Finding A can be met with the recommended changes in architecture. The applicant is working with UDOT to obtain an access to 7000 South with regards to Finding B. The required 20-foot wide landscape buffer between commercial and residential uses is being split on either side of the access easement, which meets the ordinance. Finding D addresses physical elements of the application. Landscaping is well above the required 15% at 44%. Four light standards are shown, and per code those will be no more than 15 feet in height and completely shielded. All signage will require separate permitting approvals. A masonry wall is required by code between residential and commercial uses and will be required on the southern property line. The same portion of the zoning ordinance allows for an exception to the masonry wall requirement where it is deemed appropriate. That code can be waived if replaced by landscaping, berms, or other features. A 20-foot wide landscape buffer along the east property line is provided, and the boundary between the two properties is already perforated by the driveway from 1300 West, which is heavily used. During the site plan review, staff tries to apply the principles of crime prevention design that creates visibility and discourages criminal activity. Staff felt that if a wall were built along the east property line it would reduce the visibility and could facilitate loitering or criminal activity in that area. Condition #7 asks the commission to adopt a condition that would not allow for a masonry wall along that property line. The site provides for good pedestrian and vehicular access, and the parking requirement is met.

Mr. Langford stated that the majority of the conditions and concerns are regarding architecture. The general plan and zoning ordinance encourage and even require building construction that is well designed and aesthetically pleasing in order to promote economic development and greater pride in the community. 7000 South is a major gateway into West Jordan, so they place great emphasis on the building and architecture. He addressed the proposed elevations. With the exception of the corners, the columns are painted on or a faux finish. The cornice work is only 6 inches, and each pop out projects 4" x 6". There are only two main materials

proposed for the building: painted cinder block and exterior insulation and finish systems (synthetic stucco). Commercial buildings that command greater visual appeal usually have no less than three different exterior materials. The applicant attempted to meet that rule by painting the wainscot and columns, but staff recommended a third material such as stone or brick veneer. The zoning ordinance is clear regarding wall plane articulations in that commercial buildings are not allowed to have horizontal runs of more 50 feet without a building jog, projection, or recess. Staff recommended that the faux columns be replaced by real columns that project out at a minimum of eight inches. The third element of improvement is the cornice work by adding another cornice at a minimum of twelve inches high along the perimeter of the building with another six inches on top for the corner elements and pillars. The revised condition of approval #5 also talks about adding windows to the north elevation. Staff is reviewing the building for the proposed use as well as potential reuse in the future, so the additional windows create display areas and break up the large flat wall planes. While the west and east elevations appear to have windows, those are applied glass that provide the look of windows.

Staff recommends that the Planning Commission grant Preliminary Site Plan approval of O'Reilly Auto Parts store located at 1289 West 7000 South in a C-G 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. Obtain approval from UDOT for the proposed approach along 7000 South.
3. The building elevations shall be amended, at minimum, to incorporate the following:
  - a. An accent material like stone or brick shall be used on the wainscot and column features.
  - b. Meet code section 13-7B-6B of the zoning ordinance by providing actual columns instead of the faux painted columns on all sides of the building. Stated columns shall be covered with a stone or brick veneer to match wainscot.
  - c. The corners of the building shall be enhanced to match or exceed the interior column wall plane projections and shall also be faced with the same material as used to face the wainscot.
  - d. The building corncing shall be no less than 12" and shall run around the perimeter of the building along the top of all parapet walls. Corncing on the corner columns and main entry elements shall be a minimum 12" to 18" to enhance these architectural elements.
4. The applicant must address all engineering redlines.
5. The north building elevation shall include two additional windows west of the entrance feature. These windows shall be approximately the same size as the applied glass treatments on the east building elevation.
6. The Final Site Plan shall include a minimum 6 foot masonry wall along the entire south property line per Section 13-14-3E.
7. The Final Site Plan shall not include a masonry wall along the east property line due to the increased landscaping and required access road.

David McKinney pointed out the exterior lighting on the building and asked if a photometric site plan had been submitted. He understood that there is existing commercial in the area, but there are also residents adjacent to this property.

Scott Langford said that it had not been submitted. However, the code is specific that they cannot exceed one candlepower at the property line.

David McKinney asked if this building could be subdivided in the future for two different uses, or if this is what the property would look like for the foreseeable future.

