

**AGENDA
PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENT
April 15, 2015 – REGULAR MEETING
5:30 P.M.**

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of May 6, 2015, or to a special meeting scheduled by the Commission.

The regular meeting of the Planning and Zoning Commission/Board of Adjustment will be held on Wednesday, April 15, 2015. The meeting will be held in the Council Chambers of the Town Hall. Agenda for the meeting is as follows:

PLEASE TURN OFF ALL CELL PHONES AND PAGERS DURING THE MEETING

CALL TO ORDER

ROLL CALL

MATTERS FROM PUBLIC

APPROVAL OF MINUTES-

1. March 18, 2015
2. April 1, 2015 N/A Meeting Canceled

OLD BUSINESS

NEW BUSINESS

Planning Commission

1. Item P14-092 & P14-093 The applicant is requesting a Conditional Use Permit and Final (Intermediate) Development Plan to allow for the construction of a 70-foot tall bell tower for the purpose of stealth installation of telecommunications antennas along with construction of the associated wireless communications ground facilities at the property addressed as 275 North Willow Street and described as PT. SW1/4 SW1/4, SEC. 27, TWP. 41, RNG 116.

Staff is requesting a continuance of these requests to the May 20, 2015, Planning & Zoning Commission meeting.

2. Item P15-013 & P15-014 The applicant and staff are requesting that Items P-15-013 and P-15-014 (Pearl and Willow PMD) be continued to the Planning Commission's May 6, 2015 meeting. The reason for the continuance is because the Design Review Committee's regularly scheduled meeting on April 8 had to be postponed to April 22 due to Spring Break, and staff and the applicant wanted to make sure the DRC review was completed prior to the PC hearing. The property is addressed at 155 East Pearl Avenue and legally described as Lot 3 Pearl and Willow Amended Addition.

3. Item P15-021 The applicant is requesting approval of an Amendment to a Conditional Use Permit to allow for a new 1,907 square foot storage enclosure behind Smith's grocery store located at 1425 S. Highway 89.

MATTERS FROM COMMISSION

AGENDA FOLLOWUP

MATTERS FROM STAFF-

- 1. Special Joint Meeting April 29th at 3pm in Council Chambers:** Joint meeting with Town Council and Planning and Zoning Commission

ADJOURNMENT



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: APRIL 10, 2015
MEETING DATE: APRIL 15, 2015

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: LINDSAY KISSEL

SUBJECT: **ITEMS P14-092 & P14-093:** REQUESTS FOR A CONDITIONAL USE PERMIT AND FINAL (INTERMEDIATE) DEVELOPMENT PLAN TO ALLOW FOR THE INSTALLATION OF A 70-FOOT TALL BELL TOWER (STEALTH TELECOMMUNICATIONS TOWER) AND ASSOCIATED WIRELESS COMMUNICATIONS GROUND FACILITIES

APPLICANT/OWNER: REEDEMER LUTHERAN CHURCH

REPRESENTATIVE: ATLAS TOWER HOLDINGS, LLC

REQUESTED ACTION

The applicant is requesting a Conditional Use Permit and Final (Intermediate) Development Plan to allow for the construction of a 70-foot tall bell tower for the purpose of stealth installation of telecommunications antennas along with construction of the associated wireless communications ground facilities at the property addressed as 275 North Willow Street and described as PT. SW1/4 SW1/4, SEC. 27, TWP. 41, RNG 116.

Staff is requesting a continuance of these requests to the May 20, 2015, Planning & Zoning Commission meeting.

RECOMMENDATION

The Planning Director recommends **continuing** Items P14-092 and P14-093 to the May 20, 2015, Planning & Zoning Commission meeting.

SUGGESTED MOTION

Pursuant to Section 5120.F(4)(d). Continuance of Public Hearing of the Land Development Regulations, I move to **continue** Items P14-092 & P14-093 to the May 20, 2015, Planning & Zoning Commission meeting.



