

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

May 26, 2015

Present: Chairman Russ Naylor, Commissioner Sean D. Morrissey, Commissioner T. Earl Jolley, Commissioner Mark Woolley, Commissioner Richard Feist, Planner Brad Sanderson, Planner David Mann, Planner Damir Drozdek, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Shaefermeyer, City Recorder Anna West

Absent: Commissioner Beverly Evans

Others: John & Cami Mendes, Jeff Mellor, Steve & Kyle McPhee, Jim & Melanie Wysong, Heather Berube, Tammy Hanson

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone present and noted that all Commissioners are present with the exception of Commissioner Evans. She is excused tonight.

B. Motion to Approve Agenda

Commissioner Jolley made a motion to approve the May 26, 2015 Planning Commission Agenda. Commissioner Woolley seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on May 12, 2015

Commissioner Woolley made a motion to approve the May 12, 2015 Planning Commission meeting minutes as printed. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

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: WASATCH VIEW EYE CENTER SITE PLAN
Address: 10412 South 2200 West
File No: SP-2015.10
Applicant: Jeff Mellor

Planner David Mann reviewed the background information on this item from the packet staff report. This was brought before ARC on April 8th and they didn't see any major issues and they forwarded a positive recommendation to the Planning Commission.

Commissioner Woolley said would we be correct in assuming that if there is five trees there shown inside the sidewalk going to the west that if three were on their side of the property they would only be putting two in?

Planner Mann said you mean the ones on 2200 West? Commissioner Woolley said no, the five that are on the south property line. Planner Mann said they are showing that as if those three existing trees are gone. We have been working with them and once we figure out whether those trees can be removed or not we might count those toward their landscaping requirement.

Jeff Mellor, 1218 W. South Jordan Parkway, SJC (Applicant); I have one question that has to do with the median along 2200 west. I did some observations of driving from the interstate down to Bangerter observing where medians were put and the medians that I noticed were located on River Heights next to the busy Walmart and another one on Redwood Road. Does this size of building warrant a median being put in?

Chairman Naylor said that is not something that South Jordan City would control in the case of 10400 south because it is a UDOT road.

Commissioner Woolley asked the applicant if he was referring to the median on 2200 West that is being proposed to be put in. Mr. Mellor said yes.

Assistant City Engineer Shane Greenwood said it is not the size of the business it is for traffic safety. With the access being so close to the intersection there is potential conflict with left turns out and right turns off 10400, South Jordan Parkway and 2200 West; it is a concern.

Mr. Mellor said because it is so close to the intersection we were able to push it back. If that is the best decision I can understand that and I guess it will need to be worked out. He asked if a traffic study would need to be done or is it just in the best interest that it be there?

Assistant City Engineer Greenwood said it would certainly be in the best interest but if you feel the traffic study would show something different we could consider that too.

Chairman Naylor said at ARC we talked about the desirability of keeping the mature trees and understanding that if you put in a masonry wall with a footing you would have to dig a trench that would more than likely cut through some of the major root structure of the trees and suggested that you might

look at doing a precast fence that only has a small footings where the precast columns go. Was that something you decided against?

Mr. Mellor said I am for the precast fence; I prefer it. The less impact I make the better.

Chairman Naylor said we will leave it to staff to work that out with you.

Staff Attorney Steve Shaefermeyer told the Commissioners it would be wise to add that into the motion you make.

Chairman Naylor opened the Public Hearing.

Jim Wysong, 2229 W. 10400 S., South Jordan; I am an adjacent resident to this property to the west. I have a safety issue. I don't know fire code but when he puts a masonry fence or precast fence, our house is five feet six inches from the fence line now. Will the fire department sign off on that in regards to saving our home from fire? That was my first concern. If they do hit the root ball of the tree it will degrade and will die so that will have to be addressed. Water runoff in that little narrow area; will the builder be responsible for putting drainage on our side? We have a crawl space not a basement. He is putting a dumpster right by where our bedroom window is located. That is not going to work. On the curb cut we were told by UDOT that it was 100 feet from the corner regardless of business or residential and it would be a single entry only. On the precast fence they look like crap on one side and decorative on the other. Is there something we could mutually agree on to have both sides finished. The size of the building is 25 feet tall. It is in the paperwork that you cannot build a building and block the residential sunlight. Like I said, our bedroom window is 5 feet off the ground, how high is the sun going to get for a short period of time for us to get any kind of sunlight. With that the mold on the west side of the trees where it doesn't get any sunlight; is our house going to have that mold and moss on it from not getting any sunlight? I would like to have some kind of study done if that is possible.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said this is a legal lot so even if his side yard isn't up to the current standard on the east side of his house there is nothing that this applicant would have to do?

