

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 6, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Sophie Rice, David Pack, Zach Jacob, Lesa Bridge, Ellen Smith, and Bill Heiner.

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

OTHERS: Ron Cole, Lane W. Walton, Kathlene Walton, Don Sullivan, Richard Downing, Colleen Sly, Nicole Barnett, Jared Johnson, Nate Sechrest, Mike Malay, Ryan Kimball, Craig Chapman, Nancy Chapman, Spencer White, Jeff Haaga, Barrett Peterson, Leslie Morton, Darrin Perkes.

The briefing meeting was called to order by Dan Lawes.

A grammatical change was made to the minutes. The agenda was reviewed. Explanation was given regarding how architectural control will be provided on Item 2. Recommendations from the previous billboard hearing were incorporated into the recommendation for Item 3. The billboard industry also proposed some changes. The proposed changes in Item 5 should not affect the intent for the city center and transit oriented development ordinances.

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

1. Consent Calendar

A. Approve Minutes from April 15, 2014

B. Wild Ice; 3200 West 7800 South; Temporary Use Permit; SC-2 Zone; Emily Wilde (applicant) [#TUP20140011; parcel 21-33-101-010]

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Temporary Use Permit for Wild Ice, located at 3200 West 7859 South, with the conditions of approval as listed below:

1. Dates of operation are from April 25, 2014 to August 31, 2014, 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 and debris during the extent of the temporary use.
4. The stand, and all associated equipment/materials, shall be removed from the site when the permit expires. The site shall be fully restored within five days of permit expiration.
5. Obtain and maintain a valid West Jordan City Business License.

6. Obtain approval from the Salt Lake County Health Department.
7. Obtain an Electrical Permit from the West Jordan Building and Safety Department.
8. 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.
9. 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: Zach Jacob moved to approve the Consent Calendar with the correction to the minutes as noted in the pre-meeting. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

[This item was heard after Item #3 after the applicant arrived.]

2. Loneview South Subdivision; 8200 South 6400 West; Preliminary Development Plan and Preliminary Subdivision Plat (64 lots on 19.63 acres); Highlands Master Plan WSPA – LSRF zone; Peterson Development (applicant) [#DP20130013, SDMA20130031; parcels 20-34-200-014,013,041,042; 20-34-276-001,002,003]

Spencer White, Element Design, a consultant for Peterson Development, explained that the 63-lot subdivision is a similar product and style as Loneview North and will be connected by open space and a trail system for a seamless transition. The lots will be sold in groups or as single lots, which will allow for a more custom and less cookie-cutter look. The intent is to get a bigger home with different elevations and using very high quality building materials. They are proposing a density buy-up system similar to what was used on Loneview North with a 63% buy-up to get to 63 lots. He explained that in the same methods that were approved with the Loneview North project, each time a lot is sold they are given a copy of the checklist for the buy-up elements of porches, high quality materials, and semi recessed garages. An architectural control committee will make sure those requirements are met before the plans are submitted to the city for a permit. The architectural control will be with the developer initially, but as homes are sold then those owners can be involved in the process. He said this process has worked well with other neighborhoods.

Sophie Rice didn't feel that having Peterson Development as the overseer of the control was appropriate because there is nothing to guarantee it will be done.

Spencer White said this process isn't something new, but it is done on almost every subdivision that has design guidelines. The first step of compliance is with the developer, or as the homes are sold, to homeowners within the neighborhood who will sit on that committee as well. That is usually done fairly quickly and sometimes the timeframe for transfer of control of the architectural committee to the homeowners is included in the CC&Rs, which they could do.

Larry Gardner stated that the city will review each permit against the standards that were approved in the master plan and the development plan no matter which builder submits for the permit. It is currently working well with Loneview North.

Spencer White said they want to make sure they turn in plans that are correct to start with; otherwise the city will turn them back. Regarding maintenance of the open space, park and trail he stated that a Special Assessment Area has been established within the WSPA that will take control of some of the areas, including the open space between Loneview North and Loneview South.

Sophie Rice said the landscaping proposed by the wash looks very similar to Stone Creek, which is highly inadequate. If they want something other than a fire hazard, sage brush mess they need to install irrigation and grass, and more than just minimal maintenance for weed control, etc. She said mowing twice per year is not enough. It is a dangerous situation without irrigation.

Spencer White said they aren't trying to get out of obligations, but if they add an exorbitant amount of landscaping it will require a lot of water and a lot of maintenance. They want to hit a balance. Any area that is disturbed along the wash will be reseeded with a native seed mix. They will provide a temporary irrigation system until it takes hold. He said they will continue to assess how the weed control is working and especially because there are residences that back the wash area.

