

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

February 10, 2015

Present: Chairman Russ Naylor, Commissioner Sean D. Morrissey, Commissioner T. Earl Jolley, Commissioner Mark Woolley, City Planner Greg Schindler, Planner Jake Warner, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Shaefermeyer, City Recorder Anna West

Absent: Commissioner Beverly Evans and Commissioner Richard Feist

Others: See Attendance Log (Attachment A)

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Oath of Office by the City Recorder

Oath of Office was administered to Mark Woolley by the City Recorder, Anna West. Mark Woolley was appointed to the Planning Commission by City Council to complete the remaining term of Jason Haymore; Mr. Woolley's term will expire 12/31/2015.

B. Welcome and Roll Call

Chairman Naylor noted that Commissioner Beverly Evans and Commissioner Richard Feist will not be attending tonight. He welcomed new Planning Commissioner Mark Woolley.

C. Motion to Approve Agenda

Commissioner Jolley made a motion to approve the February 10, 2015 Planning Commission Agenda. Commissioner Woolley seconded the motion. Vote was unanimous in favor. Commissioners Beverly Evans and Richard Feist were absent.

Commissioner Sean Morrissey arrived at the meeting.

D. Approval of the Minutes from the Meeting held on January 27, 2015

Commissioner Morrissey made a motion to approve the January 27, 2015 Planning Commission meeting minutes as printed. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioners Beverly Evans and Richard Feist were absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

City Planner Greg Schindler introduced new Planning Commissioner Mark Woolley to Commissioner Morrissey as he was not present when introduced earlier.

III. CITIZEN COMMENT

Chairman Naylor opened the Citizen Comment. No speakers. He closed the Citizen Comment.

IV. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

- A.1. Issue: DEL TACO
CONDITIONAL USE AND SITE PLAN**
Address: 11507 South 4000 West
File No: SP-2014.40
Applicant: Jay Larsen, Chasebrook Company

City Planner Greg Schindler reviewed the background information on this item from the staff report. This has gone to the Architectural Review Committee and was recommended for approval and staff is recommending approval as well.

Chairman Naylor asked if the applicant has anything to add on this item.

Jay Larsen, Chasebrook Company, 154 E. Myrtle Ave, Suite 03, Murray, UT(Applicant); said he had nothing to add.

Chairman Naylor opened the Public Hearing. No speakers. He closed the Public Hearing.

Commissioner Jolley stated this has gone through the review process and there are no concerns.

A.2. Potential Action Item – (See IV.A.1)

Commissioner Jolley made a motion to approve application SP-2014.40 for Del Taco to be located at 11507 South 4000 West. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 4-0 in favor. Commissioners Beverly Evans and Richard Feist were absent.

- B.1. Issue: PLANET FITNESS
CONDITIONAL USE AND SITE PLAN**
Address: 11539 South 4000 West
File No: SP-2015.02
Applicant: Joshua Binkley, SJ Marketplace LLC

City Planner Greg Schindler reviewed the background information on this item from the staff report.

Commissioner Mark Woolley asked what is the average load anticipated for this business with regards to parking. I see they show 89 spaces; is that going to be sufficient.

City Planner Schindler said I am not sure what the code calls for but I talked with Damir who is the Planner on this project and he said they had a meeting today with the Oquirrh Mountain Market Place Developers. They still meet the number of parking spaces required by code. Most developers are usually trying to over park their developments. Sprouts right now is taking up a lot of parking spaces but this is all shared parking and time will tell if it is sufficient for the area.

Chairman Naylor said I am of the opinion that the busiest time for the fitness center being early morning before work and later afternoons and evenings.

Josh Binkley, 5670 Wilshire, Los Angeles (Applicant); I have met with Shane and Damir earlier today and I can tell you that our overall parking ratio for this is at 6.5. We were concerned about the parking as well but after sitting down with Shane and Damir we are confident that the parking is adequate.

Commissioner Jolley asked what the hours of operation will be.

