

REQUEST FOR CITY COUNCIL ACTION

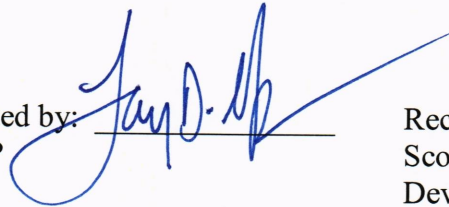
SUBJECT: Nielson's Custard – Highlands Center General Plan Land Use Map Amendment and Zoning Map Amendment.

SUMMARY: Nielsen's Custard – Highlands Center; 7652 S Highlands Loop Road; General Plan Land Use Map Amendment for approximately 1.5 acres from High Density Residential to Community Commercial and Rezoning from HFR (High Density Multi-Family Residential – WSPA) to SC-2 (Community Shopping Center) Zone; Peterson Development/Barrett Peterson (applicant) [Larry Gardner/Nate Nelson #20159, 20160; parcel 20-26-476-003]

PLANNING COMMISSION RECOMMENDATION: The Planning Commission forwards a positive recommendation to the City Council for the map amendments.

MOTION RECOMMENDED: "I move to adopt Ordinance No. 20-02."

Prepared and presented by:
Larry Gardner, AICP
City Planner



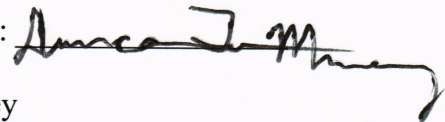
Recommended by:
Scott Langford, AICP
Development Director



Authorized for
Council Consideration:
Korban Lee
City Administrator



Approving as to Form:
Duncan Murray
Assistant City Attorney



I. BACKGROUND:

There are two map amendments associated with this application. The applicant is proposing to amend the future land use map on 1.5 acres of property located at 7652 S Highlands Loop Road from High Density Residential to Community Commercial. The applicant is also asking to Rezone the same 1.5 acres of property located from HFR (High Density Multi-Family Residential – WSPA) to SC-2 (Community Shopping Center) Zone. The reason for the change is for the construction of a Nielsen's Custard restaurant. The applicant was asked why a lot in the adjacent Highland's commercial center would not work and their response was that the Nielson's have a particular siting desire for their new stores. The model they have great success with is siting the stores next to a park and close to residential. The site they have chosen meets their needs.

II. GENERAL INFORMATION & ANALYSIS

The subject property's surrounding zoning and land uses are as follows:

	Future Land Use	Zoning	Existing Land Use
North	Medium Density Residential	R-1-10	Single Family
South	Community Commercial	SC-2	Shopping Center
West	High Density Residential	HFR	Vacant
East	High Density Residential	HFR	Detention/Park

III. FINDINGS OF FACT

Section 13-7C-6: Amendments to the Land Use Map

Prior to approving a General Plan Future Land Use Map amendment, the City Council shall make the following findings:

Finding A: *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

Discussion: The applicant is proposing to amend the Future Land Use Map from High Density Residential to Community Commercial on 1.5 acres of property. The General Plan Goals and policies promotes Community Commercial in proximity to existing and future neighborhoods. There are many large single family developments in close proximity to the proposed site. There is also higher density multi-family development planned for the adjacent property to the west. The proposed rezone site is adjacent to the Highlands commercial area.

Community Commercial - The Community Commercial designation is applied to areas in which shopping centers may be established to satisfy the daily or specialty shopping needs of a community or a group of neighborhoods. The services provided in these districts will normally serve a trade area population of 10,000 to 70,000 people. Medium-scale department stores and supermarkets may be typical uses permitted in Community Commercial districts as anchors, and by a wide range of

restaurants, hotels, retail and specialty shops, automobile service stations, and hard goods or soft goods stores.

The Custard shop will be compatible with the commercial use to the south and with the residential to the North and with the planned residential to the West.

Goal 2 Policy 1 – 1 Ensure that neighborhood commercial centers are designed at a walkable, pedestrian scale.

