

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 17, 2015 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Matt Quinney, Sophie Rice, David Pack, Zach Jacob, Bill Heiner, and Josh Suchoski

STAFF: Tom Burdett, Greg Mikolash, Ray McCandless, Nathan Nelson, Paul Brockbank, Robert Thorup, and Julie Davis

OTHERS: Dan Murray, Merlin Harrison, Rosanna E. Juarez, Bruce Harrison, Wayne Niederhauser, Kendra Wilde, Brent Christensen

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed. Concerns from the adjacent property owner on Item #2 were noted. Changes in the elevations on Item #3 had been made to reflect the request from the DRC. Housing types for the tour scheduled on March 28th were reviewed.

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

1. Consent Calendar

A. Approve Minutes from February 17, 2015

B. Palomar Catering Temporary Food Cart; 1475 West 9000 South; Temporary Use Permit (150 days); Rosanne E. Juarez (applicant) [#TUP20150002; parcel 27-03-426-089]

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Temporary Use Permit for Palomar Catering, located at 1475 West 9000 South, with the conditions of approval as listed below:

Conditions of Approval:

1. Dates of operation are from April 6, 2015 to August 27, 2015; the time frame of the operation shall 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. 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.

MOTION: Zach Jacob moved to approve the Consent Calendar. The motion was seconded by Sophie Rice and passed 7-0 in favor.

2. The Shops at 1650 West; 1650 West 9000 South; Preliminary Site Plan and Conditional Use Permit; SC-2 Zone; Murray Family Investments, LLC/Dan L. Murray (applicant) [#SPCO20150002; parcel 27-03-251-023]

Dan Murray, applicant, explained that the development will be in two phases. The first phase will be approximately 5100 square feet of inline retail space. The conditional use permit is triggered by a drive-up window and is expected to be for Little Caesar's. The other tenants are unknown at this time. He addressed three concerns from the adjacent property owner. First, when the tire center was originally developed it was recommended that the driveway be moved slightly west to line up with the Shopko driveway across the street. He has had conversations with the city engineering department and traffic engineer and with UDOT. UDOT said they don't care where it is located as long as the two property owners agree. He is processing the permit with UDOT now with a proposal to narrow the existing 54-foot driveway to 50 feet, which UDOT has conceptually approved. There is a delivery issue when shifting it to the west. With the existing location whether they are coming to the tire store or to their store it is a straight movement versus two 90-degree turns if it is shifted, so he thought it is better to keep the driveway at the property line. The second issue deals with the environmental status of the property. Phase 1 environmental studies were performed in 2007 and earlier this year and neither one recommended any further action, but they both call out the used oil on-site as soil staining or concrete staining. As a purchaser, he will have an environmental engineer on site when the sellers demolish the structures and remove the concrete to make sure everything is done appropriately. The third comment is regarding the drive aisle to the north of the property, which has the same owner as the tire center. Mr. Murray said he spoke to the owner about connecting to the drive aisle, and he expressed a willingness to connect and to participate in its on-going maintenance. However, the owner suggested that he be compensated for the connection. Mr. Murray felt that the connection would be advantageous and is happy to do that if the amount is reasonable, but he doesn't need it if the amount is significant.

Ray McCandless said the applicant did a good job in addressing the concerns from the neighboring property owner. If the business access were changed it could interfere with the turn lanes and with how the drive-through would function. Staff felt that the access is probably located in the best place as it is. The front half of the property is being developed at this time and meets the requirements for emergency vehicle access, but when the back portion develops they will determine if there is a need for a second access.

Preliminary Site Plan:

Based on the findings of the staff report, staff recommended that the Planning Commission approve the Preliminary Site Plan for The Shops at 1650 West located at 1650 West 9000 South in the SC-2 zoning district, with the following conditions:

1. The proposed development shall meet all applicable Zoning Ordinance requirements.
2. The proposed development shall be consistent with the approved Preliminary 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 Permit:

Based on the findings of the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit for a Fast Food (Limited) restaurant for The Shops located at 1650 West 9000 South within an SC-2 zoning district, with the following conditions:

1. Any and all changes to the proposed use shall remain consistent with the proposal as submitted. Any modification, expansion or substantial change to the use shall be reviewed by the City of West Jordan.
2. Approval of a Conditional Use Permit shall remain valid for twelve (12) months, unless an extension is granted.
3. A Conditional Use Permit is subject to review and/or revocation, in accordance with Section 13-7E-10 of the West Jordan Municipal Code.
4. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Dan Lawes opened the public hearing.

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

David Pack appreciated how the applicant incorporated into the building elevations the suggestions of the Design Review Committee.

MOTION: Zach Jacob moved based on the findings set forth in the staff report and upon the explanation this evening to approve the Preliminary Site Plan for The Shops at 1650 West; 1650 West 9000 South; Murray Family Investments, LLC/Dan L. Murray (applicant) with the conditions 1 through 4 as listed in the staff report. The motion was seconded by Dan Lawes and passed 7-0 in favor.

MOTION: Zach Jacob moved based on the findings in the staff report to approve the Conditional Use Permit for Fast Food, Limit Restaurant for The Shops at 1650 West; 1650 West 9000 South; Murray Family Investments, LLC/Dan L. Murray (applicant) with the conditions 1 through 4 as listed in the staff report. The motion was seconded by Dan Lawes and passed 7-0 in favor.

