

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

October 27, 2015

Present: Chairman Russ Naylor, Commissioner Sean D. Morrissey, Commissioner Mark Woolley, Commissioner T. Earl Jolley, Commissioner Beverly Evans, Commissioner Richard Feist, City Planner Greg Schindler, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, City Recorder Cindy Valdez

Others: Estella Berrett, Chris Barker, Linda Barker, Harry Bigelow, James Doolin, Elisa Cook, Chris Judd, Arlene Hedger, Don Walk, Ron Nelson

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone present.

B. Motion to Approve Agenda

Commissioner Woolley made a motion to approve the October 27, 2015 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on October 13, 2015

Commissioner Evans made a motion to approve the October 13, 2015 Planning Commission meeting minutes as printed. Commissioner Woolley 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.

Harry Bigelow, 11473 S 3420 W South Jordan, Utah 84095 – said I live in the High Ridge development and I was here a couple of months ago about construction vehicles running up and down the residential and you were pretty good about it, you said you would put a block aid up, and you did for about six weeks. Then it was pulled down and a sign was put up that said “this is not construction

access,” so again, big trucks with trailers are going up and down the residential running by the houses, and running by the kids. Can we get a warning when you change an agreement to let these large commercial vehicles to run up and down the street, kids are out there every day and somebody is going to get hit, I don’t know why you changed the agreement.

Chairman Naylor said I don’t know if the agreement has been changed.

Assistant City Engineer Shane Greenwood said I am not aware of the agreement changing, but once they started building homes we needed to provide an emergency access to them. There are 2 connections to this development, one of them is still closed, and the other one has been opened for emergency vehicles with a sign that says “No Commercial Vehicles,” and obviously it is not being honored.

Chairman Naylor said what can we do to help the neighbors with this situation?

Assistant City Engineer Shane Greenwood said I think the next step is to get ahold of the Fire Department and see if they would be ok with a chain, or something that we could put across that could easily be removed if an emergency vehicle needed to get through.

Mr. Bigelow said I am just concerned because there are 2 bus stops on that street and there are a lot of kids. The small trucks are not a concern it is the big pop trucks that I am concerned about.

Chairman Naylor closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

**A.1 Issue: DUTCH HILL PUD PHASE 2 AMENDMENT
SUBDIVISION AMENDMENT**

Address: 1146 West Koch Drive
File No: SUB-AMEND-2015.65
Applicant: James Doolin, Oakwood Homes of Utah LLC

City Planner Greg Schindler reviewed background information on this item.

James Doolin, Oakwood Homes of Utah LLC- said back when this note was added to the plat the preliminary plat's grading plan for phase 2 was not completed. As you can see when we developed phase 2 the grade was cut significantly, and right now we have about a 6' difference in the grade between where the bottom of this fence is, and where the lot lies today. We feel that the impact on adjacent neighbors is minimized and we will work with City staff to make sure that the final plat plan minimizes, or maintains the finished low elevation for the house to minimize the impact on the neighbors. In addition, I have talked to the neighbor to the north just to get his thoughts, and he did not have any concerns with us building a two-story home. He is the only neighbor that would be directly impacted and he didn't have any concerns.

City Planner Schindler said that Planner Drozdek also spoke with that neighbor and received the same response, he didn't have any concerns.

Chairman Naylor said are you going to have to retain the grade around the property line?

Mr. Doolin said yes, we will be putting in a 4' rock wall around it.

Mr. Doolin said the Saraguezen family is here tonight and they have bought both lots 202 and 203 together, they plan to have kind of a family compound. That is why we cannot move them to another lot, because we don't have 2 other lots together, or we would have done that. It is important for them to be able live next to each other.

Chairman Naylor opened the Public Hearing.