The shop will be located on the Highlands Loop road and a future road to the west of the custard shop. The applicant is required to install sidewalks on both sides of the new road which will eventually connect to the neighborhood to the north and to any new development to the west.

Goal 2 Policy 1 – 4 Restrict the size of neighborhood commercial areas so as not to impact the residential character of an area.

Adding 1.5 acres to the Highlands shopping center will not be looming or impactful to the area.

Goal 3 Policy 1 – 10 Maintain the landscaping and fencing buffer requirements between residential and commercial uses.

The Nielsen's Frozen Custard Shop will be well buffered from the existing single family to the north by either the detention/park area or by future high-density residential. The nearest single family home to the proposed shop will be a little over 400 feet.

Finding: The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.*

Discussion: The applicant's intent with the change to the Land Use map is to expand the Highlands shopping center and add a commercial use to the rear of the Highlands shopping center. This will result in the neighborhood now being included into the commercial area and vice versa, instead of just being on the backside of the Highlands development. This inclusion will be a positive in that residents will be able to access retail and commercial area by foot if they wish, without having to traverse busy arterial streets. There is no other parcel in the city that can accomplish this inclusion.

Finding: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.*

Discussion: The proposed amendment will be compatible with the existing commercial uses and the single family residential and planned higher density residential. The proposed shop is located next to and will provide parking for the existing detention/park. The way the site will be laid out will result in the majority of the traffic to enter and exit from Highlands loop road and not through the neighborhood. There is sufficient distance from the neighborhood that cooking odors or noise should not become a nuisance. After all there is nothing more iconic and American than the neighborhood ice cream shop or in this case frozen custard shop.

Finding: The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

Finding D: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The overall improvement to the adopted plan is that this use will integrate a desirable commercial use with the residential uses instead of just being on the backside of the shopping center. A frozen custard shop next to a park is ideal.

Finding: The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.

Finding E: *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The use will be compatible with adjacent uses. Nielsen's Custard will not create excessive noise, light glare or excess traffic issues through the existing neighborhood. Most of the traffic will enter and exit from Highlands Loop road and not through the neighborhood. The order stations for the drive-up will be some 400 feet to the nearest single-family residence. Utilities and public safety will not be significantly altered because of the business. There is adequate water and sewer and storm sewer facilities.

Finding: The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: *The proposed amendment is consistent with other adopted plans, codes and ordinances.*

Discussion: The amendment was reviewed for consistency against the City's General Plan, the zoning ordinance and adopted engineering standards.

Finding: The proposed amendment is consistent with other adopted plans, codes and ordinances.

Section 13-7D-7(A): Amendments to the Zoning Map

Prior to recommending approval of an amendment to the Zoning Map, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: See Finding A of this report.

Finding: The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: See Finding C of this report.

Finding: The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The changes in of zoning will not harm the public health, safety or welfare of the city as a whole.

Finding: The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: The Engineering Department has determined that the City has the ability to service the development with water, sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat and site plan approval. The Fire Department will review the proposed development at the time of subdivision and site plan application to ensure full serviceability. The addition of one building will not unduly impact public services.