Mr. Binkley said he didn't know what the hours would be.

Chairman Naylor opened the Public Hearing. No speakers. He closed the Public Hearing.

B.2. Potential Action Item – (See IV.B.1)

Commissioner Morrissey made a motion to approve application SP-2015.02 for Planet Fitness to be located at 11539 South 4000 West. Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 4-0 in favor. Commissioners Beverly Evans and Richard Feist were absent.

V. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

**C.1. Issue: ZONE TEXT AMENDMENT, ORDINANCE NO. 2015-02
AMENDING TITLE 17 OF THE MUNICIPAL CODE TO INCLUDE
“SELF-STORAGE FACILITIES” AS A CONDITIONAL USE TO
THE PROFESSIONAL OFFICE ZONE (17.50).**

File No: ZTA-2014.06

Applicant: Ryan Bybee

City Planner Greg Schindler reviewed the background information on this item from the staff report. This 2 acres represents 1% of the 26 acres that are zoned P-O. This is to accommodate his proposed development which we will be reviewing in the next upcoming agenda item.

Chairman Naylor said are you saying that 200 or so acres that are zoned Professional Office that the limit for that 200 acres is 2 acres. City Planner Schindler said yes; 2 acres at this point.

Commissioner Morrissey asked why we are amending the P-O Zone and not the Commercial Zone.

City Planner Schindler said the main reason is in this case the City Council has indicated they would like to have some input on the development. They wouldn't get that through a zone text amendment on the C-C zone. They can do it through a development agreement on a rezoning of property and that is what

would be up next. This will give Council more control of what the facility would look like beings it is adjacent to residential developments.

Commissioner Woolley asked what the limit on stories is. City Planner Schindler said in the P-O zone structures can go up to 6 stories but part of the development agreement should limit this to the 3 stories they are proposing.

Ryan Bybee, (Applicant); Greg has done a good job explaining the rezone. We have held neighborhood meetings in the area and have explained what we are doing.

Chairman Naylor opened the Public Hearing.

Tom Geilmann, 10284 S. Temple Vista Lane, South Jordan; I am a resident of the community that is north of the proposed zoning. My question this evening is why we are considering this zoning change before we go through the proposed use of the land. I also would like to know what types of items are going to be considered acceptable to be put in that area; especially being so close to a residential area.

Ed Fraughton, 10353 S. 1300 W., South Jordan; my wife and I have lived in the old church for 42 years. We are concerned about what is going in across the street from us because we have had little say on the other things that have gone in around us such as the housing developments. It seems that money is all you're interested in and not thinking of the long term legacy. We have had plans for making a museum out of the building and anything that goes in across the street is going to affect the potential use of that land. I am not sure that is the appropriate place for a storage facility. It isolates us and demeans and devalues our land. We have been charged \$14,000 per year in tax for my wife and I to live there. We are just living on Social Security and the taxes take a large chunk of that. My thought is what is a historical legacy worth to our children? We are leaving no cultural legacy for our children and our grandchildren. We urge you to look at this carefully. We don't want a storage facility next to us.

Kit McMullin, 10580 S. 3010 W., South Jordan; I appreciate what Ed said. I have not been contacted by the project owner on this. South Jordan deserves better than a storage unit here.

Mr. Fraughton said we have over 345 feet of frontage and we are more effected than anyone else along that street and we were not noticed about this meeting.

Chairman Naylor said they did conduct a neighborhood meeting where plans were presented and questions were addressed. We appreciate applicants meeting with the surrounding property owners.

Jennie Bauman, 10316 S. Elija Circle, South Jordan; I live in the Temple Vista area too and Mr. Bybee came to our group and explained what they were doing. It looked like a nice facility and looked very professional. What was brought up at the meeting and I am still concerned about is the entrance to the property because along 1300 West and 10400 South the traffic is terrible. This is what I would like to have addressed.

City Planner Schindler said all the issues that are being brought up don't pertain to the text amendment. These issues would be brought up at the site plan.