Estella Berrett, 1152 W Koch Dr. South Jordan, Utah 84095 – said I live on lot 112 and my only concern would be that the retaining wall be engineered. We have had problems with other homes that are adjacent to the gated community. They had a rock wall in there and then it got changed. I think both of our properties need to be safe, and I hope they would follow up and make sure that the rock wall is structurally sound. We were told that the home was going to be a rambler, but I can see the situation with the lower grade, so I really just want a safe structure.

Ron Nelson, 9273 Le Rosier Ct. South Jordan, Utah 84095 – said I know Mr. Hobbs very well and I do know that he is getting a little senile. I am a retired electrical engineer from EGNM Defense Materials. I presented this proposal in 2007 in which 100% of the properties along the fence line were approved by the Planning Commission, as well as the City Council to be 100% ramblers, this was approved on April 13, 2007. That was not built it just sat there vacant until they changed developers to Henry Walker Homes. We had the same negotiations and it was approved for 50% ramblers along the fence line, that was for (Phase 1) on October 09, 2012, along with other items like the block wall, drainage, 15' plus setbacks to the vinyl fence, and 6' fences. I was told by Planner Drozdek that (Phase 2) carried over with the same conditions. I would like to say that I have spoken with Planner Drozdek quite a bit and he has been very helpful and very professional, as well as Jared Francis has also been very helpful. In (Phase 2) we understand that lots 202 thru 206 will be restricted to ramblers, and we know that was not the case. This drawing tonight shows very differently. I will point out that Oakwood Homes did sign in the upper left corner of the drawing, and have agreed to that. We coordinated with Matt Scott with Henry Walker Homes extensively, he was replaced with Oakwood Homes when they took over this development by John Coleman, and we have had very little contact, if any. We do expect the new developers to hold to what was approved previously by not only the Planning Commission, but also the City Council. We would like to make a recommendation that you include lots 205, and 206 on this note, which gives the developer a little more flexibility. I would also like to note that there is a 6' vinyl fence between our properties. You have already seen lot 204 is being developed and this is the vinyl fence that I am talking about. It actually is not a 6' fence it goes down to 5' in a lot of places, especially on the east end. I did find out in my investigation last week, as well as today that lot 202 is already

staked out for a two-story home, and this was confirmed by Planner Drozdek today. I find that odd since it has not yet been approved by the Planning Commission. Lot 203 is staked out for a rambler, 204 is a two-story, on 205 the foundation is built, and 206 is not developed. The current problem we have is that there is a hole in the fence that was caused by the developer when they pulled out a tree. That was done in July and nothing has been done to repair it. They damaged the fence post yesterday, but they did get someone out there to get an estimate to repair it. There are slats missing in the vinyl gate on that same fence, as well as behind lot 112. There are caps missing on several vinyl fence posts that came off during the construction, and there are several leaks on the block wall that came through on (Phase 1). We have tried to get with Matt Scott with Henry Walker Homes, and that was not addressed. We tried to get with Oakwood Homes and that has not been addressed either. This is the wall where there is a lot of drainage and it is supposed to go to the culvert that goes underneath into the creek. Lot 204 has already built a patio, or a stair pad within 5' of the vinyl fence and that is against the ordinance, which requires it to be 11' away from the fence. The homes in (Phase 1) have addressed that with their stairway from the upper deck, so the pad is right next to their homes. I will point out that these homes are 8' taller than any of ours. If you stand at the vinyl fence the bottom of the sliding glass doors are about 5' above grade. It is imposing and overbearing to our residents. We do have a safety concern which is even more critical, with the two-story homes that have been built in (Phase 1) there is a section of our road that is iced over in the winter, there is no sun that gets to it, and we expect we will have the same kind of problem over here. I do have pictures available if you would like to see them (Mr. Nelson showed his pictures on the overhead screen). I will send copies of pictures to City Staff for the Public Record.