Larry Gardner explained that a planned development like this has more amenities such as more street lights, open space, parks and trails that don't generally apply to a subdivision with standard zoning. The home design is also enhanced with recessed garages on 75% of the homes, covered porches on 50% of the homes, and enhanced window treatment. He felt that the buy-ups are worthy of the density increase for a single-family neighborhood and it will create a nice community with Loneview North. The quality of materials is also more controlled than with a standard development. He said that staff keeps a matrix that tracks the number of homes with porches and recessed garages to make sure the ratios are being met. Also, the builders need several different home models to ensure that there are no two alike next to each other. He was asked if there are any EPA requirements for landscaping along the washes. Mr. Gardner said it wasn't an EPA requirement, but it is the city's intent through the parks and open space master plan to try to leave them as native as possible with some active open areas around them. He said it would be a huge burden on resources and water to completely fill and landscape the washes. However, they do need to be maintained so they aren't a fire hazard. There are some standards with storm water conveyance with regards to pollutants. There was a question regarding storage units or RV storage, but those things are generally provided with a multi-family product and not with this subdivision.

Preliminary Development Plan

Based on the findings and evidence in the staff report, staff recommended that the Planning Commission approve the Loneview South Sub-area Preliminary Development Plan generally located at approximately 8200 South 6400 West with a residential density of 3.21 units per acre for a total of 63 single-family residential lots, subject to the following conditions:

1. Update the Final Development Plan to address all city required corrections pertaining to the Loneview South Subdivision Plat.
2. All of the open space and common green, including the pavilion, benches, table, trash receptacles and bridge over the wash shall be installed as part of Phase 1.
3. The applicant shall provide a list of the specific design requirements and required architectural review procedures as contained in the Loneview South Development Plan, to all future home builders within this development to ensure compliance with these adopted architectural standards.

4. 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.

Preliminary Subdivision Plat

Based on the findings and evidence in the staff report, staff recommended that the Planning Commission approve the Loneview South Preliminary Subdivision Plat generally located at approximately 8200 South 6400 West, subject to the following conditions:

1. The Loneview Final Subdivision Plat shall integrate traffic calming design within the interior of the subdivision as directed by the city engineering staff.
2. The Loneview Final Subdivision Plat shall address all engineering redline comments.

Dan Lawes opened the public hearing.

Lane Walton, West Jordan resident, stated that he lives in Bloomfield Heights and the native grass in their wash is a fire hazard. He belongs to an HOA and Ivory keeps changing the rules or doesn't comply with them themselves, and there is no recourse. He wanted to make sure Peterson has a better plan to turn it over to the residents at a certain point. He said the open space areas need to be maintained.

Larry Gardner stated that there won't be an HOA, but it will be maintained by a special assessment.

Kathlene Walton, West Jordan resident, was concerned with all of the construction on 8200 South. She wondered how long it will take before the subdivision will be completed. There aren't many access points and they are locked in.

Jeff Haaga, West Jordan resident, said the commission should be aware that currently special assessments are on a moratorium by the Legislature, so the HOA should be responsible for maintenance.

Robert Thorup said the City Council created the Highlands Assessment Area last year so it isn't affected by changes in the Legislature, and that bill was vetoed by the Governor.

The public hearing was closed at this point for this item.

Spencer White addressed some of the issues. The porch and garage ratios will be updated with the submittal of each building permit. He hoped that they will actually have a higher percentage on those items, especially with porches. He said it is their intent and the intent of the city to try to maintain the washes as they are naturally. They will try to stay out of the area completely, and that would help with weed control. The native seed mix is constantly being updated to one that works well for the area, but they live in a mountain desert and it will dry out. They will try to establish the roots in the first and second years then take the water off so they aren't using the limited resources. The bigger issue is maintenance of the area and maybe not leaving that up to only the special assessment area. They will look at Loneview North to see how it is being maintained and if they need to increase the number of times they mow it and do weed control. They will continue to work with the city. They intend to start the horizontal improvements for phase 1 infrastructure this fall with homes coming next year. He said that Peterson Development could answer specific questions on the HOA.

Zach Jacob said the developer is only conforming to the city's master plan regarding the native seed issue, but it will be up to the city to maintain.

Spencer White said they and the city are still learning from the Loneview North development and they can work on those issues as the rest of the land in the WSPA is developed.

Ellen Smith asked how the residents should communicate with the city if they need to improve the level of service with regards to maintenance.

Robert Thorup said residents of an assessment area should bring their concerns to the city staff or council members. The City and the City Council will set the levy of the assessment, which is determined by the budget for the cost of providing the service. If the residents want a higher level of service and will pay for it, then the City Council can adjust the budget. The experience with other assessment areas attempts is that there is generally not an unlimited budget and sometimes compromises have to be made in order to create a livable assessment. A periodic examination of the budget takes place so the Council can adjust it if necessary.