Bonnie Greenwood, 1452 Why Worry Lane, South Jordan; I have been here 32 years and I am very disappointed about how this city is being developed with things that don't improve the life of its citizens. It seems to be all about the money. We should be doing more historical worth and have value to the people that live here.

Mr. Tom Geilmann said I want to speak favorable about Mr. Bybee. I have been so impressed with the way he has taken care of the lot and with the integrity of how he has worked with the people. I think we are going to get reputable representation through his firm.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said I am a resident of the Temple Vista Villages. I have lived in my home for 9 years now and we have watched and kept track as residents have shown concern about this piece of property. Mr. Bybee came to meet with us and at least 60% of the residents were there for the presentation last fall. I am an architect by profession so I had ideas about something that would be exciting, that would be used for this piece of property. I initially was not excited about the prospect of a climate controlled storage facility; however, going to the meeting with an open mind and looking at the building that was proposed and understanding the requirements that would be put on this facility through a development agreement that establishes conditions that would go along with anything that we would do and understanding the minimal impact that this type of project would have on this piece of property. We would not find anything that would have a lower traffic generation, less of a negative impact on our homes to the north, and understanding the commitments the developer has made with regard to hours of operation, fencing, landscaping, setbacks from our homes and setbacks from the street and the high quality of the architecture, I left thinking that this is a pretty good proposal. You need to understand that the piece of property that he is talking about is the 2 acres on the far west side of the property. The balance of the property running up to the corner and up 1300 West would be some smaller office type facilities and that would be developed as the market would allow them to identify tenants that would lease the space. This is always a struggle when we do this. Obviously we want the community developed as nicely as we can and we have to operate within the ordinances of the city.

Commissioner Jolley said I understand that these issues are just paving the way for this project and that this won't be approved here tonight it would be approved by City Council if the recommendation is given. There have been some valid concerns and this is prime property and this project would have minimal effect and would be a good fit for there. There will be controls put upon a site plan and architectural review. It will be a substantial facility. I agree with the residents that the corner property is critical but I think this is good use of the land.

Commissioner Woolley asked what the area originally was master planned for historical at that time and did it include this property.

City Planner Schindler said the old gymnasium was a historical building but it is gone now. The property was never zoned as historical. Currently this has a land use designation as office.

Commissioner Morrissey said my initial thoughts when I was reading this proposal was not wanting more storage units in South Jordan until I saw the pictures which gave me a little more comfort about what type of storage unit this would be and the great effort in making sure it isn't an eyesore and doesn't cause concern for other opportunities for future expansion. People who have purchased property have the rights to develop it within the guidelines put forth by the city and the City Council and the ordinances that have been set forth. Based on what we have discussed today, I see no reason not moving forward with amending this at this time and allowing this type of conditional use.

Commissioner Woolley said I am not against this. I have the same concerns that have been expressed both by the community and members of the Commission. I would like us to be more consistent with the historical look and feel. I would hope that would be part of the recommendation on the next hearing that

follows this with the rezone that we suggest to the Council that it be part of their considerations when they are looking at the development agreement and when that site plan actually come forward. One of the concerns initially is it is a right in right out off of 104th. When you analyze that it is really not as negative. I drove it and looked at it and thought this could actually be good for the community because that is a very busy intersection.

C.2. Potential Action Item – (See V.C.1)

Commissioner Woolley made a motion to forward a recommendation of approval to the City Council regarding Ordinance No. 2015-02, amending Title 17 of the City’s Zoning Ordinance to include “Self Storage Facilities” as a conditional use in Chapter 17.50. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 4-0 in favor. Commissioners Beverly Evans and Richard Feist were absent.