Scott Langford said based on parking requirements this building could be divided in the future, but with the singular entry point it would be difficult. He pointed out a small roll up door on the west elevation that could be used for deliveries.

Justin Stoker asked if the lights on the west and north sides of the building are full lamps or just for security.

Scott Langford said they are wall packs, but he didn't think they are meant to illuminate large areas. They are mostly to light the doors and for accent purposes.

There was a discussion regarding the paved access road. Scott Langford said there would be curb and gutter on the north side of the road as a barrier between the landscaping and driveway.

Robby West, 991 North Jack Rabbit Run, Saratoga Springs, representing the applicant, stated that most of the conditions are minor changes and there shouldn't be any issues with them.

David McKinney asked if they would be agreeable to an added condition for curbing along both sides of the access road.

Robby West said he couldn't make the final approval, but he didn't see where it would be a problem.

David McKinney asked if he had a preference for a wall on the east side and if they would have concerns if it were a condition.

Robby West said the most recently built store had a wall that separated the store and an apartment complex, and there was no issue with that.

Sheri Copier, West Jordan resident, stated that she lives right behind this property and there is already a big traffic issue with cars that are turning left from 1300 West onto the access road. That makes it difficult for the residents in her neighborhood to get onto 1300 West. Children also walk past to get to school. The road is not well built. The traffic signal on 1300 West is timed so the flow is for the east and west traffic, so it takes 15 minutes to turn out of her street during morning traffic. She felt that the business would create noise at all hours of the night while working on their cars, which is currently happening with the Bateman Plaza business to the north. Her house shakes with the noise created by that business as well as the loud music from boom boxes. She said that people cut through her property to access the gap in the fence, and kids also climb the fence and get on top of the apartment garages. She was concerned that this type of business wouldn't survive since there are four other automotive stores in the area, and two that rarely have customers. This is a family friendly area with a lot of elderly people, and she didn't think it was an appropriate area for this use. She wanted the access easement closed off.

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

Robby West felt that the masonry wall would fix some of the problems. He is a regional manager and is in the stores all day and seldom is there a boom box in the parking lot or people working on their cars. The store is a destination place to pick up parts, but it is not for repairs. No major repairs are done. This site will be a commercial development at some point, and an auto parts store doesn't get as much traffic as a gas station or McDonald's would. Regarding hours of operation, most of their stores are open in the winter from 7:30 a.m. to 8:00 p.m. The high volume stores run until 10:00 p.m., but he didn't think this would be one of those. He thought the hours would be about 7:30 to 9:00 year round. The store is open 7 days a week and closes around 6:00 p.m. on Sunday.

Justin Stoker asked if the 30-foot easement was required for fire access to the apartments.

Tom Burdett said it was most likely required for emergency and fire protection. He remembered the paving of it as a subject for discussion along with the approval of the apartment complex.

David McKinney said many of the traffic concerns are not directly related to this application, but they exist mostly because of the nature of 1300 West and 7000 South. This easement and a right-in right-out access on 7000 South are the only access points to the apartments, so the easement is necessary. The masonry wall will be an improvement to the existing chain link fence. Regarding the viability of the business, the decision of what type of business to have on the property is the property owner's and not West Jordan's. Most of the issues relate to standard concerns for any commercial site, and he felt that the conditions deal with those adequately. The planning commission can't tell the applicant they can't build a business, since property owners generally have a right within the law to develop the property as they see fit as long as it meets the requirements. Regarding condition #7, if he lived in the apartments he would want the wall or a barrier. He didn't think it was a noise issue, because the area is already noisy. But having a wall will help to divide the uses. He didn't think that deterring crime would be greatly increased by eliminating the wall.

Justin Stoker understood that point of view, but he disagreed. He thought that because of the 30-foot easement, the wall would have no effective good in trying to create a barrier. The only thing a wall would do is to give the opportunity for a narrow space on the apartment side that doesn't receive a lot of visibility. Without the wall there will be more viewership from 7000 South and less chance for loitering and vandalism in that area. The apartment complex is more intense at three stories tall than the auto parts store at only 17 feet tall. He felt that the landscaping provides more of a buffer.

Ellen Smith said if they have to have a wall to delineate the uses, maybe a wrought iron fence with columns would be better for visibility. However, she didn't think the wall was needed to separate the uses since there is already access. She was also concerned with the traffic issue. She thought that people would come from the Bateman Plaza to get auto parts to ready their cars for inspection and they would turn left from 1300 West going into the 30-foot access. She felt that could be hazardous and wondered if there was enough stacking area.