MOTION: Zach Jacob moved based on the findings set forth in the staff report and the designs shown in the development plan and the evidence and explanations received today to approve the Loneview South Preliminary Development Plan; 8200 South 6400 West; Peterson Development (applicant) with a residential density of 3.21 units per acre for a total of 63 single-family residential lots and subject to the conditions 1 through 4 in the staff report. The motion was seconded by Ellen Smith.

Sophie Rice asked if they could add a condition that they must have a mowing at least four times during the growing season. Her concern is that if it isn't in the plan then it won't happen. Goal 1 in the residential land use section of the General Plan says to provide a safe and healthy living environment for all citizens of the city, and she didn't think that was being met.

Ellen Smith agreed with her concerns, but that will be taken care of through the assessment district by going through the city council or staff to evaluate and isn't actually a part of the development plan.

VOTE: The motion passed 6-1 in favor with Sophie Rice casting the negative vote.

MOTION: Zach Jacob moved based on the findings in the staff report to approve the Loneview South Preliminary Subdivision Plat; 8200 South 6400 West; Peterson Development (applicant) subject to conditions 1 and 2 listed in the staff report. The motion was seconded by Ellen Smith and passed 7-0 in favor.

3. Text Amendment – Electronic Billboards; Continued from 2-18-14; Amend portions of Title 12 Sign Regulations and Title 13 Zoning Regulations or other sections of the West Jordan Municipal Code relating to billboards and electronic billboards; City-wide; City of West Jordan (applicant) [#TA20120008]

Ray McCandless reviewed the history of this item, which included a postponement in February to let the sign industry have more time to consider the proposal. At a previous hearing the Planning Commission looked specifically at minimum separation between electronic signs and residential boundaries and how great a separation should be between electronic signs. Originally staff proposed one-half mile but changed that to 1,000 feet because the planning commission thought it was excessive. There would be an option to reduce the distance for extenuating circumstances. Staff also recommended that the separation between residentially zoned property and electronic billboard signs be 500 feet. Reagan Outdoor Advertising's preferred changes to separation and hours of display had been distributed at the pre-meeting. He explained that there is a certain threshold called the ambient light level, and this code requires an automatic dimming system that is 3/10 candlepower over ambient lighting conditions.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Text Amendments to Title 12 and 13 relating to digital display billboard signs.

Dan Lawes opened the public hearing.

Nate Sechrest, Reagan Outdoor Advertising, thanked staff for working with them to try to find an ordinance that works well for everyone. They are okay with lumens and the distance between billboards, but they question the distance from a residential zone. West Jordan's zoning is such that there are very few places where billboards exist that are not closer than 500 feet to a residential zone. They proposed that signs within 500 feet and facing toward a residence would remain static beginning at 11:00 p.m., so it would not be any brighter than an existing illuminated sign. He pointed out that a home is not usually right at the zoning line, so there would be additional space between the home and billboard. They think this is a good compromise that will help to bring their industry into the 21st Century. Another option would be for signs within 500 feet to be static, but within 300 feet the sign gets turned off.

Jared Johnson, YESCO, said their company manufactures digital LED signs and is the primary supplier throughout Utah. He brought a sample of a display panel. He said a number of Utah cities recognize that omnidirectional flood lights can spill over in all directions around a sign, but LEDs have directional lighting, so they can determine which areas are going to be impacted and then that can be mitigated with a curfew. The .3 foot-candle over ambient lighting is a brightness standard throughout the United States. He said that the changes brought by Reagan are comparable to what other municipalities have adopted.

Nicole Barnett, West Jordan resident, asked what benefit billboards are to West Jordan. In her opinion they are an eyesore and detract from the feeling of community.

Nancy Chapman, West Jordan resident, said she was surprised and disappointed that West Jordan would want billboards, because they are such a blight. It is nice looking in other parts of the country where they aren't allowed. She thought that a poll of the citizens would be against billboards. The sign

companies have the right to make money, but she asked if they have the right to take away from the beauty of the city. She said 500 feet is too close to a residence and 11 p.m. is too late. She felt that they would be an eyesore even if they are turned off.

The public hearing was closed at this point for this item.

Ray McCandless was asked to respond on the value of billboards. He stated that they offer an advertising option for businesses within the city. He pointed out that West Jordan currently has a cap on the number of billboards allowed, and they are at that cap. The proposed ordinance doesn't change the number of signs allowed, but it focuses on the conversion of existing signs to electronic digital display.

David Pack said he had three items for discussion: 1) the perceived level of industry involvement in establishing or influencing a text amendment - just because it has been done elsewhere doesn't mean they should do it; 2) all of the distances have been lowered, but it is easier to start with a greater distance and loosen it up than to try to retighten them; 3) the hours of active display. The time he is mostly concerned with is not when he is asleep at 11 p.m., but when he is still awake and trying to enjoy time in his backyard or trying to sleep in on a Saturday.