3. **West Jordan Gateway Phase 4 Flex Office; 9069 South 1300 West; Preliminary Condominium Site Plan and Plat; SC-2 and SC-2 (ZC) Zone; West Jordan Gateway LLC/Chris McCandless (applicant) [#SPCD20150001, SDMI20150001; parcels 27-02-301-059, 080]**

Wayne Niederhauser, owner of CW Management and West Jordan Gateway Office with Chris McCandless, gave a history of the development. Their first building was constructed in 1997 when the 90th South corridor was the place to be, but that has since changed with most development occurring in the Jordan Landing area. In 2005 they added a 34,000 square foot building with the hopes that the area would continue to flourish. But because of the recession and the overall feeling in the area it has been hard to lease the space. The subject vacant property was originally designed for one or two additional 3-story buildings, but there isn't enough parking and the market isn't there. They still want

to provide a very nice product, so they've scaled back the building to an almost 16,000 square foot single-story building and some additional parking. He addressed some comments in the staff report. They agree with staff's recommendation that a sidewalk or a width of access needs to be provided to the new building, but instead of putting an access on the east and west side of the building they would like to have the access consistent with the 9067 building with a sidewalk that comes across the parking lot and entering into the building. Regarding two accesses, it has been their experience with the 9067 building that access is very easy because there is significant space between the handicap parking spaces, so it hasn't been a problem that parking is all along the west side. He asked that they consider their proposal to make sure they have an access through parking where the sidewalk will come across, which is most aesthetic and consistent, and if there needs to be another one then the handicap parking on the west side of the new building in the front gives plenty of opportunity for people to get access to the building. The other comment is regarding the additional parking that is on a parcel behind the 9071 building. Staff recommended that this parcel be added to the condominium of the new building. However, they would like to add that parking to the 9071 building. Page 5 of the staff report talks about the parking requirement for this building, which is 40 stalls. They are providing 71 new stalls as part of the condominium plat, excluding the additional parcel. They would like the flexibility to add the additional parking to the 9071 building to solve the parking problem for that building.

Zach Jacob said it was his experience that people will park in the area nearest to the building they are going to whether or not it is assigned to that building. He wondered if there was a problem with staff's recommendation.

Wayne Niederhauser said they have an association in place for the entire site that includes cross access agreements, but there are internal issues in terms of cost accounting and ownership. They included the additional parking with this application just for ease, but they prefer to add the other parcel to the 9071 building and they will go through whatever process is required. It won't be a standalone parcel.

Ray McCandless said staff can handle the parking adjustment administratively.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the West Jordan Gateway Phase 4 Flex Office Preliminary Site Condominium Plat and Preliminary Site Plan located at approximately 9069 South 1300 West in a SC-2 and SC-2 (ZC) zone subject to the following conditions:

1. All Engineering Department, Fire Department and Planning Division preliminary and final redline comments shall be addressed before recording the plat or final site plan approval being granted.
2. The recordable plat shall comply with the applicable requirements of Title 15, Chapter 4, condominium regulations, including recordation of covenants specifying stating maintenance responsibilities for all common areas.
3. Sidewalks be constructed leading from the two main building entrances to the drive aisle in the parking area on the north side of the building.
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).
5. Approval of a preliminary condominium plat shall become null and void if the subdivision plat is not recorded within one year of approval (14-3-8).
6. Parcel 27-02-301-079 be improved and included on all drawings.

Dan Lawes opened the public hearing.

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

David Pack felt that it is important that applications are scrutinized against all requirements, and he noted that the applicant incorporated the changes to reflect the comments of the Design Review Committee. He appreciated how all of the committees work together to make sure they meet the requirements.

MOTION: Bill Heiner moved based on the findings in the staff report and upon the evidence and explanations received today to approve the Preliminary Site Plan for West Jordan Gateway Phase 4 Flex Office; 9069 South 1300 West; West Jordan Gateway LLC/Chris McCandless (applicant) with the following conditions:

1. All Engineering Department, Fire Department and Planning Division preliminary and final redline comments shall be addressed before final site plan approval being granted.
2. Sidewalks be constructed leading from the two main building entrances to the drive aisle in the parking area on the north side of the building.
3. 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).
4. Parcel 27-02-301-079 be improved and included on all drawings.

The motion was seconded by Zach Jacob and passed 7-0 in favor.

MOTION: Bill Heiner moved based on the findings in the staff report and upon the evidence and explanations received today to approve the Preliminary Condominium Plat for West Jordan Gateway Phase 4 Flex Office; 9069 South 1300 West; West Jordan Gateway LLC/Chris McCandless (applicant) with the following conditions:

1. All Engineering Department, Fire Department and Planning Division preliminary and final redline comments shall be addressed before recording the plat or final site plan approval being granted.
2. The recordable plat shall comply with the applicable requirements of Title 15, Chapter 4, condominium regulations, including recordation of covenants stating maintenance responsibilities for all common areas.
3. Sidewalks be constructed leading from the two main building entrances to the drive aisle in the parking area on the north side of the building.
4. Approval of a preliminary condominium plat shall become null and void of the subdivision plat is not recorded within one year of approval (14-3-8).
5. Parcel 27-02-301-079 be improved and included on all drawings.

The motion was seconded by Zach Jacob and passed 7-0 in favor.

David Pack said it is good to have checks and balances on the different committees and he had always thought that it would be nice to have different people serve on the committees. But he has found that when someone such as a planning commissioner serves on multiple committees it gives a better comprehensive overall view of what is happening and you understand the issues better. He experienced this as he sat on the DRC meeting last month regarding two items tonight. The more he serves the more he can see where it benefits the city when positions are filled by the same person, and it creates more of a synergy than a conflict. Sophie Rice agreed, especially when you can follow a project through the process.

MOTION: Zach Jacob moved to adjourn.

The meeting adjourned at 6:32 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2015