Finding: The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

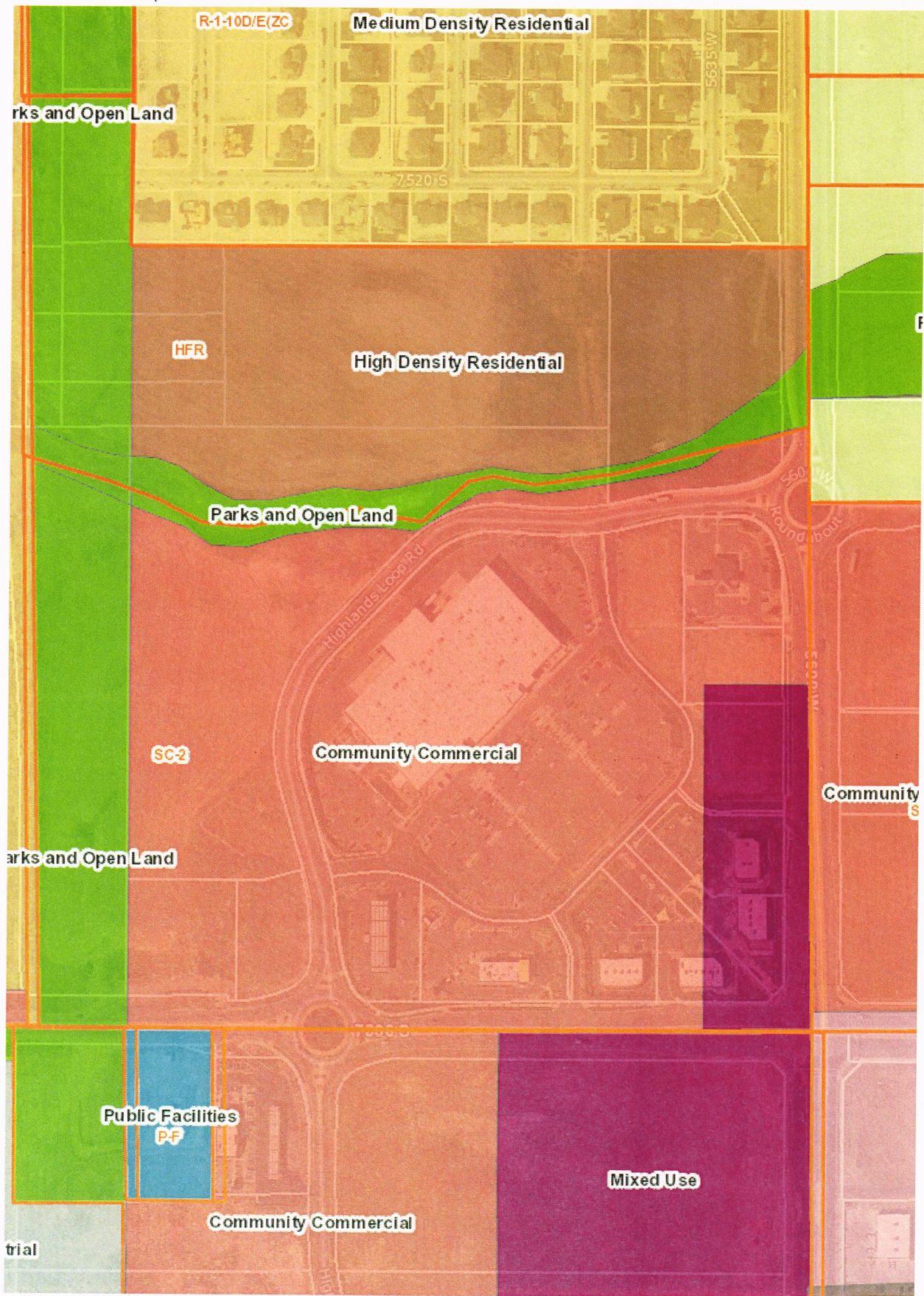
Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: N/A