Dan Lawes asked if they also need to address the orientation of the sign with regards to a curfew. He agreed with the comment on distance, and he was considering a 1500 foot distance with the option to reduce it to no less than 500 feet.

Zach Jacob said one difference between the proposed industry and staff recommendation is that Reagan's recommendations specify that the distance only applies to the same side of the right-of-way. He asked if there would be value in separation with a radius instead of a linear.

Lesa Bridge had some of the same concerns. She explained that they are not approving any new billboards, but the existing billboards may change to digital. So the city is taking responsibility and addressing regulations before that happens. She would recommend a minimum of 750 and 1250 as the standard.

Zach Jacob also explained that the proposal to outlaw billboards in West Jordan is not part of this proposal, but they are only considering allowing digital billboards. He thought that all of the proposals have some merit. He is okay with the 500-foot minimum as proposed by staff with the conditions that if they are too close to residential zones they have an 'off' zone and a 'static' zone within the minimum distance.

Ray McCandless explained that staff's recommendations for spacing were based on observation and what they thought could have impacts.

A discussion regarding separation distances was held. They don't want to make it too onerous for the sign companies, but they also need to think of the citizens. Each billboard will require a conditional use permit, so they will be reviewed on a case-by-case basis, but they need to consider that the standard distance can be awarded outright and the applicant will have to prove the need for the lower distance.

There was a discussion regarding hours of shut off time. The question was also raised if floodlights on the non-digital billboards should also be turned off during this same timeframe, because they could produce more light and glare than the directional LED lights. It was determined that they are only going to address electronic billboards tonight. They considered a static timeframe and a shut off timeframe. It was pointed out that a regular billboard can still be visible if it isn't lit, but once an electronic billboard is off you don't see any advertising.

MOTION: Zach Jacob moved to forward a positive recommendation to the City Council for the proposed text amendments to Title 12 and 13 as addressed in the report with the following changes:
Section 12.3.3.D.4 amending 1000 feet to 1250 feet, and in Section 13.i.k adding the text as proposed in the newest version of the amendment, changing it to read, "A billboard with an electronic display may not be illuminated, lit, or operated between 11 p.m. and 7 a.m. if it is oriented towards or located within 1,000 feet of any property zoned or occupied for residential use and must be static and not changing after 10 p.m." with the rest of the amendment as listed on the most recent email.

The motion failed for lack of a second.

MOTION: Dan Lawes moved to forward a positive recommendation to City Council accepting the Text Amendment for Title 12 and 13 relating to billboards and electronic billboards as proposed by staff, modifying the two numbers in 12-3-3.D.4 from 1,000 to 1,250 feet and from 500 to 750 feet, and modifying 12-3-3.D.13k to read, 'A billboard with an electronic display may not be illuminated, lit, or operated between 9 p.m. and 7 a.m. if it is oriented towards and located within 300 feet of any property zoned or occupied for residential use unless the message is an emergency public safety warning or alert, such as an "Amber Alert"'. The motion was seconded by Sophie Rice.

Zach Jacob pointed out that at 9:00 p.m. in July the sun is still up.

Ellen Smith also felt that 9 p.m. is a little early, because people are still out and traveling around. She felt that 10 p.m. would be a fair cutoff.

AMENDED

MOTION: Zach Jacob amended the motion to be from 10 p.m. to 7 a.m. The amendment was accepted by Commissioners Lawes and Rice.

ROLL CALL VOTE:

Commissioner Bridge - yes

Commissioner Smith - yes

Commissioner Rice – yes

Commissioner Heiner -yes

Commissioner Jacob - yes

Commissioner Lawes - yes

Commissioner Pack – yes

The motion passed 7-0 in favor.

4. Stone Creek Development Plan; approximately 7800 South 5490 West; Amending the Stone Creek Development Plan consisting of 17.52 acres; reducing the amount of open space in Clay Hollow D, E & F, and transferring 10 residential units from Clay Hollow D to Town Center B; P-C Zone; Peterson Development (applicant) [#DP20130011; parcels 20-36-100-043; 20-36-126-030, 20-36-226-001, 004]

Barrett Peterson, applicant, explained that master plans are often amended, which is what they are doing. They made a previous request for a similar amendment and they were given feedback from the commission and council to come back with more open space and a better compromise. The original master plan showed a 2.27 acre park and they are requesting 1.82 acres and keeping the community garden, tot lot, and half-court basketball. The area is master planned for 106 units with 24-plex apartment buildings and some townhomes. The current proposal is for 96 units with three of them being single family units next to the Ranches. The remaining ten units will be incorporated into the Town Center B area next to the commercial. They feel that the proposal has staff's support and is a compromise of what the neighboring property owners and the city are looking for. This project will finish off Stone Creek and will improve the wash in the area and the trail will connect from Grizzly Way to 5600 West. They would like to keep the project moving, but if it doesn't get approved this time they will probably go back to the original plan. He clarified where the ten units will be relocated in Town Center B, which will go from 36 planned units to 46.

