

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD DECEMBER 17, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, David Pack, Ellen Smith, John Winn, Lesa Bridge, and Zach Jacob.

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Julie Davis, Ray McCandless, Nannette Larsen, Nathan Nelson, Paul Brockbank, and Larry Gardner.

OTHERS: Justin Peterson, Rene Oehlerking, Bruce Beard, LeeAnn Miller, Chris Ryan, Sharon Harris, and Marlene Shelley.

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed. Clarifying questions were answered. Traffic concerns were raised on the access to Jordan Landing from 7800 South.

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

**1. Consent Calendar
Approve Minutes from December 3, 2013**

MOTION: John Winn moved to approve the Consent Calendar which includes the minutes from December 3, 2013. The motion was seconded by Zach Jacob and passed 6-0 in favor.

2. The Station at Gardner Mill; 7659 South 1300 West; Preliminary Subdivision Plat, Preliminary Site Plan (224 units on 11.039 acres); Preliminary Development Plan and establish residential density of 20.29 units per acre; P-C (TSOD) Zone; Colosimo Brothers (applicant) [#SDMA20130009; SPCO20130009; DP20130007; parcels 21-26-351-020, 017, 022, 21-35-101-004]

Staff recommended that the Planning Commission continue the Preliminary Subdivision Plat, Preliminary Site Plan, and Preliminary Development Plan for The Station at Gardner Mill located at the northeast corner of 1300 West and 7800 South until the January 7, 2014 Planning Commission meeting.

The application is being continued at the applicant's request.

MOTION: Zach Jacob moved to continue The Station at Gardner Mill; 7659 South 1300 West; Colosimo Brothers (applicant) to the next [January 7, 2014] Planning Commission meeting. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

3. Englefield Heights Subdivision; 6400 West 7800 South; Preliminary Subdivision Plat (66 lots on 19.85 acres) and Preliminary Development Plan; LSFR Zone; Garbett Land Investments, LC (applicant) [#SDMA20130028, DP20130010; parcel 20-35-100-020, 021]

Justin Peterson, Peterson Development, spoke as the master developer of The Highlands. Garbett represents one of the largest builders in the Highlands. They feel the product is right for West Jordan.

Rene Oehlerking, Garbett Homes, said they had been working with staff for a while now and felt their proposal will fit the property well. They propose 66 lots on 19.85 acres by meeting the density buy-up requirements. The project includes trails and open space, enhanced landscaping, park areas, a walkable community, entry monuments with landscaping, and enhanced building design with an upscale flavor. He focused his presentation on the discretionary buy-ups and the proposed eco-village. All homes have solar power and will be 60%-80% more energy efficient than new homes on the market today, and they will be priced in line on a per square foot basis as any home in today's marketplace. Green building is who they are as a builder, and they are successful at it. His presentation reviewed topics such as performance, environment, comfort, and value. He explained

how they can accomplish these things and how their homes are HERS tested. They have a following of people who want the product. He asked the commission to consider these things as part of the density buy-up for their subdivision.

David Pack said the density chart indicates that 50% of homes will have covered porches, but the applicant had stated in the pre-meeting that they will all have a covered porch. Also, the roundabouts were missing pedestrian walkways or crossings.

Rene Oehlerking verified that all of their home plans include a covered porch. There will be extensive sidewalks throughout and will meet all of the city's requirements.

Ray McCandless showed how this project will fit in the overall layout of The Highlands development. Lot sizes will range from 5,000 to 14,000 square feet. The LSFR zone has a beginning density of 2.1 dwelling units per acre that can increase to 4.1 with buy-ups through amenities and improvements based on a point system detailed in the staff report. Some of those amenities are 11% open space and enhanced parkstrip widths on 6400 West and 7800 South, a 1.2-acre open space that includes a playfield and a playground, a half-acre open space at the corner of 7800 South and 6400 West with a tot lot, enhanced street lights, three monuments features, and 100% of homes will have a front porch. All homes will have energy efficient design, which is part of the discretionary buy-up. Staff's calculations show that the project would be allowed a maximum 3.46 du/a, and the applicant is proposing 3.43 du/a. Fencing along 6400 West and 7800 South will be RhinoRock and is consistent with the Loneview Subdivision to the east. He reviewed the landscape plans, including the roundabout, which will have the required sidewalks. Some of the home designs were shown.