**D.1. Issue: SOUTH JORDAN SELF – STORAGE REZONE
REZONE FROM COMMUNITY COMMERCIAL (C-C) TO
PROFESSIONAL OFFICE (P-O)**
Address: 1350 West South Jordan Parkway
File No: REZ-2015.03
Applicant: Ryan Bybee

City Planner Greg Schindler reviewed the background information on this item from the staff report. He said this came after the text amendment because there would be no need to go forward with this if the text amendment was not approved. He said this is not the final proposal because it still needs to go back to City Council. The development agreement is an agreement between the City and the applicant so both parties have to agree on what is to be done. They don’t have a definite plan for the remainder of the property. I know they are considering office uses. It is a difficult piece of property to develop for retail because of the pedestrian bridge because it blocks the view and retail spaces really need to be seen. The zoning on the property will not change until the building is constructed. If they never build the facility the zoning will not change on this property and it will remain C-C. They have one year to construct the storage facility after the site plan is approved. We don’t have a copy of the development agreement yet, it is still being looked at by legal.

Ryan Bybee, (Applicant); the presentation is fairly accurate of what we have proposed. This is a true classic high end climate control facility. Everything is kept inside which keeps the exterior looking great. There was a mention earlier of mice and rats but we are hypersensitive of that and probably have more abatement and more controls in place than any house or establishments along South Jordan Parkway; we take this very seriously. As far as items that are allowed to be stored in our units, when someone comes in to lease a unit they disclose what is being stored. There are no hazardous products, no illegal products, no fire or explosive products are allowed. They sign a lease that states that those do not exist in their unit. All of our units are required to carry insurance so we feel like we go through a lot of steps to make sure that they are storing the proper items and that they are protected. There are no used vehicles being stored in these and no businesses are being run from these units. With regards to noticing, we tried to get the word out to as many people that lived in that area as we could. It would be difficult to mail the entire city a notice. I know Mr. McMullin was there and had opportunity to see and understand what we are proposing at the time. That was over three months ago. We are not trying to rush this through, we are trying to do this in the right way. We are open and willing to discuss and do what makes sense. We have made a big investment in the property and we too pay taxes and are looking forward to putting this property into use. We discussed hours of operation. Currently our facility runs from gate access 6:00 a.m. to 10:00 p.m. There was some discussion as to whether that needed to be limited; most of the discussion was to drop it

down to 9 p.m. I responded back to that in an email to David today but we can have that discussion. We have a full time manager that is on site from 9:30 a.m. to 6:00 p.m., six days a week. We worked to set the building an additional 10 feet back from the normal setback. It would be landscaped and would allow input from the residents on the type of trees in the 10 foot strip. The facility will be fenced around bordering the McMullin property to the west and would be a solid pre-cast fence. Along the north property there already is a fence that would remain. On the east side we proposed a wrought iron fence to not shut ourselves off from the neighbor to keep it a bit open on the corner. Other items that were in the development agreement that was discussed was the architectural element. We are totally open that that. We use led lights at our facilities because you don't have to change a bulb for 20 years and you can do a lot of shielding with those so the light goes down opposed to out. All of our units are alarmed. Security is pretty high tech in these facilities these days.

Chairman Naylor asked what the cost would be for a 10x20 unit. Mr. Bybee said in the range of \$100.

Commissioner Woolley said one of my concerns is down the road is a really unusual piece and I am concerned that as part of the development agreement that never be able to be sold. That is something I would like to have the Council recommend to be addressed. Another concern is regarding fencing. With wrought iron being on that east boundary, is there intent at some point in time for another entrance from the other side. Mr. Bybee said we have looked at that and there will be a gate that is set back from that corner landscaped piece on the west side that would be a natural connection point to the south property. It is probably something that we will present at site plan because it does make sense. It facilitates better circulation from 1300 West and South Jordan Parkway.

Commissioner Woolley said you talked about it being climate controlled and all entrances inside but the rendering that I am seeing there are exterior doors. Mr. Bybee said yes; on the main floor there are exterior access units.

Chairman Naylor opened the Public Hearing.

Tom Geilmann, 10284 S. Temple Vista Lane, South Jordan; my question is to the City Staff; where are the fire hydrant locations on this piece of property. Also, would there be any additional costs to the city police and fire department in managing and taking care of this area from their perspective.