Ray McCandless said if the amendment to the previously approved development plan is approved it will still have to go through the design review committee and planning commission. He said the park size hasn't changed significantly.

Based on the findings set forth in the staff report and the design shown in the Stone Creek Development Plan amendment staff recommended the planning commission forward a positive recommendation to the City Council for the amendment to the Development Plan for Clay Hollow D, E and F and Town Center B as proposed subject to amending ordinance 08-09 as follows:

1. The applicant shall be responsible for installing all open space, street and streetscape improvements.
2. If no assessment area is established, a homeowners association shall be established to maintain all landscaping improvements within the development including the 1.82 acre park.

Dan Lawes opened the public hearing.

Ron Cole, Newport Beach, California, one of the owners of Boulder Canyon Apartments, said their apartments have 280 units and is home to more than 400 adults and 70+ children, who are stakeholders in the community. This is the third time a request for this property has come before them in the last two years. The approved park is 2.26 acres, and their townhome style units were built to face a street that had parking with a park across the street. He felt this is an economic decision, but the owners of Boulder Canyon are financial stakeholders in a particular area and they made the investment based on a proposed plan, which was a 2.26-acre park. He asked them to recommend denial, because they would like commitments to be made. The City Council is hearing the assessment area, and Boulder

Canyon has 280 ERUs, over 39% of the area, so they will be paying close to 40% of the assessment to maintain the parks, so they want the park that was committed to their residents.

Craig Chapman, West Jordan resident, lives next to the three single-family homes in the proposal. He said there was a previous comment in the meeting that some people don't like houses that look the same, but he purchased in the Ranches because they look the same. He asked if the three new homes will fit in with the rest of the neighborhood in the Ranches. When he purchased his lot he was told that the current ditch of tumbleweeds was going to be a Frisbee golf course. But that fire hazard puts tumbleweeds into his neighborhood, and he wonders why they don't have the Frisbee golf course that was promised. The people in the apartments feel the same way with the park. He didn't think they should worry about the size of the park, because they aren't maintained anyway. This should just be approved and get it moving and make people do what they said they were doing to do, like improving the gulley.

Jeff Haaga, West Jordan resident, recommended as a resident that the commission deny the request. He also asked if the neighborhood had been notified of the change.

Nicole Barnett, West Jordan resident, said the area is already congested with all of the building that is happening. She would rather have townhomes than apartments, but she thought it would be best for the neighborhood to have unattached single-family homes.

Colleen Sly, West Jordan resident, said the apartments would be looking right into her backyard. At the last meeting she went to Peterson said they were going to build single-family homes like the Ranches next to the gully. The weeds are terrible in that location and are taller than her six foot fence. She has had to hire people to cut them down because of the fire hazard.

The public hearing was closed at this point for this item.

Barrett Peterson said they designed the street between Boulder Canyon and the park has on-street parking on the Boulder Canyon side and a sidewalk on both sides. Last year they did show Ranches-style lots next to the single-family, but in order to make the park larger they had to build townhomes. The three homes will have the same architectural theme as the Ranches. There was originally a Frisbee golf course planned in the area, but they went to the council with the idea of providing a tot lot, half-court basketball court, and a community garden instead because they didn't know how many people would use the course. The city council said that was a fair trade-off. Tonight they are also talking about trade-offs. It is a smaller park, but there are numerous parks within Stone Creek and they are well within the 15% open space that was required. Plans change over time and they aren't trying to shirk their commitments but to refine the plan as they go. It is up to the commission and council to decide if it is a better plan to have less density and slightly less open space.

MOTION: Zach Jacob moved that they take a 5-minute recess to read the letter distributed from Eight Bay Advisors and to take a break. There were none opposed.

The meeting was recessed at 7:48 p.m. and reconvened at 7:55 p.m.

David Pack asked if there are any pros or cons to consider with the transfer of density to the Town Center B parcel.

Ray McCandless said there aren't any issues with the transfer.

Dan Lawes said there are two options for the property, which are apartments with a 2.26-acre park or a townhome development with less park acreage, which the planning commission was somewhat in favor of in November.

Lesa Bridge said she had been on the commission throughout the process and she felt that both the city and applicant had worked hard to come to a good compromise. With respect to Boulder Canyon, the street has been provided and works well. The reduction in the park area is a sore spot, but she didn't think they should deny the application because of a half-acre reduction based on the compromise that has been reached.

Zach Jacob said based on a length of 700 feet of the park they are losing about 27 feet in park width, and he thought that the people facing the park will get substantially the same view as the original proposal, and they are getting a better proposal with the housing type.

Sophie Rice said she preferred the townhomes rather than apartments, and since it is one or the other she would rather have a little less green space and townhomes than slightly more green space and apartments.