Todd Johnson said there is no suggested change to 1300 West with this proposal.

Justin Stoker asked if the city could look at a striping change on 1300 West to provide a turning center lane so people aren't crossing a double yellow line.

Todd Johnson said they can look at that. He also stated that 1300 West will be widened in the future and additional right-of-way will be purchased.

David McKinney said the concern with the northbound traffic filling the left turn lane is a function of the volume of traffic on 1300 West and the signal timing, which is outside of the scope of this application.

Ellen Smith wasn't sure that there is a way to fix that problem, but they need to consider it in their decision.

Scott Langford said they can make the traffic engineer aware of the issue and address it at the final site plan approval.

Justin Stoker asked what type of fencing is on the north side of the Spring Hollow Apartments.

Scott Langford said it is a vinyl rail fence used for mostly decoration.

John Winn felt similar to Commissioner Stoker regarding condition #7. The landscaping provides an adequate barrier and makes it more open and easier for the apartment residents to walk through. He felt that there is more

traffic and noise that comes from an apartment complex than the auto parts store, so he didn't see where a wall or fence would improve the situation in this case.

Jesse Valenzuela agreed that a wrought iron fence would provide a little barrier to provide some type of separation, but he felt elimination of the fence was also fine. A wall would be an invitation for graffiti. He thought the traffic engineer could look at the situation to relieve some of the traffic in the area, but accident prevention is pretty much in the hands of those whose cause them.

Justin Stoker wondered if the same type of fencing that is along the 7000 South in front of the apartments could be extended around the side to provide that separation of uses while still keeping it open.

Scott Langford said that would be a good compromise to provide a physical delineation without obscuring the visibility.

There was a discussion regarding the wording of a condition that prevents a masonry wall, but not some other type of fence. This issue should be discussed between the property owners to do what is best for both parties.

Tom Burdett pointed out a gap in the masonry wall at the southeast corner of the property and suggested that they ask the applicant to close that gap, otherwise it will be a pass-through area. He explained the situation that probably led to the formation of the gap in the wall when the apartment complex had to acquire additional property because of an error during construction. Staff should probably talk to the apartment owners and see that it is fixed, but he wanted to point out that the issue needs to be resolved.

Justin Stoker felt that they could coordinate with the apartment complex to complete the fence, but it should really be up to the apartment owners. However, they could make the recommendation that the issue be resolved.

**MOTION: David McKinney moved based upon the staff report and recommendations and information presented in the hearing to grant Preliminary Site Plan approval for O'Reilly Auto Parts; 1289 West 7000 South; O'Reilly Automotive, Inc. (applicant) with the conditions of approval 1 through 7 presented as a supplemental recommendation, changing:**

- 6. The Final Site Plan shall include a minimum 6 foot masonry wall along the entire south property line per Section 13-14-3E. The masonry wall along south property line is to be connected with the existing masonry wall along the south property line of the Spring Hollow Apartments through coordination with Spring Hollow Apartments and as directed by the city.**

**The motion was seconded by John Winn.**

Justin Stoker felt the change was problematic. In the event the apartment owner doesn't cooperate or doesn't have financing at this time to complete it, the condition throws the burden on the auto parts store where it isn't their responsibility.

There was a discussion regarding the motion and that it should indicate it is a recommendation instead of a requirement.

**AMENDED**

**MOTION:** David McKinney moved that the added sentence instead state, "The commission recommends that the applicant connect the masonry wall along the south property line to the masonry wall of the Spring Hollow Apartments, if cooperation with Spring Hollow Apartments makes that possible."

There was no second.

There was an additional discussion regarding the recommendation as it relates to the completion of the wall and how the two property owners can work together. The city can be left to the enforcement of the issue as to why the wall wasn't completed.

**AMENDED**

**MOTION: Justin Stoker amended the motion to replace the added sentence to state, "The commission recommends that there be a connection to the existing wall." The motion was accepted by David McKinney and John Winn and passed 5-0 in favor. Nathan Gedge and Kathy Hilton were absent.**

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Tom Burdett thanked Commissioner Ellen Smith for her long tenure with the commission and invited her to attend the city council meeting on January 12, 2011 to be recognized.

**MOTION: David McKinney moved to adjourn.**

The meeting adjourned at 7:10 p.m.

Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011