

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD APRIL 5, 2011 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, Kathy Hilton, Nathan Gedge, David McKinney, John Winn, and Dan Lawes. Jesse Valenzuela was excused.

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

OTHERS: Christy Granat, Cody Brooks, Nicole Brooks, Ben Kerbs, Dara and Mike Williams, Steve Zupan, Bryan Carlson, Tom Curtis, Marty Biljanic, Elkie Wong

The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed and clarification given. There was a brief discussion regarding time limits for temporary use permits. The commissioners were invited to attend one of the general plan open house sessions.

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

1. Consent Calendar

A. Approve Minutes from March 15, 2011

B. Glover Nursery Snack Shack; 9275 South 1300 West; Temporary Use Permit (150 days); A-5 Zone; Steven Zupan (applicant) [#TUP20110005; parcel 27-02-351-034]

Staff recommended that the Planning Commission grant Temporary Use Permit approval for Glover Nursery Snack Shack located at 9275 South 1300 West in an A-5 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. Dates of operation are from April 25, 2011 to September 25, 2011.
2. A \$300 site restoration bond shall be placed with the City. The bond will be released after the use has ceased operation and the site has been cleaned and restored to previous conditions.
3. Maintain the temporary building in good order and the site free from trash and debris during the extent of the temporary use.
4. The stand and all associated equipment/materials shall be removed from the site, and the site fully restored, within five days of permit expiration, or by September 30, 2011.
5. Obtain and maintain a valid West Jordan City Business License.

C. Hawaiian Island Hut Snow Cone Shack; 7082 South Redwood Road; Temporary Use Permit (150 days); SC-2 Zone; Nicole Brooks (applicant) [#TUP20110006; parcel 21-27-127-025]

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Temporary Use Permit for Hawaiian Island Hut Snow Cone Shack, located at 7082 South Redwood Road, with the conditions as listed below

Conditions of Approval:

1. Dates of operation are from May 27, 2011 to September 5, 2011, or may not exceed 150 days.
2. A \$300 site restoration bond shall be placed with the City. The bond will be released after the use has ceased operation and the site has been cleaned and restored to previous conditions.
3. Maintain the temporary stand in good order and the parking lot free from trash, debris during the extent of

the temporary use.

4. The stand and all associated equipment/materials shall be removed from the site, and the site fully restored, within five days of permit expiration, or by September 10, 2011.
5. Obtain and maintain a valid West Jordan City Business License.
6. Obtain approval from the Salt Lake County Health Department.
7. Provide for a safe pedestrian standing area next to the temporary stand. This area must be blocked off to prevent vehicular traffic from entering by either traffic cones or by other appropriate device, as approved by staff.
8. The TUP may be renewed as an Administrative Temporary Use Permit and approved by staff so long as the site plan conforms to the Planning Commission approved permit.

MOTION: Nathan Gedge moved to approve Consent Calendar Items #1A, 1B, and 1C as listed in the planning commission agenda. The motion was seconded by Dan Lawes and passed 6-0 in favor. Jesse Valenzuela was absent.

2. Scooter World; 8955 South 1300 West #1; Conditional Use Permit; C-G Zone; Scooter World/Ben Kerbs (applicant) [#CUP20110004; parcel 27-02-152-018]

Jennifer Jastremsky explained that a retail scooter store is proposed for the site, which falls under the use category of motor vehicle sales and service. The business will use 1080 square feet of space in Curtis Plaza. Merchandise for sale includes gas powered scooters, mopeds, kids' electric powered toy scooters and electric bikes. Parking requires 14 spaces and 15 are provided with additional spaces in front of the bay doors. A 6-foot masonry wall separates the business from residential uses and will help with potential noise mitigation. This business is located 220 feet from the nearest home. Test driving will not be allowed on the property. Decibel levels for electric mopeds and bikes emit about 60 decibels and gas powered kids' scooters are about 80. A normal conversation is about 50-60 decibels and a motor vehicle is about 80.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit for Scooter World, located at 8955 South 1300 West #1, with the conditions as listed below.