Chris Judd, 9305 Avignon Way West Jordan, Utah – said my home is directly north of this development in the Renaissance at Tribble Creek gated community. I am the HOA President, and I have talked to 75% of the residents and asked them about this very issue, and 100% of them feel like the developer in South Jordan City has given us a bill of goods and sold us down the road as West Jordan residents. We may not be residents of your community, but we are residents of the State of Utah. One of the issues that I have is that what we have found in (Phase 1) was ridiculous. By the time that phase was completed the promises that they had made to the Planning Commission, and the City Council were not kept. I don't know how many hours of our own time that it took to get the rock wall that was built rectified. We finally worked through Henry Walker Homes, and Matt Scott to get that fixed. What they were going to do was leave a 6' no man's zone that we would have been responsible for. One of the problems I have with the presentation that was given by the developer is that he said they took the grade down, and that is not true. If you look at the house that is directly west of this lot it was raised 7' with dirt in (Phase 1), which has caused all kinds of issues and now we live in the shadows of Dutch Hills. This was not raised 7' it is at the grade that it was when I moved in and it was developed. I have a problem with a two-story that overlooks Charles Hobbs home, because again, he is 85 years old and he is not doing well. You could tell him you were going to build a castle there and he would let you do it because he is such an agreeable gentleman that he would say "that is fine," but that is not fine. There is a street called Avignon Place, and as you saw the pictures on the rock wall that sits on the north side, that snow already piles up in there and it will take forever to melt. I believe that you have a duty to protect us as well as South Jordan residents, and the developer. This development has been in the works for 8 years, and originally it was agreed upon in 2007, and grant- it that developer is out of the picture, but things have radically changed since then and I think you need to protect those of us that live in Renaissance, and Timble Creek. Thank you for your time.

Mr. Doolin said I appreciate all of the comments and I understand there are a lot of concerns with this development, it actually sounds like the frustrations have gone back to 2007, but what we are here to talk about today is removing the note off of the plat that affecting one lot. Regarding the sins of the past, I am willing to come back and address some of the issues that were brought up outside of this plat removal, but today we are just here to talk about the plat. It was mentioned earlier that the grade was not lowered in phase (2) but, if you look at fence line on the north side, the fence line is 6' taller so there was some adjustment

made. We will work with the City make sure that where we set that finished floor elevation it will be acceptable to them, and as low as we possibly can that has the lowest amount of impact. As I said earlier, the other option is, that if we build a rambler and build it up, the rambler is going to be as high as the two-story. I do appreciate the feedback, and if we need to come back and address the other issues, I would like to do that on another day.

Commissioner Jolley said on lot 202 it appears by the pictures that on the north side of lot 202 that there is a retaining wall, and it appears to me by the pictures that the grade on both sides of lot 202 are very similar, is that an accurate statement?

Mr. Doolin said yes that is correct, it mounds up and then there is a fence. On the top of that mound is 4366, and the front of the property is 4356, so there is a 10' elevation change from the front of the lot to where the fence is.

Commissioner Feist asked if there were homes built on lot 205, and lot 206.

Mr. Doolin said it was said earlier by Mr. Nelson that there is a foundation on lot 205, and nothing on lot 206. I am unaware what is on those lots. It was excluded from this note. Whatever they have submitted to the City, the City has to sign off on.

Mr. Nelsen put his pictures from his phone on the screen for everyone to view. He will submit the pictures to the Recorder to add to the record.

Estella Berrett, 1152 Koch Drive, South Jordan Utah, 84095 – said on the back of my lot where you said it was raised up it is the original level, I can tell that by the fence that is already there. What happened is they dug down the front, so when I was building my house I expected it to be all level, but my front is a lot steeper. They have lowered the grade, so that is why I would like an engineered rock wall up on the corner.

Chairman Naylor closed the Public Hearing.

Commissioner Jolley said it is lot 202 that is the concern and I can see that lot 202 has been lowered. I can see the excavation marks in front of the retaining wall, and I can see that it has been lowered. I wouldn't see those excavation marks if it had not been done in the last 12 months. It is somewhat equal in elevation to the neighbor behind him who does not have a problem with them building a two-story home, and that is the big telling sign for me. There have been a lot of issues in phase (1) but I don't see the impact on the resident behind this lot.