MOTION: Zach Jacob moved based on the findings set forth in the staff report and the design shown and upon the evidence and explanations and testimony received today to forward a positive recommendation to the City Council to amend the Stone Creek Development Plan for Clay Hollow D, E, and F and Town Center B as proposed subject to amending Ordinance 08-09 numbers 1 and 2 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

5. TSOD and City Center Design Text Amendment – Amend the West Jordan Municipal Code Title 13 Chapters 5 and 6 regarding TSOD and City Center Design; City-wide applicability; Psomas (applicant) [#TA20140005]

Leslie Morton, Psomas, 4179 Riverboat Road, stated that they were asked to look at the northwest corner of 7800 South and Redwood Road for a proposed CVS Pharmacy. They found that the zoning ordinance and Transit Station Overlay would provide challenges for their project. These text amendments would help to develop the site that is a little unique to the overlay district and the City Center zone while not compromising the City Center Core area. She reviewed the four main elements: 1) Front setback requirement. The code doesn't want a front setback greater than 20 feet, which is popular in a walkable community and in the City Center Core area, but they are on the corner of two arterial streets with 80,000 cars per day that doesn't lend itself to pedestrians. She said that 99.9% of CVS or other retail customers will come by automobile. Also, walkability from a transit station is a quarter-mile. Their proposed site is a half-mile away, which isn't feasible for someone to walk from along a busy street and crossing busy streets. 2) Parking location. The ordinance calls for parking to be behind the building. They would like to change that based on being on two busy streets and to have parking in front of the building with closer access to the front door where most of the customers are coming via automobile. 3) Maximum parking requirement. The proposal is to change from 4 ½ spaces

per thousand instead of 3 in the City Center Frame district, which is still less than the city's general parking standard. This again is based on the vehicular traffic. 4) Marketing analysis required. The intent of the analysis is for a larger parcel with multiple buildings and uses. Their proposal is to limit the requirement to a site that is larger than two acres.

Lesa Bridge agreed that 7800 South and Redwood Road are busy arterials, but she commented that the area is heavily frequented by pedestrians, so she wanted them to consider traffic calming measures for the site when planning retail in the area.

Leslie Morton said they planning amenities on the site that will enhance pedestrian safety.

Nannette Larsen said the city added an additional amendment for the fenestration requirements. Currently the City Center Core and City Center Frame districts require a 75% and 50% front façade transparency requirement and the TSOD district requires a 75% fenestration. The proposal is that the front fenestration be changed to 60% in the City Center Core district and 50% in the City Center Frame district and eliminating the transparency requirement and allowing for glass surfaces, which would allow for fake windows. They are also proposing that the Zoning Administrator may approve a change in the fenestration requirement as long as it meets the following criteria: 1) It does not negatively impact the building; 2) That it may not impact the structural stability of the building; and 3) The architectural details on the building will meet the intent of the ordinance. She reviewed each proposal in detail and clarified that the changes to the Core district are proposed by the city.

Greg Mikolash said the area across the street from the proposed pharmacy will act similarly where you may not want a building facing two arterials, so they want the buildings to have four-sided architecture in every instance, but the building can face the neighborhood street. They are trying to clarify that their intent in the City Center Core is to face the neighborhood street so the pedestrians will go on the neighborhood street.

Ellen Smith asked if a corner parking lot would create more points of conflict, and if the driveways should be farther away.

Greg Mikolash said that isn't the intent of these changes. Even if the parking is behind the building, the driveway could still be in the same spot. The access issue and interior conflicts will be worked out with traffic engineering at the time of the site plan.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed text amendments to Title 13 of the 2009 City Code relating to the TSOD and CC Districts.

Dan Lawes opened the public hearing.

The public hearing was closed at this point for this item.

Zach Jacob understood the reasons for changing the City Center Frame district, but he wondered if there would be any unintended consequences to the vision of the City Center Core with any of the amendments.

Greg Mikolash explained that the amendment that will affect the City Center Core is street oriented building placement. In 13-6G12 they inserted, 'lots at the intersection of two arterial streets are exempt from this criteria'. But there shouldn't be anything else within the City Center Core that should be compromised unless they saw that fenestration would be an issue. He asked if there is a problem with the exemption of street orientation at the major intersections.

There was a discussion of whether or not the phrase 'at the intersection' needed to be clarified. It was pointed out in the text that there is only one location in the city where this applies.

MOTION: Dan Lawes moved based on the findings set forth in the staff report to forward a positive recommendation to the City Council for the proposed text amendments to Title 13 of the 2009 City Code as addressed in the report relating to the TSOD and CC districts; city-wide applicability; Psomas (applicant). The motion was seconded by Ellen Smith and passed 7-0 in favor.