1. Vehicle maintenance will be limited to minor repairs.
2. Outdoor display of merchandise shall follow all regulations of the Zoning and Sign Ordinances, including but not limited to Code Section 13-8-18.
3. Test driving shall not be conducted on the property.
4. The Conditional Use Permit is subject to review and/or revocation as per City Code Section 13-7E-10.
5. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Ben Kerbs, applicant, 8955 South 1300 West, felt that the scooters that he proposes to sell are a benefit to people of all ages in the community. The gas-powered scooter is a good alternative to driving an automobile, because of the gas mileage.

David McKinney asked if the applicant would be able to meet the condition of no test driving on the site.

Ben Kerbs said some of the models will not require test driving. Scooters and mopeds that are over 50cc are required to be licensed and registered by the State, so people will want to test drive that type of vehicle. However, when those are test driven they will be on the street; not on the premises. The electric units are typically sold at retail stores and sold from a box with one on display. People who buy those usually purchase them and take them home in their car. He will assemble them upon request.

John Winn asked if it would hurt business if they are not allowed to test drive on the property.

Ben Kerbs said he didn't believe so. Hours of operation are currently listed as Tuesday through Friday 11:00 a.m. to 6:00 p.m. and on Saturday from 10:00 a.m. to 5:00 p.m.

Christy Granat, West Jordan resident, said she wasn't convinced there won't be test drives occurring. Her road is directly east of 1300 West. If test driving isn't allowed on the property, then they will go on the road and put them on her street, which has a lot of kids and is near a school. She wondered where they would be allowed to be test driven.

Tom Curtis, owner of Curtis Plaza, felt that the proposed use would be a very clean tenant. All of the operations will be contained inside the building. He asked if there is an outline as to where they could test drive the scooters that require the dealer plates. He pointed out that there are a lot of open parking lots, commercial access roads, and 1300 West in the area for testing. He didn't think it required a lot of driving to see how they operate.

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

Ben Kerbs said the test driving route is typically up to the person driving. This will be the third store he's had in the power sport business, and typically someone will stay on the main roads to see how the bike handles and the stability. He could ask the test drivers not to go in the residential neighborhood. He will usually only allow people who are seriously considering a purchase to take them out. He said that the scooters aren't noisy, so noise isn't a factor. The electric driven units are even quieter than the gas driven ones. He understood the concern, but he didn't feel there would be a problem. He had never had a complaint about someone driving a scooter.

Nathan Gedge didn't believe that the planning commission could restrict any licensed vehicles from driving on a city-owned street, whether a major thoroughfare or in a subdivision.

Robert Thorup thought that was correct.

Nathan Gedge felt that the best option is for the applicant to talk to the test drivers about the location for test driving.

David McKinney understood the concerns regarding increased traffic, but scooter traffic is relatively light-weight and small and not very noisy. The frequency of test driving seems to be fairly small, and so is the likelihood of a lot of added traffic in the subdivision. He thought the concerns, while genuine, are manageable.

John Winn agreed. In this type of situation where the business is next to residential the most important thing is to be a good neighbor and try to keep the people out of the residential area as the applicant indicated he would.

MOTION: John Winn moved based on the positive findings set forth in the staff report and by the testimony given to approve the Conditional Use Permit for Scooter World; 8955 South 1300 West #1; Ben Kerbs (applicant) with the conditions listed in the planning commission packet. The motion was seconded by Dan Lawes and passed 6-0 in favor. Jesse Valenzuela was absent.