Commissioner Woolley said my thought is that the issue was addressed by this note, so when you look at the fact that the grading has changed, the impact that any two-story would have had, has diminished with the grade. The only other concern that I really have is on the north side of that fence and the retaining wall that is there. I know that our standard here in the City, is that anything above 4' is required to be engineered, but there obviously needs to be some support for that. We cannot guarantee, and the developer cannot guarantee what is going to happen, so there needs to be a retaining wall on the south side of that fence to support the fence. I think if we can meet that I am comfortable approving this.

Chairman Naylor said I agree with Commissioner Woolley's comments, and I think with the grade reduced as it is, I don't have any problem with the concept of allowing the development of this two-story home being built.

Commissioner Evans said I don't have a problem with this being developed either, I think with the grade being addressed I don't see any problems.

Commissioner Morrissey said the pictures of 204 don't concern anyone on how it is raised up, and how it may mimic Lot 202?

Commissioner Woolley said when you are out on that street and you look at the slope of the street you are trying to do a couple of things, you are trying to get a driveway that comes out, and you have a slope, so when you look at the two-story it looks awfully high on the east side. When you look at the west side it looks normal, but that is because of the slope on the lot and the street. On the back side you get some the same, but not as pronounced as it is in the front of the lot because of the grading and the topography of the land.

Staff Attorney Steven Schaefermeyer said I just want to make it clear what the standard is here. It is a little bit different than adopting a plat in the first place. Under State Law it requires a finding of "good cause". There has been enough discussion back and forth that on your motion you could give what your "cause" is. I cannot give you too much direction on what "good cause" means, because State Law doesn't truly define it, and that is always a frustrating place to be in, so if you could just do your best.

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

Commissioner Woolley motioned to approve File#SUB-AMEND-2015.65 and we as a Commission find that the request to amend the plat in specific regarding the language of 50% pertaining to two-story homes on lots 202,203 and 204, and that with the grade elevation which is different from when the preliminary plat was approved. We find that there is not a problem to amend the plat and go ahead and allow a two-story home to be built on Lot 202 with the requirement:

- **That the builder work with City staff to design and approve a retaining wall such that the fence line on the north of the property of Lot 202 is secure and will not have long term problems.**

Commissioner Jolley seconded the motion. Roll Call vote was 4-1 Commissioner Morrissey voted no.

B.1. Issue: ACCESSORY BUILDING CONDITIONAL USE PERMIT

Address: 5676 Gold Stone Drive
File No: CUP-2015.14
Applicant: Scott & Allison Hunt

Planner Greg Schindler reviewed background information on this item.

Commissioner Woolley said Planner Schindler would you address the rear setback, it appears that the structure is going to sit back on top of the easement at the rear.

Planner Schindler said it can sit on top of the easement if they have clearance from the utility companies.

Commissioner Woolley said how does the City handle that currently?

Planner Schindler said they will have to submit the easement clearances with their building permit.

Commissioner Woolley said the side easement has a 3' setback, and if the adjoining property owner wants to do the same thing then we have a fire code issue with the building code with that being that close to the property line.

Planner Schindler said well, that is how our ordinances work.

Scott Hunt, 5676 Gold Stone Drive South Jordan, Utah 84095 – said what I am looking for is an accessory building conditional use permit for a detached garage. One correction I would like to make is, rather than the 1436sq.ft. Size of the house, it will be 1350 sq. ft. garage with a basement with the same size footage. In regards to the easements, I have obtained those forms already and I have turned them into Brad Sanderson. I am planning on putting a travel trailer and fishing boat in there to keep them out of the weather, so that is what I am planning to do, and I hope you will grant me the conditional use permit.

Chairman Naylor opened the Public Hearing to comments. There were none. He closed the Public Hearing.