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: APRIL 10, 2014
MEETING DATE: APRIL 15, 2015

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: PAUL ANTHONY, PRINCIPAL PLANNER

SUBJECT: **ITEMS P15-013 AND P15-014:** A REQUEST FOR AN AMENDMENT TO PLANNED MIXED-USE DEVELOPMENT MASTER PLAN AND FINAL DEVELOPMENT PLAN (MAJOR)

APPLICANT: JORGENSEN ASSOCIATES PC (FRANCESCA PAOLUCCI-RICE)

PROPERTY OWNER: WILLOW STREET PARTNERS LLC

REQUESTED ACTION

The applicant and staff are requesting that Items P-15-013 and P-15-014 (Pearl and Willow PMD) be continued to the Planning Commission's May 6, 2015 meeting. The reason for the continuance is because the Design Review Committee's regularly scheduled meeting on April 8 had to be postponed to April 22 due to Spring Break, and staff and the applicant wanted to make sure the DRC review was completed prior to the PC hearing. The property is addressed at 155 East Pearl Avenue and legally described as Lot 3 Pearl and Willow Amended Addition.

SUGGESTED MOTIONS

I move to continue Items P-15-013 and P-15-014 to the Planning Commission's next regularly scheduled hearing on May 6, 2015.



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: APRIL 10, 2015
MEETING DATE: APRIL 15, 2015

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: TYLER VALENTINE

SUBJECT: **ITEM P15-021:** REQUEST FOR APPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT TO CONSTRUCT A STORAGE ENCLOSURE AT PROPERTY LOCATED AT 1425 S. HIGHWAY 89.

APPLICANT/OWNER: SMITH'S FOOD AND DRUG STORES, INC.

REPRESENTATIVE: GREAT BASIN ENGINEERING - BRET WAHLEN

REQUESTED ACTION

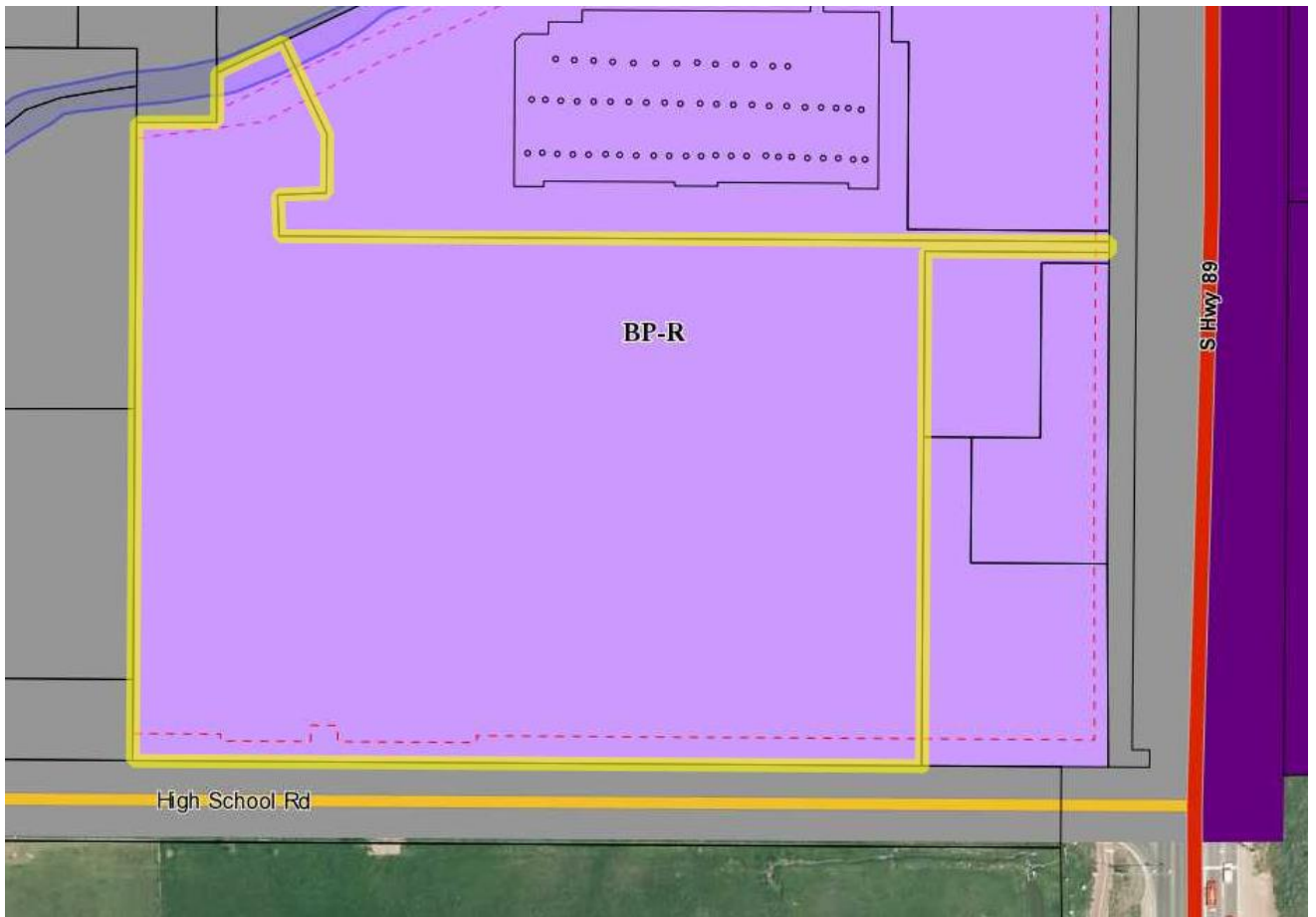
The applicant is requesting approval of an Amendment to a Conditional Use Permit to allow for a new 1,907 square foot storage enclosure behind Smith's grocery store located at 1425 S. Highway 89.