Planner Mann said no. What the ordinance does do when there is commercial bordering residential it has that minimum 30 foot setback and minimum 10 foot landscaping as well as trees that are used as a buffer to sound. This meets that current ordinance. As far as the building height, I don't have my scale with me but it looks like it is about 20 feet tall and it is towards the front of the lot.

Chairman Naylor asked about the dumpster issue. I understand that the ideal situation would be to have the garbage truck pull right straight into the enclosure and scoop it up and take it away but I would hate it to be right next to my bedroom window.

Planner Mann said we can talk with the applicant and engineer to see if there is another location that might work. I have been in discussions with the applicant for months trying to figure out how it is all going to work out on this small lot. We can do our best to address that issue.

Commissioner Jolley said I wonder with this being such a small facility if they will utilize residential dumpsters that can be pulled out for pick up.

Chairman Naylor said the fence was just a recommendation on our part. With regards to the trees we will leave that up to the property owner to work that out with staff. Mold on the trees and such I am not familiar with the requirement that he talked about that an adjacent property owner is required to leave the neighboring house to it gets the sun so that is not something we can help you with.

Commissioner Jolley said he had a question about the precast fence and whether it was going to be finished to the same quality on both sides. I think it is reasonable to have the same type of finish on both sides.

Chairman Naylor said the drainage will be worked out on this applicant's property. He has to take care of his surface water on his own property so that none of it drains on the neighboring property. He will have to submit, if he hasn't already done so, engineering drawings and so forth with calculations to be reviewed and approved by our engineering staff before he can get a building permit for his building. On the neighbor's property, if it drains towards your house then that is something you would have to deal with on your own, but you won't get any drainage from the applicant's property onto yours.

Chairman Naylor asked the applicant if his business would generate a lot of trash that would require a commercial dumpster enclosure.

Mr. Mellor said he is fine with using a residential container. I didn't know that was an option.

Chairman Naylor asked if that is a possibility. Planner Sanderson said staff didn't know but would look into it.

Mr. Mellor said most of the trash that we generate is not of an organic nature. There wouldn't be an issue with smell but the noise would still be there.

Mr. Mellor said he was fine with providing a precast fence that had finishes on both sides.

Commissioner Woolley said if they are able to have residential garbage cans would that allow for it to be housed or stored someplace else. If it has to have a commercial lift up, because of the small lot I can't see where they would put it. The problem is they will be rolling in at 0 dark thirty, which is not only not good for Mr. Wysung but it is also not good for the Andersons to the south. Backing out is going to be a problem especially with a median in the road. I would think that we should be able to work with staff and find a way to move that enclosure, if there needs to be an enclosure, to the east side of the property. Getting a large commercial truck in and out of a property this small is very problematic. I think we should direct staff if at all possible to work with our garbage collection company and hopefully they will work with us and allow residential pickup.

Commissioner Woolley said we have the dumpster, the trees, the fence to resolve issues on.

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

Commissioner Woolley made a motion to approve File No. SP-2015.10 for an eye care center located at 10412 South 2200 West, with the following provisions that all applicable City Department Requirements, as stated in the Municipal Code, are met and that where possible, that the applicant works with the staff to preserve trees currently on the property and the masonry fence is minimal footing, that he works with staff so that rather than having a large commercial dumpster they go to a residential type that would be put out on 2200 W. to eliminate the problems with potential commercial issues, and the fence per city code between the commercial use and the residential uses

that whichever type is selected that it be finished on both sides as visually acceptable. Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0. Commissioner Evans was absent.

**B.1. Issue: PEREGRINE POINTE SUBDIVISION
PRELIMINARY SUBDIVISION PLAT
Address: 9838 South 2700 West
File No: SUB-2015.24
Applicant: Tina Franco, Eagle Pointe Development**

Planner Damir Drozdek reviewed the background information on this item from the packet staff report.

Chairman Naylor invited the applicant up.

Tina Franco, 9450 S. Redwood Road (Applicant); she had nothing to add.

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

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

Commissioner Woolley made a motion to approve application SUB-2015.24 allowing for subdivision of property located at 9838 South 2700 West into two lots. Commissioner Feist seconded the motion. Roll Call Vote was unanimous 5-0. Commissioner Evans was absent.

**C.1. Issue: MESSAGE GREEN SPA
CONDITIONAL USE PERMIT – HEALTH AND WELLNESS SERVICES
Address: 11521 South 4000 West
File No: CUP-2015.06
Applicant: Kyle McPhee**

Planner Damir Drozdek reviewed the background information on this item from the packet staff report.