Englefield Sub-area Preliminary Development Plan

Based on the requirements listed in the Zoning Ordinance, staff recommended that the Planning Commission approve the Englefield Sub-area Preliminary Development Plan generally located at approximately 7800 South 6400 West with a residential density of 3.43 units per acre for a total of 66 single-family residential lots, subject to the following conditions:

1. The Final Development Plan shall be updated to state: Once the streetscape walls along 7800 South and 6400 West have been installed by the applicant and the warranty period expired, maintenance of these streetscape walls shall be the responsibility of an Assessment Area, the adjacent property owners or the homeowners association.
2. The applicant shall provide a list of the specific design requirements, as approved in the sub-area preliminary development plan, to all future home builders within this development to ensure compliance with these adopted architectural standards.
3. The applicant shall update the sub-area preliminary development plan to specifically show which lots must have a front covered porch greater than 50 square feet in size.

Englefield Preliminary Subdivision Plat

Based on the required findings listed in the Subdivision Ordinance, staff recommended that the Planning Commission approve the Englefield Preliminary Subdivision Plat generally located at approximately 7800 South 6400 West, subject to the following conditions:

1. The Final Subdivision Plat shall show the roundabout and improvements constructed at the intersection of 6400 West 7950 South. The design of the roundabout shall be at the direction of the city engineering staff.
2. The Final Subdivision Plat shall integrate traffic calming design within the interior of the subdivision as directed by the city engineering staff.
3. The RhinoRock precast fiberglass/concrete wall system, as shown in the associated preliminary development plan, is approved for all required streetscape walls along 7800 South and 6400 West.

4. The Final Subdivision Plat shall have streetscape walls running along the boundary of the subdivision between all residential lots and 6400 West right-of-way. The wall should match the style and color of the wall approved along 7800 South and should be appropriately designed to tie in with the proposed monument signage as well as designed to respect the sight visibility requirements as determined by the City's Traffic Engineer.
5. The Final Subdivision Plat shall address all engineering redline comments.

Dan Lawes opened the public hearing.

Sharon Harris, West Jordan resident, was concerned that the additional 66 new homes at 2.5 children per home would have a huge impact on the Fox Hollow elementary school. She asked if Jordan School District had been consulted and if it will require more portables and/or double sessions. She asked if 6400 West would be going all the way through. She asked if the builders are charged impact fees and if the city considers the impact that the new development has on the community. In her subdivision there are currently no roads plowed and there are no shops or grocery stores in the vicinity.

Dan Lawes said those things are considered, but they can't tie a commercial development to a residential one. The school will typically provide a letter saying they will accommodate all of the students, and based on State law the planning commission is not allowed to place any restrictions based on school facilities.

Marlene Shelley, West Jordan resident, asked if the residents have a choice of which home models are built. Her home backs this property and because of the grade difference she was concerned that a two-story home would be more like a three-story. She said that years ago a high density project was proposed but denied in this area partly because of the building height.

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

Rene Oehlerking indicated that the larger lots will be behind the existing residential area. They have rambler style homes, but he said that they will have a grading plan and they will most likely be excavating down to the same level. They will meet all requirements for retaining walls, etc. and they will take into consideration the neighboring properties. As far as retail services go, he said that it is his experience that rooftops come first and the businesses will follow. He felt that by adding the project it will help to bring businesses to the area.

Zach Jacob understood that the WSPA doesn't have a minimum lot size, but there are several lots at 5,000 square feet, which in any other part of the city would be considered high density. The area is indicated at low density on the general plan and zoning maps. He is fine with the buy-ups and the total lots per acre are met, but it looks more like high density.

Ellen Smith said the West Side Planning Area and performance based zoning is not the same, and has separate requirements.

Greg Mikolash said The Highlands area is within the WSPA and is vested with their master plan. Staff previously recommended that the outright buy-ups consider the energy component, which wasn't approved. But there is a caveat that allows for alternative ideas to be considered. Staff felt that the energy buy-up is viable.

Zach Jacob said none of the preliminary villages in The Highlands have matched exactly what was approved so they have to amend the master plan. His issue is that the future land use map and zoning indicated low density. He understood that they are meeting the overall density, but visually it won't look like low density.