APPLICABLE REGULATIONS

Section 2.3.10 Business Park - Restricted
Section 8.3.2 Development Plan

LOCATION

The subject property is described as Lot 1, Smith's #184 Addition, addressed as 1425 S. Highway 89. An aerial photo and zoning map are shown on the following page showing to general location of the proposed site (please see the applicant submission for a detailed site plan):



BACKGROUND

On August 7, 2000, the Jackson Town Council approved a Sketch Plan (Item #99-300.4) for development for the entire 12.4-acre site consisting of commercial retail, office, services, restaurant, a gasoline service station, residential uses, appurtenant parking, and landscaping.

On November 3, 2003, the Jackson Town Council approved an amendment to the previously approved Sketch Plan for the Eagle Village (Smith's Food & Drug) Commercial Center to combine two building pads into one building pad for the construction of a two-story 15,000 sq. ft. office building. Subsequent Final Development Plans were also approved by Council to establish all the current uses on the site.

On April 15, 2013, the Jackson Town Council approved a Conditional Use Permit and Amendment to the Final Development Plan to allow a 1,538 square foot expansion of the liquor store at Smith's in addition to a few other requests. Specifically, the following requests and conditions were approved:

Requests

1. A 1,538 square foot addition to the east side of the existing liquor store in the current location of the drive through facility.
2. An approximately 500 square foot outdoor seating area associated with the interior coffee shop located on the south/front of the building west of the existing main entrance.
3. Additional dumpster and open storage screening would be located on the north side of the building closest to High School Road.
4. Additional open storage on the south/front of the building totaling approximately 2077 square feet
5. Relocation of existing parking from the dumpster/open storage area to northeastern portion of the site

Conditions

1. The applicant shall limit the proposed hours of operation of the exterior seating area to 7:00 a.m. to 7:00 p.m. daily.
2. The applicant shall revise the proposed site plan to limit the outdoor display of merchandise to 2077 square feet at any time. Outdoor display shall only include seasonal sales items and not permanent storage of any type.
3. The applicant shall ensure that all storage and material of any kind be located inside the proposed exterior screening area or inside the existing buildings and not be visible from surrounding properties or the public right of way.
4. The applicant shall limit all loading and unloading to the liquor store to the back of the building.
5. The Town Engineer shall review the proposed stormwater drainage plan to ensure there is adequate mitigation in place to address any pollutants entering the creek as a result of snow storage on the site.
6. The applicant shall remove the existing but no longer utilized drive through operation and canopy.