3. DSI Wadsworth Bingham; 9746 South Prosperity Road; Preliminary and Final Site Plan, Amended Final Subdivision Plat, and Conditional Use Permit for Outdoor Storage and Chemical Use and Storage in the Drinking Water Source Protection Overlay Zone; M-1 Zone; Wadsworth Development Group/Marty Biljanic (applicant) [#SDMI20110002, SPI20110001, CUP20110002; parcel 26-11-151-003]

Jennifer Jastremsky gave an overview of the application. The subdivision application will divide the lot into two lots and will include cross access easements between the two properties as well as Lot 32 to the south. The site plan for DSI will occupy the southern lot with approximately 40,000 square feet with space for a future 16,000 square foot addition. Parking is ample and landscaping is double of what is required. Three bay doors are proposed on the front of the property, which is in excess of what is allowed on the front façade of a building in the M-1 Zone. However, the planning commission can approve the doors if they are adequately screened from public view by proper landscaping. Staff felt that the proposal for two rows of trees will provide extra depth in landscaping and there is an elevation change from the road toward the building from about 3 to 5 feet, so staff felt that the doors would be adequately screened. The conditional use permit is to allow for outdoor storage of steel coils and bundles of rebar that will be located to the rear of the property on a concrete pad. It is also to allow for indoor chemical storage within the drinking water source protection zone. The applicant will be storing 17 total chemicals in the building including liquids and gases. These are commonly used with metal works welding processes. The fire department reviewed the chemicals and the fluids don't propose a significant risk to the well water, but best management practices second containment sources need to be utilized. The gases don't pose a risk to the well water, but they do have a fire risk and require annual inspections by the fire department. All applications meet zoning and subdivision ordinance requirements.

Amended Subdivision Plat

Staff recommended that the Planning Commission grant Amended Final Subdivision Plat approval to the DSI Wadsworth Bingham project located at 9746 South Prosperity Road in an M-1 zoning district with the conditions of approval as listed below.

1. Address all redlines comments from the Planning, Engineering, and Fire Departments.
2. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
3. Per Subdivision Code Section 14-3-8B, unrecorded Final Subdivision Plats shall remain valid for two years. One 6-month extension may be granted by the zoning administrator upon written request and application.

Preliminary/Final Site Plan

Staff recommended that the Planning Commission grant Preliminary/Final Site Plan approval to the DSI Wadsworth Bingham project located at 9746 South Prosperity Road in an M-1 zoning district with the conditions of approval as listed below.

1. Per Code Section 13-14-3C, the bay doors facing the front yard are allowed, as long as they are adequately screened from public view by landscaping. Landscaping shall be in excess of the minimum amount required by the Zoning Ordinance.
2. Address all redlines comments from the Planning, Engineering, and Fire Departments.
3. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
4. Per Zoning Ordinance Code Section 13-7B-5B-C, approval of a final site plan shall become null and void if development does not commence within two years of the approval. One 6-month extension may be granted by the zoning administrator upon written request and application.

Conditional Use Permit

Staff recommended that the Planning Commission grant Conditional Use Permit approval for outdoor storage and operations and chemical storage in the Drinking Water Source Protection Zone to the DSI Wadsworth Bingham project located at 9746 South Prosperity Road in an M-1 zoning district with the conditions of approval as listed below.

1. Annual fire inspections shall be obtained for any chemicals stored on site which may require such an inspection per Fire Department regulations.
2. Best Management Practices shall be followed at all times for all chemicals stored on site, including but not limited to secondary fluid containment, loading and off-loading containers from vehicles, critical spill clean-up equipment, and any other needed or required response plans, training, or equipment that will assist in containing an unexpected release on-site.
3. Chain link fencing shall contain slats, per section 13-14-3B.
4. Address all redlines comments from the Planning, Engineering, and Fire Departments.
5. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Clarification was given as to the location of the requirement to extend the walkway.

Marty Biljanic, Wadsworth Development, 166 East 14000 South, #210, Draper, thanked staff for processing the applications in a timely fashion, and he was available for questions.

There were general questions regarding the proposed business that will be relocating here from Salt Lake City with respect to number of employees – new and retained. The plant expects to expand within the next 5 years.