Greg Mikolash said it was the intent of the WSPA; they knew it would be different. However, they also knew that the developer would have to perform. They knew that they would be going from 10,000 and 12,000 square

foot lots to 4,000 to 6,000 square foot lots and that is what the density buy-up program was all about. This is also why there are two different density charts in the general plan.

Lesa Bridge said she was okay with the density specified in the WSPA and The Highlands master plan as represented by Garbett Homes.

Ellen Smith said the schools are a real issue and according to State law they can't consider it, but she wanted it on the public record. As a planning commission they have no legal way of taking that into account.

Robert Thorup confirmed that they can't require the developer to demonstrate that schools are adequate, and they can't deny an application based on the lack of schools.

Dan Lawes said the school district is legally required to provide schools.

David Pack said these issues are a little bit 'the chicken and the egg' with regards to schools and commercial uses. It is difficult for the timing to coincide where they are both installed at the same time. In his experience the district has to say that they can accommodate students, but it is just a matter of how they will be accommodated. He appreciated the citizen input, and he wanted them to know that the Commission talks about schools, transportation, amenities, commercial shops, etc. just about every time a subdivision comes before them. Objectively it seems that the subdivision goes over and above the minimum requirements with the exception of the issue that Commissioner Jacob raised. But subjectively he felt it is forward thinking in their planning and responsible stewardship with regards to resources. He thought it looked well for West Jordan to have a subdivision of this nature.

John Winn wanted to emphasize that with every development that is submitted they discuss schools. He grew up in the Jordan School District and remembers going from large classes to smaller classes when a school was constructed then back to larger classes, etc. And that continues to happen to his children today; it is a huge concern. They used to be able to ask for a letter from the school district, but even then the school district is obligated to say they can accommodate the children.

Zach Jacob, recognizing that this is a quasi-judicial action and the criteria have been met, said he didn't think that his concern with small lots was a reason not to give approval. With the way the project had been presented and because it is grandfathered into the West Side Planning Area, he said it fits.

Ellen Smith said the vision of the WSPA is to allow buy-ups for more flexibility in size and design that will allow for open spaces and village greens, etc., which they wouldn't get with a straight 10,000 square foot lot subdivision. She agreed that everything has been met and nothing goes against the criteria.

MOTION: Ellen Smith moved based on the findings set forth in the staff report and the design shown in the Englefield Heights Subdivision Preliminary Development Plan and upon the evidence and explanations received today to approve the Englefield Heights Preliminary Development Plan; 7800 South 6400 West; Garbett Land Investments, LC (applicant) with a residential density of 3.43 units per acre for a total of 66 single-family residential lots subject to the conditions listed in the report. The motion was seconded by Zach Jacob and passed 6-0 in favor.

MOTION: Ellen Smith moved based on the findings set forth in the staff report and upon the evidence and explanations received today to approve the Preliminary Subdivision Plat for Englefield Heights; 7800 South 6400 West; Garbett Land Investments, LC (applicant) with the conditions as outlined in the planning commission packet. The motion was seconded by Zach Jacob and passed 6-0 in favor.

4. TitleMax of Utah; 1366 West 7800 South; Conditional Use Permit for Title Loans; C-G Zone; TitleMax of Utah, Inc. (applicant) [#CUP20130007; parcel 21-27-481-002]

Bruce Beard, counsel for the applicant, stated that Chris Ryan from TitleMax was also in attendance to answer questions. He said their business requires a conditional use permit because West Jordan includes title loan businesses as check cashing, but their business only does title loans. The staff report outlines the standards of state and city standards. He said their stores have only tables, desks, and chairs and look like a typical insurance business.

Dan Lawes asked where the repossessed vehicles go if there is default on the loan.

Bruce Beard said they are taken to a secure repossession lot. The credit software is so good that repossession doesn't occur very often.

Nannette Larsen gave an overview of the site location and hours of operation between 8a.m. and 7 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. They will have approximately three to five employees on site.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit to allow a check cashing business located at 1366 West 7800 South, in a C-G Zone, with the conditions of approval as listed below.