Since the April 15, 2013 Town Council meeting, Smith's has completed requests 2-4, however the 1,538 square foot addition to the liquor store was never pursued nor was a building permit issued. Permits for the Conditional Use Permit and Amendment to the Development Plan are set to expire on April 15, 2016 and thus the applicant is working within their legal timeframe.

PROJECT DESCRIPTION

In lieu of the previous approvals, the applicant has confirmed their intent to not pursue the 1,538 square foot addition to the liquor store, but rather amend the Conditional Use Permit to construct a 1,907 square foot storage enclosure to be located at the rear (east) portion of Smith's grocery store. Currently this location is being utilized by two storage trailers. The intention is to replace the two existing storage trailers with a larger

more permanent enclosure in order to keep up with the growing needs of the community. The enclosure is divided into three interior spaces: dry storage, cold storage and freezer storage.

The following table details the dimensional limitations for the project:

	Allowed/Required	Proposed	Complies?
FAR	0.36 (177,559 SF)	0.295 (145,407 SF)	Yes
LSR	0.25 min (123,307 SF)	0.25 (123,307 SF)	Yes
Height	35'	20'6"	Yes
Street yard setback	20'	+50'	Yes
Side yard setback	10'	North +10'	Yes
Side yard setback	10'	South 30'	Yes
Rear yard setback	20'	44.7'	Yes
Parking	531	532	Yes

STAFF ANALYSIS

Staff overall is supportive of the proposed storage enclosure and was able to make the necessary findings required for approval of a Conditional Use Permit. Smith's has already been approved for 1,538 square feet of retail space (liquor store). Generally speaking the request is to consider a slightly larger addition (369 square feet larger), and place it in a different location on the site. From a use standpoint, storage space is considered a less intense use than adding retail space to a liquor store. In addition, the location of the structure is no longer front facing but rather located in the rear behind Smith's which minimizes the visual impact. Although the proposed structure is visible from High School Road, the design and appearance is an improvement from the existing storage trailers.

It should be noted that the proposed storage structure is not considered an attached addition to Smith's, but rather a detached structure. The proposed structure, although sharing a physical connection, has separate exterior access and cannot be accessed from the inside of Smith's grocery store. As you may know, the maximum size of a single building is 50,000 square feet with a Conditional Use Permit. Smith's grocery store has reached their maximum building potential and may not add additional square footage. The site overall still has development potential as shown in the table above.

Storage Screening & Code Enforcement

Staff has been working with Smith's to resolve some issues related to outdoor storage, specifically where the existing storage trailers are located. Past approvals have restricted storage to be located inside the existing trailer enclosures or inside the existing buildings and not be visible from surrounding properties or the public right of way. In August 2014, Smith's applied for a permit to install a fence enclosure around the existing storage trailers. The intent was to thoroughly screen any items being stored outside. For reasons unknown, the fencing was never installed. Staff finds that the new storage enclosure will fulfill the storage needs for Smith's resulting in compliance with previous code enforcement issues. Staff has carried forward the condition related to outdoor storage (see conditions below).

Parking

Staff finds that the proposed enclosure does not generate a higher parking demand than what currently exists. Currently the site has 532 parking spaces. The storage enclosure is supportive of the grocery store and considered retail space for the purpose of calculating parking requirements, which requires 4.5 spaces per 1,000 square feet of space. The previously approved amendment to add 1,538 square feet of retail space

required a total of 529 spaces. The current proposal is 369 square more totaling 1,907. The difference in parking is $4.5 \times .369 = 1.7$ spaces rounded up to 2 resulting in a total parking requirement is 531 spaces.

Employee Housing

The proposed storage enclosure is intended to support the existing retail use for Smith's. Section 6.3.1D indicates that retail use generates a requirement to provide 156 square feet of employee housing for every 1,000 square feet of retail use. The proposed enclosure generates an employee housing requirement of 297.49 square feet, which is less than the minimum size for an employee housing unit of 400 square feet. This automatically qualifies them for the In Lieu Fee which is \$34,033.

An employee housing requirement was also generated from the previous approval, however it was decided by Town Council that the applicant was exempted from paying the fee based on the previous employee housing provided in Smith's original Final Development Plan. The approved housing mitigation for the Smith's original Final Development Plan was to house 40 persons but were only required to house 35 persons, thus they have a credit of five (5) persons. To be consistent with the previous approval, staff does not find the applicant should be subject to paying the In Lieu Fee as they have a surplus of employee housing on-site.