6. Multi-Tenant Retail – Cash America; 1623 & 1633 West 7800 South; Preliminary Site Plan, Preliminary Minor Subdivision Plat, Preliminary Development Plan, and Conditional Use Permit; CC-C (TSOD) Zone; Kimball Investment Company (applicant) [#SPCO20140001; SDMI20140001; CUP20140001; DP20140001; parcels 21-34-201-004, 034]

Ryan Kimball, applicant, said as a part of CVS coming to the market it has caused some buy-outs of existing leases and acquiring the property. Cash America is a tenant in one of the buildings that is proposed to be razed. Cash America is proposing to relocate in the City Center Core. He noted that check cashing and payday loans are not conducted by Cash America, so they are in agreement with all of the conditions of approval for the conditional use permit. They appreciated staff's input in the building design to help make it comply with the zoning ordinance. This is a multi-tenant building that is oriented to the east. The interior space will be occupied by Cash America, and the tenant along 7800 South could be something like a retail business, sandwich shop or cell phone shop. He showed elevations of the building with a popup toward the west to be used as storage space that could possibility include a mezzanine level in the future. They were able to create some relief on the back section. Canvas awnings are shown on the elevations, but they may want to do something different. The Design Review Committee said a stucco pop-out in a different color could give the same relief but would have less maintenance over the years. After the drawings were submitted, staff requested a setback from 7800 South to provide landscaping. He said they would like to refurbish the existing pylon sign to match the quality of the new building. Signage is very important to retailers, especially in a center that isn't yet established. Cash America was very concerned with the condition to remove the sign. They would be open to an agreement that once the City Center is established and has signage they can swap it out, but until then they would like to keep the pylon sign.

Preliminary Site Plan:

Based on the positive findings of fact in the staff report, Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Multi-Tenant Retail, Cash America site plan located at 1623 West 7800 South in a CC-C zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The final site plan must meet all requirements of the Engineering and Fire Departments.
3. Approval of a Preliminary Site Plan shall become null and void upon one year of the date of approval.
4. Final approval of Multi-Tenant Cash America's site plan is contingent upon City Council's approval of the proposed amendments 13.5I.8, 13.5I.9, 13.5I.13, 13.6G.9, 13.6G.11, 13.6G.12, and 13.6G.17 of the City Code, which will allow Cash America's site plan and elevation plan to come into compliance with the Title 13 of City Code.
5. The cover sheet, site plan, utility plan, the grading and drainage plan, and the landscaping plan shall indicate the removal of the existing pole sign on the site.
6. Display on the submitted plans landscaping and setbacks along 7800 South for Final Site Plan Approval.

Preliminary Development Plan:

Staff recommended that the Planning Commission grant approval of the Preliminary Development Plan of Multi-Tenant Retail Cash America Development Plan located at 1623 West 7800 South, with the conditions of approval as listed below.

1. Under the Building and Structures section of the Development Plan the existing pole sign shall be removed from the site.

Conditional Use:

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit to allow for a pawn shop business located at 1623 West 7800 South in a CC-C zoning district, with the conditions of approval as listed below.

1. The proposed business shall meet all applicable zoning, building, engineering and fire requirements.
2. Storage and/or sale of any repossessed vehicles on-site are prohibited.
3. Storage and/or sale of any items outside are prohibited.
4. Permanent and/or temporary signage shall adhere to the requirements found in Title 12 of the City of West Jordan Municipal Code.
5. All changes to the site shall be consistent with the Conditional Use application, site plan, development plan, and adopted ordinances.
6. 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).
7. Short term lending or check cashing services are not permitted at this location.

David Pack thought the landscaping along 7800 South would enhance the look of the area and still be pedestrian friendly, and he asked if it is a requirement or a suggestion.

Nannette Larsen said the landscaping was discussed during the Design Review Committee meeting in order to break up some of the manmade materials. During the final approval they will finalize the details.

Zach Jacob asked if the condition for the sign removal refers to the sign that the applicant would like to refurbish and keep.

Nannette Larsen said it is the same sign.

Dan Lawes asked if the sign is in conformance at this time.

Tom Burdett said the sign is non-conforming, because they aren't allowed in the City Center Core. The City Center Core relies on wall signage and monument signage. His concern is that if it gets refurbished now then the business owners won't want to remove it further down the road. However, staff is willing to investigate any methods the commission recommends.

Greg Mikolash said the sign code does require removal of the sign as an accessory use based on a new principal use.

Dan Lawes opened the public hearing.

The public hearing was closed at this point for this item.

Ryan Kimball felt that the sign is a non-issue when there is the synergy of other retailers, but they are the first. He agreed that it may be difficult to remove once it is established, but they can do that through a development agreement. They are an island in the Jordan School District parcel, and they will need a method to bring in retailers and customers.