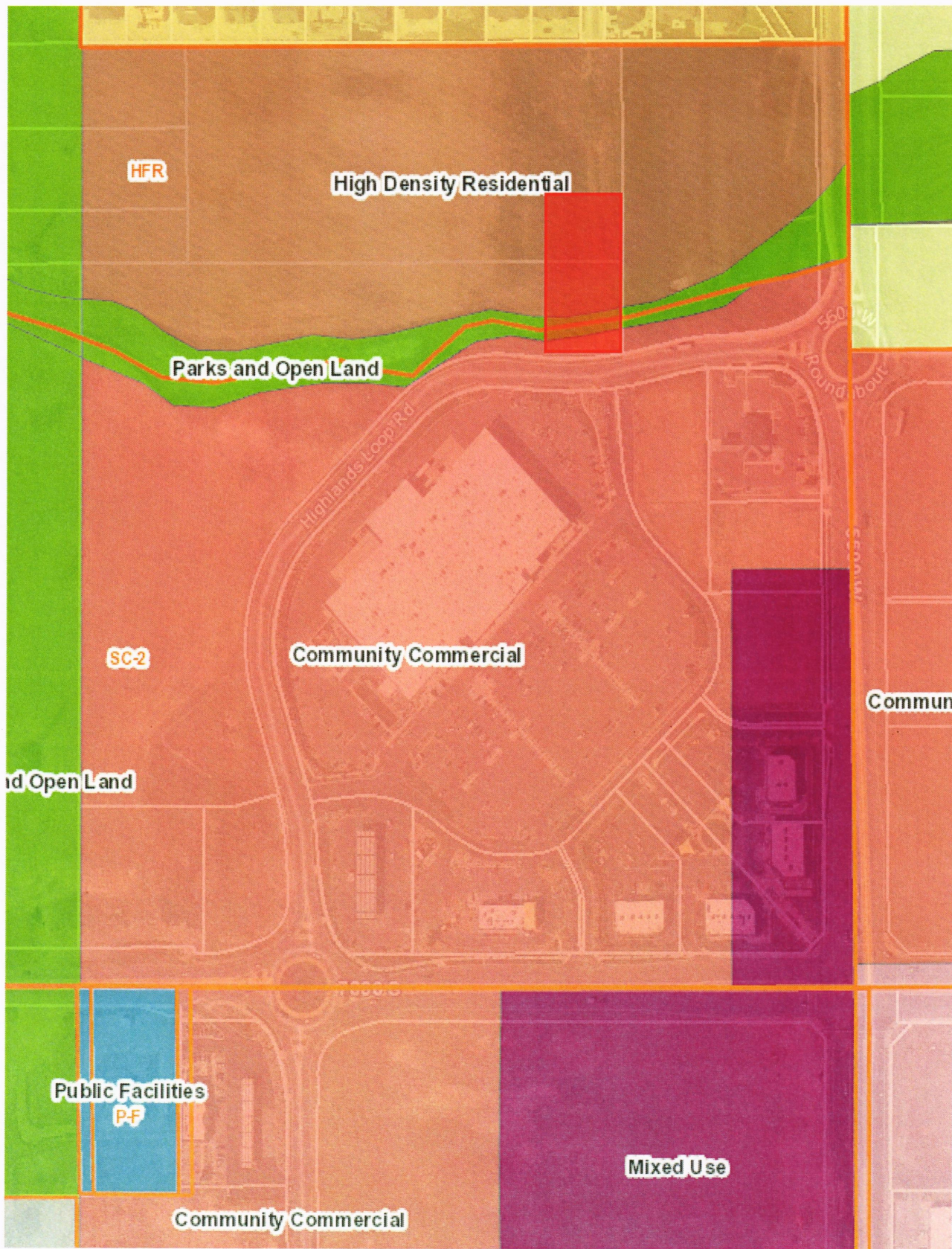
Finding: N/A

IV. ATTACHMENTS:

1. Zoning and Land Use Map
2. Proposed Change
3. Aerial
4. Concept Plan
5. Applicant Narrative
6. Planning Commission Minutes