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

MOTION: David McKinney moved to approve the Amended Final Subdivision Plat for DSI Wadsworth Bingham; 9746 South Prosperity Road; Wadsworth Development Group/Marty Biljanic (applicant) with the conditions of approval 1 through 3 listed in the staff report. The motion was seconded by Nathan Gedge and passed 6-0 in favor. Jesse Valenzuela was absent.

MOTION: David McKinney moved to approve Preliminary and Final Site Plan for DSI Wadsworth Bingham; 9746 South Prosperity Road; Wadsworth Development Group/Marty Biljanic (applicant) with the conditions of approval 1 through 4 as presented in the staff report. The motion was seconded by Nathan Gedge and passed 6-0 in favor. Jesse Valenzuela was absent.

MOTION: David McKinney moved to grant the Conditional Use Permit for DSI Wadsworth Bingham; 9746 South Prosperity Road; Wadsworth Development Group/Marty Biljanic (applicant) for outdoor storage and operations and chemical storage in the drinking water source protection zone with the conditions of approval 1 through 5 as listed in the staff report. The motion was seconded by Nathan Gedge and passed 6-0 in favor. Jesse Valenzuela was absent.

4. Fun ‘N Motion; 3927 West 9000 South; Conditional Use Permit; SC-2 Zone; Fun ‘N Motion/Mike and Dara Williams (applicant) [#CUP20110003; parcel 27-05-301-004]

Jennifer Jastremsky gave the overview of the request to locate in approximately 12,000 square feet of an existing building. They propose to provide entertainment and food for children ages 2 through 14 with attractions such as laser tag, arcade, inflatables, and a buffet. A parking analysis for the site determined 301 shared parking spaces are required for the existing businesses within the strip mall center. The site currently has 296 parking stalls, but staff didn't feel that the lack of 5 stalls would cause any problems. During a site visit the majority of the occupied parking was in front of the businesses to the west while the parking area near the proposed business was nearly empty. Staff supports the reduction in the number of parking spaces.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit for Fun ‘N Motion, located at 3927 West 9000 South, with the conditions as listed below.

1. The Conditional Use Permit is subject to review and/or revocation as per City Code Section 13-7E-10.
2. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Clarification was given with regards to the area that was included in the parking calculations. All areas except the properties that are on separately owned sites such as McDonalds, Zions Bank, and the Rite Aid. However, there is cross access through the entire shopping center.

Mike Williams, applicant, 3927 West 9000 South, said the business will be similar to Classic Fun Center or Chuck E. Cheese. He stated that that the larger parking area with approximately 186 stalls is mostly vacant during the day currently.

General information regarding the business was given. They hope to open in late May or early June. Admission is for all ages, but their target market is ages 2 to 14.

Elkie Wong, West Jordan resident, asked how they will control the noise and what the business hours will be.

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

Mike Williams said all activities will be indoors. The back wall of the building is cinder block, and there is a raised wall in the back of the parking lot. He stated that during their demolition they used jack hammers on the floor, and the adjacent Big Lots business didn't hear anything. He felt that the building is well contained, and they have also used foam to fill in any gaps. All parking is in the front, so there shouldn't be any activity in back of the building. Hours will be Monday through Thursday from 11:00 a.m. to 9:00 p.m., Friday from 11:00 a.m. to 10:00 p.m., and Saturday from 10:00 a.m. to 10:00 p.m.

MOTION: Dan Lawes moved based on the positive findings set forth in the staff report and upon the evidence and explanations received to approve the Conditional Use Permit for Fun ‘N Motion; 3927 West 9000 South; Fun ‘N Motion/Mike and Dara Williams (applicant) with conditions 1 and 2 as listed in the staff report. The motion was seconded by John Winn and passed 6-0 in favor. Jesse Valenzuela was absent.

Tom Burdett gave an update on recent city council actions.

The general plan open house was briefly discussed.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 6:44 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2011