David Pack agreed that it may be hard to remove the sign if they are allowed to keep it, but the applicant is willing to negotiate with the city to put money into restoring the sign and then remove it when the center is built up. That way the traffic can be driven to the business in the meantime.

Nannette Larsen said they can look into language for a development agreement.

Tom Burdett said a development agreement would have to acknowledge that the sign is non-conforming, is temporary, and then define a trigger point for its removal.

Dan Lawes said that might cause others in the area to want a pole sign as well.

MOTION: Zach Jacob moved based on the positive findings set forth in the staff report and information received during this meeting to approve the Preliminary Site Plan for Multi-tenant Retail – Cash America; 1623 West 7800 South; Kimball Investment Company (applicant) with conditions 1 through 6 as mentioned on page 13 of the staff report. The motion was seconded by Dan Lawes and approved 7-0 in favor.

MOTION: Zach Jacob moved to approve the Development Plan for the Multi-tenant Retail – Cash America; 1623 West 7800 South; Kimball Investment Company (applicant) with the sign removal condition as stated in the staff report. The motion was seconded by Dan Lawes and approved 7-0 in favor.

MOTION: Zach Jacob moved based on the positive findings set forth in the staff report and the information received during this meeting to approve the Conditional Use Permit for Multi-tenant Retail – Cash America; 1623 West 7800 South; Kimball Investment Company (applicant) with the conditions 1 through 7 as listed in the staff report. The motion was seconded by Dan Lawes.

Zach Jacob thought that conditions two and three were redundant, and he wanted to remove condition number two.

The applicant spoke from the audience and said they don't deal with titles.

AMENDED

MOTION: Zach Jacob moved to amend the motion to read with conditions 1 and 3 through 7 as listed in the staff report. Dan Lawes did not accept the motion.

VOTE: The original motion passed 7-0 in favor.

7. McDonald's; 5706 West 7800 South; Preliminary Site Plan and Conditional Use Permit; SC-2 Zone; Dominion Engineering (applicant) [#SPCO20140004, CUPA20140007; parcel 20-26-400-030]

Lesa Bridge said due to her involvement with the property she would be abstaining from the item, and she left the dais at 8:50 p.m.

Darrin Perkes, applicant, Dominion Engineering, said this McDonalds is proposed within the approved Highlands commercial development master plan. He said the proposal is on 1.48 acres and gives easy access, sufficient parking, and generous landscaping. The building is just over 5100 square feet and has two order points in the drive-thru. He reviewed the landscape plan, which is designed to match the materials on the perimeter provided by the developer. He reviewed the elevations and colors.

Larry Gardner explained that the landscaping is comprised of a small amount of lawn and the rest in shrubs, trees, grasses, and rock mulch. There are no connections to the arterial street, the site is designed very well, utilities are well screened from the street, and there is minimal signage.

Preliminary Site Plan:

Based on the findings of the staff report, staff recommended that the Planning Commission grant Preliminary Site Plan approval for the McDonalds site plan located at 5706 West 7800 South in a SC-2 zoning district, with the following conditions:

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. All changes to the site shall be consistent with the Preliminary Site Plan application, letter of intent, and site plan.
3. The final site plan must meet all requirements of the Engineering and Fire Departments.
4. 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 findings of the staff report, staff recommended that the Planning Commission grant Conditional Use approval for a Fast Food (General) restaurant for McDonalds Corporation located at 5706 West 7800 South within a SC-2 zoning district, with the following conditions:

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 asked about the pedestrian access that crosses the drive-thru lane.

Larry Gardner said it is quite common to have a safety stripe for pedestrians especially when the drive lane encircles the entire building, but generally the vehicles are stopped or moving at a slow speed moving through that area. The greater safety hazard is coming out of the building, but there will be signage for the pedestrians to watch for cars. He explained the intent of condition #3 in the ordinance that if construction hasn't started within twelve months then the conditional use permit expires. Once they begin construction and begin operations then the permit runs with the land.

Dan Lawes opened the public hearing.

The public hearing was closed at this point for this item.

MOTION: Dan Lawes moved based on the findings set forth in the staff report to approve the Preliminary Site Plan for McDonald's Restaurant; 5706 West 7800 South; Dominion Engineering (applicant) with the conditions 1 through 4 as listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Lesa Bridge was absent for the item.

MOTION: Dan Lawes moved to approve the Conditional Use Permit for a fast food (general) restaurant for McDonald's Restaurant; 5706 West 7800 South; Dominion Engineering (applicant) with conditions of approval 1 through 3 as listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. Lesa Bridge was absent for the item.

Lesla Bridge returned to the dais at 8:59 p.m.

Tom Burdett thanked the Commission for participating in the joint workshop last week. Another workshop may be scheduled in the future to cover the agenda item that was not discussed.

MOTION: Lesa Bridge moved to adjourn.

The meeting adjourned at 9:02 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014