Chairman Naylor invited the applicant up to address the Commission.

Kyle McPhee, 3697 W. Canyonlands Drive, Riverton (Applicant); he had nothing to add.

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

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

Commissioner Morrissey made a motion to approve application CUP-2015.06 to allow Massage Green Spa to operate a business providing health and wellness services at 11521 South 4000 West. Commissioner Woolley seconded the motion. Roll Call Vote was unanimous 5-0. Commissioner Evans was absent.

V. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

**D.1. Issue: JOHN MENDES PROPERTY REZONE
Address: 9938 South 2200 West**

File No: REZ-2015.09

Applicant: John Mendes

Planner Brad Sanderson reviewed the background information on this item from the packet staff report.

Chairman Naylor asked if he is successful in getting the zoning would the existing home meet the zoning requirements.

Planner Sanderson said the existing home would; yes. The property meets the minimum lot size. When it comes back to this body there would need to be a subdivision amendment for the density. We would need to add this to one of the adjoining subdivisions. There is Jordan Haven Court or the Bridal Oak Drive.

Commissioner Morrissey asked what is the process for a subdivision amendment.

Planner Sanderson said both subdivisions have ample acreage to add this to the density and they could add just the new lot or both. The process would be to come back to this body through a subdivision amendment application. We would notify everyone within the subdivision, not just the 300 foot notice of the intent.

Chairman Naylor asked the applicant to come up to address the Commission.

Mike Barney, 5153 Castle Peak (applicant); he said he had nothing to add.

Chairman Naylor opened the Public Hearing.

Tammy Hanson, 2375 Bonanza Way, South Jordan; is there any home covenants that will be affected if this goes through with other people who might have homes in the area who could also subdivide with the big lots or could this change that?

Commissioner Morrissey said hypothetically they could make the same application if they met the same requirements. I don't think that is going to happen. But as far as the covenants go that is independent of this body. We have no regulation over CC&R's.

Commissioner Woolley said Brad and I had a conversation earlier today that was very clear. Perhaps you could help her understand how this is enjoined with one of those two subdivisions and if there were lots in her subdivision or similar type situation.

Planner Sanderson said we take the acreage of the whole subdivision and calculate the density based on that. It depends on how many lots and how much acreage is in that subdivision what the density is, which in this case is R-2.5. If they were unsuccessful in trying to amend with the one subdivision because this is adjoining, they would have a second opportunity to try to amend with the other subdivision. Anybody within the subdivision, like you mentioned, hypothetically could come in and propose a subdivision amendment. As also brought up, it's not very practical because you need a minimum frontage and lot size to do that; most of the lots in both of these subdivisions are already at that minimum. There is possibly one right on Bridle Oak Drive on the south end that might be able to.

Ms. Hanson said I am not actually not right on Bridle Oak but are over on Bonanza and we have bigger lots there. All of the home owners want to keep our acreage the way it is. In the past we had someone come in and buy a lot thinking they could just subdivide it. The covenants are there and we want to make sure that one wouldn't affect the others.

Chairman Naylor said if it came down to that it would be something that you as homeowners would have to take up as a civil matter through your HOA.

Heather Berube, 2216 W. Jordan Haven Ct., South Jordan; I live directly across the street from the property. I wondered why they wanted to subdivide and what are they going to do with the garage type structure that is in the back corner of the property currently.

Chairman Naylor said I suspect the reason why he is subdividing is because he wants to have the second lot that he can either sell or develop. The garage would still have to meet the codes. We will get the answer to that for you from the applicant.

Chairman Naylor closed the Public Hearing.

Mr. Barney said the plan is to build a house on that lot and then the big structure in the back we are planning on tearing that down. The other lot will be a single family rambler.

Commissioner Woolley said I spoke with Brad earlier in the day regarding some of the neighbor's concerns; I live in the same area. Those concerns can all be addressed as it comes back through the subdivision amendment.

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

Commissioner Morrissey made a motion to recommend to the City Council approval of Ordinance 2015-14-Z, rezoning property from the Residential (R-1.8) Zone to the Residential (R-2.5) Zone. Commissioner Feist seconded the motion. Roll Call Vote was unanimous 5-0. Commissioner Evans was absent.

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

None

ADJOURNMENT

Commissioner Woolley motioned to adjourn. All Commissioners were in favor.

The May 26, 2015 Planning Commission meeting adjourned at 7:15 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the May 26, 2015 Planning Commission meeting minutes, which were approved on June 9, 2015.

Anna M. West

South Jordan City Recorder