Chairman Naylor said the next step in this, if they get the zoning in place, they would have to come back with the engineering and detailed site plans and before it gets to us the City Engineer, Fire Marshall and all those folks will take a look at exactly the spacing is and there are specific code requirements that will have to be met. The building will be fully sprinklered.

City Planner Schindler said his other question was regarding fiscal impact may be if there is any additional fire and policing costs. We haven't really looked into that yet. We will look at that and Jake has been looking at a fiscal impact analysis. We may be able to have that piece by the time it goes to City Council.

Greg Hawkins, 1395 West Temple Vista Lane, South Jordan; my questions are to Mr. Bybee. Will the alarm system be heard outside of the building and would it be connected to the Police so that they would automatically have to respond.

Mike McMullin, 3869 Westland, South Jordan; our family owns the land directly to the west and I wanted to know why we are trying to zone land that I don't think is theirs because there is a fence that is there that is actually in the area that he is trying to rezone and if you look at the picture it goes into the

red. That has been part of the McMullin family for almost 50 years. I know that has been brought up in a previous meeting you had but it has not been brought up to us and I think that needs to be resolved before the rezoning happens.

City Planner Greg Schindler said we won't be rezoning anyone else's property. We don't go by what is shown on a map because sometimes these lines are drawn strange on these maps but the property is specific a parcel number that is being rezoned and the legal description of it.

Mr. Bybee said there are always boundary cleanups that have to take place. This is one where there is a boundary clean-up that needs to take place. We have had a survey done and they have had a survey done and now it comes down to identifying exactly where to draw the line. We look at this as part of the development process. We have to work that out. If they were to develop they would have to work that out; that will be a conversation we will have with McMullins. Mike did return my calls over the last week or two but I totally missed his voice mail this afternoon and did not have a chance to call him back. As far as the alarms and policing question, we don't put outside alarms on our buildings because it is a nuisance and we don't want it blaring to anyone else. We have full time managers and it will notify them if they are on-site or off-site. We do not tie them into the police. It is an option with the security system we use but in our experience it is just not necessary.

Chairman Naylor closed the Public Hearing.

City Planner Schindler said our legal staff has reminded me that when it comes to the impacts and so forth that we will be collecting impact fees for both public safety and transportation impact fees with the building permit if it is developed. That is to offset the costs of the impact of what the structure would cost.

Planner Jake Warner said I will address the emergency component of that. Office and Commercial average about 4 non-traffic and non-cell phone hang up emergency response calls per year per developed acre. This is approximately two acres so you are looking at maybe 8 calls per year on average across all commercial and office uses. An average for these types of calls is about \$405 cost per call. That is relatively low cost in the big picture for an office type use. If we were comparing this to an office type use, all other city revenues and property tax would average out to about four times the total expense of an average project. The emergency response portion of those expenses would be about half of the expenses.

Commissioner Woolley said most of my concerns have been very well addressed tonight and I appreciate Mr. Bybee giving us that clarity. I think that for me, I am comfortable making a favorable recommendation to the Council. I would like to get your input on a couple of things. We heard very clearly tonight from the citizens that are affected that we should perhaps give some consideration to historical architecture for this corner. Not just for this specific piece we are talking about tonight, but the adjoining property that your firm owns. I think that would be well for us to consider if that is something we want to recommend to the Council. He talked a bit about the light pollution and that is always a major concern when you are joining residential properties. One of the things I have seen is when you have a facility like this that operates year round and especially during the winter hours and you need to have lighting for safety and the use, a lot of the new lights can be reduced so that after hours you have minimal security lighting that is very low and does not cause any light pollution at all to the neighboring properties. The main thing would be the historical nature of that part of our community. It is our main entrance to our City. That corner has historical significance so as we develop the commercial we are seeing there and this specific rezone of going into a professional office designation, I see no reason why we shouldn't continue that theme. I think that would be a thing that would be well for us as a City to consider as we make recommendations to City Council.