Department Reviews

In addition to the condition listed below, a Conditional Use Permit is subject to the department reviews. Pathways has commented on some deficiencies related to the path/bike/pedestrian connection along the south frontage on High School Road (please see attached reviews). Also, Public Works has commented on the sidewalk crossing along the south frontage on High School Road in addition to the relocation of a fire hydrant.

DESIGN REVIEW COMMITTEE

The DRC (Design Review Committee) typically meets on the second Wednesday of each month. The April 8th meeting was rescheduled for Wednesday, April 22 due to lack of a quorum. At this time staff does not anticipate any potential issues with the appearance as the proposed storage enclosure is designed to match the existing exterior building materials.

PUBLIC COMMENT

Staff has received public comment, however the concern was not related to the storage structure itself, but toward the loading/unloading operations. A resident living at Eagle Village Condominiums has expressed concerns toward the large delivery trucks temporarily parking and idling adjacent to the condos. The applicant was previously required to prepare a truck delivery plan to address times and location of delivery to mitigate disturbance of adjacent residential uses. It was determined that all loading and unloading to the liquor store be limited to the back of the building. Staff is concerned that Smith's is violating this condition. Staff has carried this condition forward (see condition below) and is requiring Smith's to abide by the rules agreed upon in addition to being courteous to its adjacent neighboring residents.

ATTACHMENTS

Applicant Submittal
Departmental Reviews
Public Comment

STAFF FINDINGS

Pursuant to Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations, the following findings shall be made for the approval of a Conditional Use Permit.

1. ***Compatibility with Future Character.*** *The proposed Conditional Use shall be compatible with the desired future character of the area.*

The proposed development is located within District 5 West Jackson - Subarea 5.1 West Jackson Highway Corridor of the 2012 Comprehensive Plan. Policy objectives for District 5. West Jackson follow:

Common Value 1: Ecosystem Stewardship

N/A

Common Value 2: Growth Management

Policy 4.1.b: Emphasize a variety of housing types, including deed-restricted housing

The applicant has previously provided excess employee housing on-site to and has remaining credits.

Policy 4.1.d: Maintain Jackson as the economic center of the region

The proposed project is intended to increase the storage capacity at Smith's in order to support the growing community's needs.

Policy 4.2.c: Create vibrant walkable mixed-use subareas

Not applicable to this proposal.

Policy 4.3.a: Preserve and enhance stable subareas

Not applicable to this proposal.

Policy 4.3.b: Create and develop transitional subareas.

The proposed project is located in Transitional Subarea 5.1 West Jackson Highway Corridor. This proposal will improve the aesthetic appeal along this corridor with high quality development similar to what currently exists. This area already has a mixture of uses which is the intended character, the addition of a storage enclosure will help add to the vitality of the existing retail use.

Policy 4.4.b: Enhance Jackson Gateways

The proposed project will improve the existing condition by removing storage trailers and replacing them with high quality development.

Common Value 3: Quality of Life

Policy 5.3.b: Preserve existing workforce housing stock

Not applicable to this proposal.

Policy 6.2.b: Support businesses located in the community because of our lifestyle

Not applicable to this proposal.

Policy 6.2.c: Encourage local entrepreneurial opportunities

Not applicable to this proposal.

Policy 6.2.d: Promote light industry

Not applicable to this proposal.

Policy 7.1.c: Increase the capacity for use of alternative transportation modes

Not applicable to this proposal.

Policy 7.2.d: Complete key Transportation Network Projects to improve connectivity

Not applicable to this proposal.

Staff finds that the proposed Conditional Use is consistent with the desired future character for this area (Subarea 5.1 West Jackson Highway Corridor) and meets all characteristics described for this area. The desired goal is developing a more attractive district and enhancing the southern gateway into the Town. The visual appearance of the proposed storage enclosure will enhance the aesthetics of the existing development for this district. In addition, the replacement of storage trailers for high quality development complies with the defined character for this district.