Conditions of Approval:

1. The proposed business shall meet all applicable zoning, building, engineering and fire requirements.
2. Storage and/or sale of any repossessed items and/or vehicles on site is prohibited.
3. Permanent and/or temporary signage shall adhere to the requirements found in Title 12 of the City of West Jordan Municipal Code.
4. All changes to the site shall be consistent with the Conditional Use application, letter of intent, site plan, and adopted ordinances.
5. The decision of the Planning Commission shall be final and effective fifteen (15) days from the date of the decision, unless an appeal is filed pursuant to section 15-5-2 and subsection 15-5-5B of this code (West Jordan City Code, section 13-7E-7B).

David Pack asked why a title loan has to get a conditional use permit for check cashing services.

Tom Burdett said the definition of check cashing in the zoning ordinance is broad and all-encompassing and specifically references as an inclusionary function of check cashing, title lending business.

Dan Lawes opened the public hearing.

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

MOTION: Zach Jacob moved to approve the Conditional Use Permit to allow the check cashing/title loan business for TitleMax of Utah; 1366 West 7800 South; TitleMax of Utah, Inc. (applicant) with conditions 1 through 5 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

5. Popeyes Jordan Landing; 3712 West 7800 South; Preliminary and Final Site Plan and Conditional Use Permit; SC-3 (ZC) Zone; Benchmark Engineering/LeeAnn Miller (applicant) [#SPCO20130019; CUPA20130020; parcel 21-29-377-013]

LeeAnn Miller, representing the application, stated that the proposed building will replace the Sonic at Jordan Landing, and the conditional use permit is required for the drive-thru. This will be the first Popeyes in Salt Lake County with four others planned.

Nannette Larsen explained that the existing Sonic building will be demolished and a new building approximately 3,000 square feet in size will be constructed in roughly the same footprint with traffic circulation on the circumference. The Design Review Committee sent a positive recommendation for the proposed one-story building.

Preliminary/Final Site Plan:

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Preliminary/Final Site Plan approval for Jordan Landing Popeyes site plan located at 3712 West 7800 South in a SC-3 (ZC) zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Preliminary/Final Site Plan application, letter of intent, and site plan.
3. The project design, landscaping; and development design and materials shall be of equal quality to the Plaza at Jordan landing.
4. The final site plan must meet all requirements of the Engineering and Fire Departments.
5. Approval of a Final Site Plan shall become null and void if development does not commence within two (2) years of final site plan approval (13.7B.5).

Conditional Use:

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Conditional Use approval for Jordan Landing Popeyes located at 3712 West 7800 South within a SC-3 (ZC) zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Conditional Use application, letter of intent, and site plan.
3. Approval of a Conditional Use shall remain valid for twelve (12) months, unless an extension is granted by the Planning Commission. (14.7E.8)

David Pack said the access road and intersection leading to 7800 South just east of this parcel is very congested and a little dangerous. This development won't change that access, but it may add to the congestion. He asked if they should consider that with the conditional use permit.

There was a discussion regarding whether or not this area can be addressed with these applications since the road is outside of this property. It isn't Popeyes issue alone. Criteria 4 of the conditional use permit provides an opportunity to consider adequate access to public streets and traffic management. However, the access road is not public, so they don't have any direct control. But the City can encourage the shopping center owners to enhance the traffic flow. The proposed circulation is about the same as with Sonic, and the cross access easements are still in place. Although they can consider traffic flow, they can't require the developer to remedy the issue with 7800 South.

Dan Lawes opened the public hearing.

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

MOTION: John Winn moved to approve the Preliminary/Final Site Plan for Popeyes at Jordan Landing; 3712 West 7800 South; Benchmark Engineering/LeeAnn Miller (applicant) with the conditions of approval 1 through 5. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

MOTION: John Winn moved based on the positive findings of fact in the staff report to approve the Conditional Use Permit for Popeyes at Jordan Landing; 3712 West 7800 South; Benchmark Engineering/LeeAnn Miller (applicant) upon completion of the three conditions of approval listed in the planning commission packet. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

Tom Burdett gave an update on recent and upcoming City Council items. He recognized John Winn for his service on the commission.

MOTION: Zach Jacob moved to adjourn.

The meeting adjourned at 7:12 p.m.

Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014