Commissioner Jolley said I agree with Commissioner Woolley on his comments about historical and architectural importance of this facility. Although, we are looking at a rezoning issue not the site plan structure. These comments have been recorded and the City Council will be reviewing those and hopefully that will be passed forward and developed in the development agreement. I am comfortable with the rezone recommendation.

Commissioner Woolley said even though the correct time to make those recommendations to Council really isn't tonight but in light of the fact that we have citizens here that have made those comments, I would like to include that in a motion because I think it is important to be considered at the next stage.

City Planner Schindler said it would be fine for you to make any motion with things you would like to have the Council Consider in the development agreement as well. When it comes to make this building have historical architecture, how possible is that with this size of building to have a historic look. There has never been a building in our history that is this size.

Chairman Naylor said I personally like the building. The smaller office building would be easier for them to add some architectural details and materials that would be a little more compatible with what I consider to be historical structures.

City Planner Schindler said I think it is appropriate when you make your motion to make recommendation to the City Council about items to be considered with this specific development.

Commissioner Morrissey said it seemed like when Commissioner Woolley was talking, he was talking more about the other land owned.

Commissioner Woolley said I was talking about this building and future development. What will happen if we don't discuss it now, it could be just like it is or something akin to it because we are not approving that tonight. I just want to go on record that we are going to look at those options and considerations, for instance, the wrought iron fencing and the design of it and the lighting fixtures and other things can be more of a historical type. There are some architectural touches in details that could be included that would also be included with the rest of the project to blend it together.

Chairman Naylor said I guess the problem I have, I like the concept but with the idea that we have a C-C zone and anybody that comes in and they meet the requirements, the only opportunity we would have is a site plan and they would have to go to Architectural Review Committee. That would be just an opinion that we would like to see them implement but would have no basis in the code to require them to do so.

D.2. Potential Action Item – (See V.D.1)

Commissioner Woolley made a motion to forward a recommendation of approval to the City Council regarding Ordinance No. 2015—09-Z, rezoning the designated portion of the subject property from C-C to P-O with the following recommendations:

- 1. That the City Council as they work with the developer in establishing a development agreement that they take consideration and try to include specific architecture of a historic nature to go with this general area that has been designated in a couple of very near locations as a historical area; and**
- 2. That they take great consideration as to light pollution, particularly with the residences to the west and to the north.**

Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 4-0 in favor. Commissioners Beverly Evans and Richard Feist were absent.

- E.1. Issue: ZONE TEXT AMENDMENT – AMENDING TITLE 17 (PLANNING AND LAND USE ORDINANCE) BY THE ADDITION OF CHAPTER 17.18 (USES) AND AMENDMENT OF CHAPTER 17.84 (CONDITIONAL USE PERMIT).**
File No: ZTA-2015.01
Applicant: City of South Jordan

Planner Jake Warner reviewed the background information on this item from the packet staff report.

Commissioner Woolley said this moves us forward in a very big way. I applaud the effort and I like it.

Commissioner Morrissey said he also agreed with Commissioner Woolley.

Commissioner Jolley said he also agreed and think it's a positive for the City.

Chairman Naylor opened the Public Hearing. No comments. He closed the Public Hearing.

E.2. Potential Action Item – (See V.E.1)

Commissioner Jolley made a motion to forward a recommendation of approval to the City Council regarding Ordinance No. 2015-04, consolidating land use regulations in a new chapter (17.18) and amending chapter 17.84 of Title 17. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 4-0 in favor. Commissioners Beverly Evans and Richard Feist were absent.

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

None

ADJOURNMENT

Commissioner Mark Woolley motioned to adjourn. All Commissioners were in favor. Commissioners Beverly Evans and Richard Feist were absent.

The February 10, 2015 Planning Commission meeting adjourned at 8:35 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the February 10, 2015 Planning Commission meeting minutes, which were approved on February 24, 2015.

Anna M. West

South Jordan City Recorder