Zoning and Land Use Map



Proposed Change

2

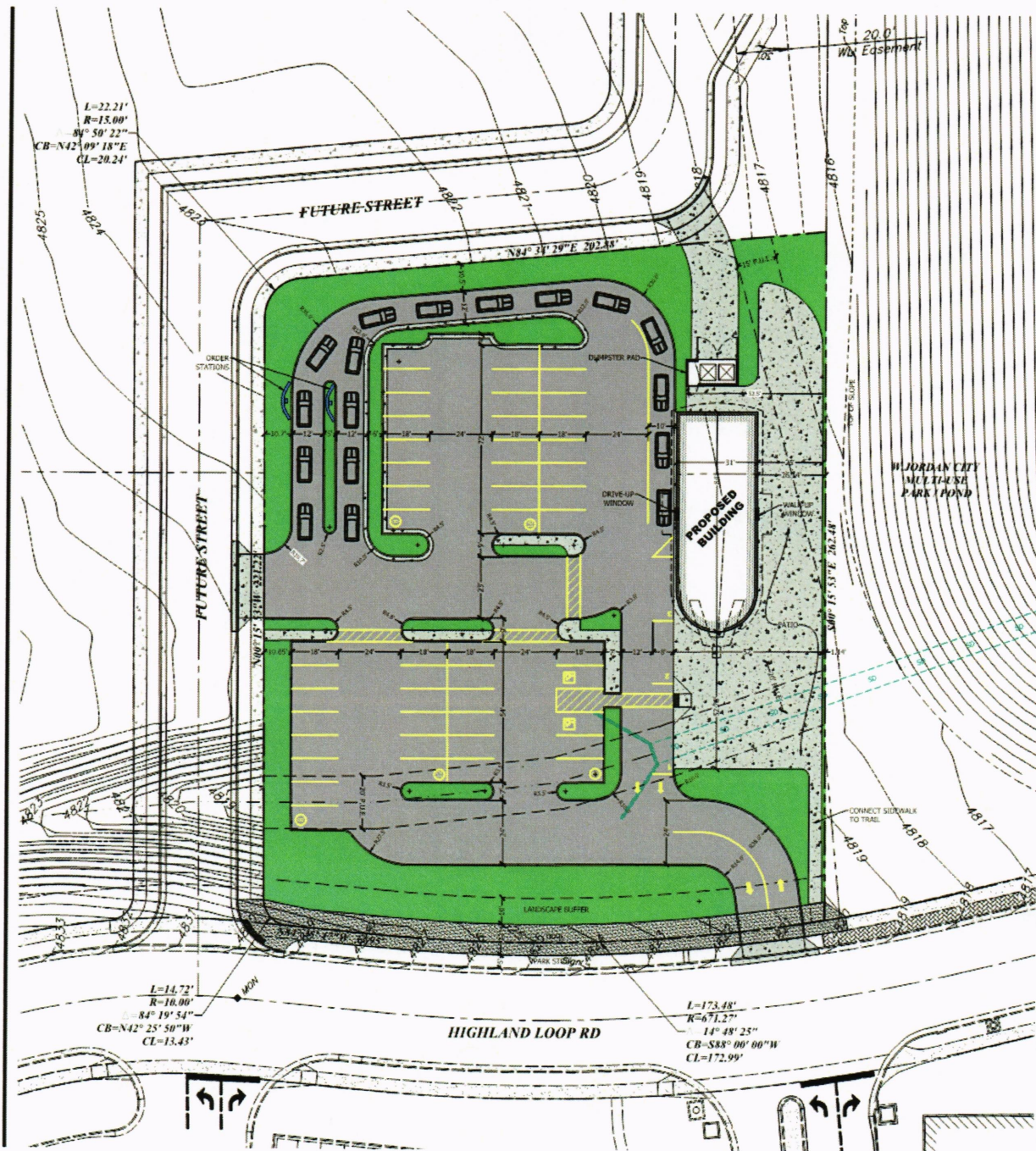


Aerial

3

Concept Plan

4



MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 21, 2020 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Matt Quinney, Kent Shelton, Jay Thomas, Trish Hatch, Corbin England, Bob Bedont, and Ammon Allen.

STAFF: Larry Gardner, Nathan Nelson, Paul Brockbank, Scott Langford, Duncan Murray, Kent Page, Lisa Elgin, Mark Forsythe, and Julie Davis

OTHERS: Ryan Peterson, Doug Nielsen, Camille Barlow, Sean Barlow, Chris Gamvroulas, Bryon Prince, Skylar Tolbert, Scott Benson

- 1. Nielsen's Custard – Highlands Center; 7652 S Highlands Loop Road; General Plan Land Use Map Amendment for approximately 1.5 acres from High Density Residential to Community Commercial and Rezoning from HFR (High Density Multi-family Residential – WSPA) to SC-2 (Community Shopping Center) Zone; Peterson Development/Barrett Peterson (applicant) [#20159, 20160; parcel 20-26-476-003]**

Ryan Peterson, Peterson Development, said the request is to extend the Highlands Shopping Center to the north for one small parcel next to the city-owned detention pond. The Nielsen's Custard family was in attendance to answer questions.