2. ***Use Standards.*** *The proposed Conditional Use shall comply with the use specific standards of Division 6.1.*

Staff finds that the proposal is compliant with the standards of Division 6.1. The proposed storage enclosure is an allowed use within the Business Park Restricted zoning district with the approval of a Conditional Use Permit.

3. ***Visual Impacts.*** *The design, development, and operation of the proposed Conditional Use shall minimize the visual impact of the proposed use on adjacent lands.*

Staff finds that the proposed design, development and operation will minimize the visual impact on adjacent lands. The proposed enclosure is a more permanent structure than the existing storage trailers and thus will enhance the visual appearance. In addition, the new operation seeks to organize and fully enclose all storage products which will minimize the impact compared to existing conditions which have resulted in some exterior storage.

4. ***Minimizes adverse environmental impact.*** *The development and operation of the proposed Conditional Use shall minimize adverse environmental impacts.*

Staff finds that the proposed use will not have an adverse environmental impact.

5. ***Minimizes adverse impacts from nuisances.*** *The development and operation of the proposed Conditional Use shall minimize adverse impacts from nuisances.*

Staff finds that the proposed use minimizes adverse impacts on nuisances by enclosing storage space that was previously visible from adjacent land and the right-of-way which enhances the overall appearance.

6. ***Impact on Public Facilities.*** *The proposed Conditional Use shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMT facilities.*

Staff finds that the proposal will have no significant adverse impact on public facilities.

7. ***Other Relevant Standards/LDRs.*** *The development and operation of the proposed Conditional Use shall comply with all standards imposed on it by all other applicable provisions of the LDRs and all other Town Ordinances.*

Staff finds that the proposed use and development complies with the provisions of the LDRs. The proposed development meets all other applicable regulations such as Setbacks, FAR, Lot Coverage, LSR, etc. In addition the proposed use and development complies with all other Town Ordinances.

8. ***Previous Approvals.*** *The proposed Conditional Use shall be in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Staff finds that the proposed use, as conditioned, is in substantial conformance with all standards and conditions of previous permits and approvals.

Staff was able to make the findings for the Conditional Use Permit for this application as described above.

RECOMMENDATIONS / CONDITIONS OF APPROVAL

The Planning Director recommends **approval** of a Development Plan to allow a new 1,907 square foot storage enclosure located behind Smith's grocery store at 1425 S. Highway 89 subject to the following conditions:

1. The applicant shall ensure that all storage and material of any kind be located inside the proposed enclosure or inside the existing buildings and not be visible from surrounding properties or the public right of way.
2. The applicant shall limit all loading and unloading to the liquor store and Smith's grocery store to the back of the building.
3. The Town Engineer shall review the proposed stormwater drainage plan to ensure there is adequate mitigation in place to address any pollutants entering the creek as a result of snow storage on the site.
4. The applicant shall limit the proposed hours of operation of the exterior seating area to 7:00 a.m. to 7:00 p.m. daily.
5. The applicant shall be limited to 2077 square feet of outdoor display of merchandise at any time. Outdoor display shall only include seasonal sales items and not permanent storage of any type.

SUGGESTED MOTIONS

Based upon the findings as presented in the staff report for Item P15-021 and the departmental reviews attached thereto, I move to recommend **approval** to the Town Council for an Amendment to a Conditional

Use Permit to allow a new 1,907 square foot storage enclosure behind Smith's grocery store at 1425 S. Highway 89, subject to three (3) conditions of approval.

1. The applicant shall ensure that all storage and material of any kind be located inside the proposed enclosure or inside the existing buildings and not be visible from surrounding properties or the public right of way.
2. The applicant shall limit all loading and unloading to the liquor store and Smith's grocery store to the back of the building.
3. The Town Engineer shall review the proposed stormwater drainage plan to ensure there is adequate mitigation in place to address any pollutants entering the creek as a result of snow storage on the site.
4. The applicant shall limit the proposed hours of operation of the exterior seating area to 7:00 a.m. to 7:00 p.m. daily.
5. The applicant shall be limited to 2077 square feet of outdoor display of merchandise at any time. Outdoor display shall only include seasonal sales items and not permanent storage of any type.