Larry Gardner gave an overview of the area within the Highland's master plan. The city-owned detention pond has been developed as a park. The Nielsen models prefer to be near parks and residential. He pointed out a strip of property designated as open lands, which is a drain and not addressed as a wash on the master plan. It will probably be filled in and piped at that location. The city capital improvement group plans to install playground equipment in the detention pond. The closest home in Sommerglen subdivision is a little more than 400 feet away. He reviewed the concept layout for access. The concept shows plenty of vehicle storage on the property and anticipates most traffic will go onto the busier roads.

Scott Langford explained the process for those in attendance. Details regarding the site plan will be brought back at another hearing if the map amendments are approved.

Staff recommended that Planning Commission forward a positive recommendation to the City Council for Nielsen's Custard – Highlands Center to amend the future land use map on 1.5 acres of property from High Density Residential to Community Commercial and rezone from HFR Zone to SC-2 Zone.

Matt Quinney asked what the chances are of adding more commercial into this residential area.

Larry Gardner said probably no chance.

Matt Quinney opened the public hearing.

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

Matt Quinney was happy to see something other than residential in this area.

Trish Hatch said she grew up within walking distance of the original location in Bountiful and she was thrilled to have it in West Jordan.

MOTION: Trish Hatch moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for Nielsen's Custard – Highlands Center; 7652 South Highlands Loop Road; Peterson Development/Barrett Peterson (applicant) to amend the Future Land Use Map on 1.5 acres from High Density Residential to Community Commercial. The motion was seconded by Jay Thomas and passed 7-0 in favor.

MOTION: Trish Hatch moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for Nielsen's Custard – Highlands Center; 7652 South Highlands Loop Road; Peterson Development/Barrett Peterson (applicant) to Rezone 1.5 acres from HFR (High Density Multi-family Residential) Zone to SC-2 (Community Shopping Center) Zone. The motion was seconded by Corbin England and passed 7-0 in favor.

Larry Gardner told of the positive experience of his teenagers who worked for this company and said it is a great company.

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 20-02

AN ORDINANCE AMENDING THE GENERAL PLAN FUTURE LAND USE MAP ON 1.5 ACRES FROM HIGH DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL AND REZONE OF 1.5 ACRES FROM HFR (HIGH DENSITY MULTI-FAMILY RESIDENTIAL – WSPA) TO SC-2 (COMMUNITY SHOPPING CENTER) ZONE ON PROPERTY GENERALLY LOCATED AT 7652 S HIGHLANDS LOOP ROAD.

WHEREAS, an application was made by Barrett Peterson to amend the General Plan Future Land Use Map on 1.5 acres from High Density Residential to Community Commercial and rezone of 1.5 acres from HFR (High Density Multi-Family Residential – WSPA) to SC-2 (Community Shopping Center) zone on property generally located at 7652 S Highlands Loop Road; and,

WHEREAS, on January 7, 2020 the request was considered by the Planning Commission, which has made a positive recommendation to the City Council; and

WHEREAS, a public hearing, pursuant to public notice, was held before the City Council on February 12, 2020; and,

WHEREAS, the City Council of the City of West Jordan finds that:

1. The proposed amendments to the zoning map are consistent with the purposes, goals, objectives, and policies of the City's General Plan; and,
2. The proposed amendments to the zoning map are harmonious with the overall character of existing development in the immediate vicinity of the subject property; and,
3. The proposed amendments to the zoning map will not adversely affect adjacent properties; and,
4. The proposed amendment to the zoning map are consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and,
5. Public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection, are now, or will be made by the Developer, adequate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. The Future Land Use Map of the City of West Jordan, Utah, is hereby amended by changing the future land use designation on 1.5 acres from High Density Residential to Community Commercial; more appropriately described below:

Beginning at the Northeast Corner of said Parcel A located 1329.23 feet North 0°43'28"

West along the Section Line; and 452.05 feet South 89°51'27" West along the Sixteenth Section Line from the Southeast Corner of said Section 26; and running thence South 0°15'53" East 170.00 feet along the East Line of said Parcel A to the Southeast Corner thereof on the Northerly Line of Highlands Loop Road; thence along said Northerly Line of Highlands Loop Road the following three courses: Westerly along the arc of a 671.27 foot radius curve to the right a distance of 173.48 feet (Center bears North 9°24'12" West, Central Angle equals 14°48'25" and Long Chord bears South 88°00'00" West 172.99 feet) to a point of tangency; North 84°35'47" West 50.00 feet to a point of curvature; and Northwesterly along the arc of a 280.00 foot radius curve to the left a distance of 13.08 feet (Central Angle equals 2°40'34" and Long Chord bears North 85°56'04" West 13.08 feet); thence North 0°15'53" West 260.58 feet; thence North 84°34'29" East 236.67 feet; thence South 0°15'53" East 112.55 feet to the point of beginning. Contains 65,326 sq. ft. or 1.500 acres.

Section 2. The Zoning Map of the City of West Jordan, Utah, is hereby amended by changing the zoning on 1.5 acres from HFR (High Density Multi-Family Residential - WSPA) to SC-2 (Community Commercial) Zone; more appropriately described below: and removing .92 acres from the Transit Station Overlay District on property generally located at 1457 West 7800 South; more appropriately described below:

Beginning at the Northeast Corner of said Parcel A located 1329.23 feet North 0°43'28" West along the Section Line; and 452.05 feet South 89°51'27" West along the Sixteenth Section Line from the Southeast Corner of said Section 26; and running thence South 0°15'53" East 170.00 feet along the East Line of said Parcel A to the Southeast Corner thereof on the Northerly Line of Highlands Loop Road; thence along said Northerly Line of Highlands Loop Road the following three courses: Westerly along the arc of a 671.27 foot radius curve to the right a distance of 173.48 feet (Center bears North 9°24'12" West, Central Angle equals 14°48'25" and Long Chord bears South 88°00'00" West 172.99 feet) to a point of tangency; North 84°35'47" West 50.00 feet to a point of curvature; and Northwesterly along the arc of a 280.00 foot radius curve to the left a distance of 13.08 feet (Central Angle equals 2°40'34" and Long Chord bears North 85°56'04" West 13.08 feet); thence North 0°15'53" West 260.58 feet; thence North 84°34'29" East 236.67 feet; thence South 0°15'53" East 112.55 feet to the point of beginning. Contains 65,326 sq. ft. or 1.500 acres.

The described property shall hereafter be subjected to the SC-2 (Community Commercial) land-use restrictions and limitations as are stipulated for this zone.

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Section 3. This Ordinance shall become effective upon publication or upon the expiration of twenty days following passage, whichever is earlier.

Passed and adopted by the City Council of West Jordan, Utah, this _____ day of _____, 2020.

CITY OF WEST JORDAN

By: _____
Christopher McConnehey
Council Chair

ATTEST:

TANGEE SLOAN,
Deputy City Recorder

Voting by the City Council

"YES"

"NO"

Chair Chris McConnehey
Zach Jacob
Melissa Worthen
Chad Lamb
Kayleen Whitelock
Kelvin Green
David Pack

Mayor Dirk Burton

Approve _____

Veto _____

Date _____, 2020

ATTEST:

Ord
20-02

TANGEE SLOAN,
Deputy City Recorder

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the Deputy City Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2020, pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan,
Deputy City Recorder

[SEAL]