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

Commissioner Evans motioned to approve File No.CUP-2015.14 for a conditional use permit located at 5676 Gold Stone Drive with the (1) recommendation by staff. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

**C.1. Issue: SOUTH JORDAN CITY PARK OPEN SPACE REZONES
REZONE CITY PARK PROPERTIES TO PARK OPEN SPACE
(OS-P)**

Address: 3582 West 11800 South, 3532 West 11400 South, 4288 West Harvest Moon Drive, 9548 South Providence Way

File No: LUA-2015.03 & REZ-2015.13

Applicant: City of South Jordan

City Planner Greg Schindler reviewed background information on this item.

Chairman Naylor opened the Public Hearing to comments.

Chris Barker, 2346 Hobbs Drive South Jordan, Utah 84095 – said Jordan Ridge was created in the late 80's by the City Commission because it was mandated by the County Flood Master Plan to be a detention pond. When that was created the City Council said they would never allow competition sports in that park. That has changed dramatically over the years, at one point in the 2000's there were sports there from 7:00 a.m. in the morning until way past dark, with sound systems running, and people parked illegally. I have been before the City Council on 3 occasions, and they have promised every time that there will not be competitive sports in the park, so I am concerned that when you move this, what will that do to the park neighbors in the future. Quite frankly, Glory is the main problem there, and if there is (1) Glory team there it is worse than have (20) recreation teams. The screaming, yelling, and loudness, there is a big difference. My niece signed up for a recreation team in Herriman, and they practice here at this park, and that is ok, the recreation leagues are great, they behave themselves and you never know they are

there, but the competition leagues you do. I am afraid that you might be opening the door for making this an athletic facility, and there is not the infrastructure in place for that.

Elisa Cook, 3512 Via Sudeste Way South Jordan, Utah – said I would like some clarification, are they saying that if this goes to open space it will not ever be anything but a park?

Planner Schindler said don't ever say never because the City owns the property. I don't think the City has any plans to have it be anything but a park, but you never know. This Planning Commission and City Council cannot make any promises, because they don't know future Commissioner's or Council will approve, so all we can say is there is no other intensions at this time. If in the future they wanted to put homes or something else on this property, it would have to be rezoned at that time, which would require more Public Hearings.

Chairman Naylor closed the Public Hearing.

Chairman Naylor reopened the Public Hearing.

Chris Barker, 2346 Hobbs Drive South Jordan, Utah 84095 – said the day before I got the letter for this meeting I was thinking this year has been really good. I have been talking with the director of parks for the last 10 years and he and I have been trying to come up with something that works. Even though this is dramatically different than what we have been promised, this works for today. This last year the Glory League was not there much, so it was nice to go there and it is quiet. This year has been good.

Chairman Naylor closed the Public Hearing.

Commissioner Jolley said I have no problem with the parks that have play structures facilities on them. The one I do have a concern with is the one at the District with a detention basin on it. There are no permanent facilities on that one, is that correct.

Planner Schindler said that is correct, but it is listed on our Parks Master Plan, and our Parks Inventory.

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

- 1. Commissioner Woolley motioned to forward a recommendation to the City Council to approve Resolution R2015-66 amending Future Land Use form Rural Residential to Park Open Space. Commissioner Feist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.**
- 2. Commissioner Evans motioned to forward a recommendation to the City Council to approve Ordinance 2015-18-Z, Rezoning the property form R-1.8 to OS-P. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor.**
- 3. Commissioner Evans motioned to forward a recommendation to the City Council to approve Ordinance 2015-19-Z, Rezoning the property from R.25 to OS-P. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor.**
- 4. Commissioner Evans motioned to forward a recommendation to the City Council to approve Ordinance 2015-17-Z, Rezoning the property from R-2.5 to OS-P. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor.**

5. **Commissioner Evans motioned to forward a recommendation to the City Council to approve Ordinance 2015-20-Z, Rezoning the property from R-2.5 to OS-P.**

V. OTHER BUSINESS

None

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

ADJOURNMENT

The October 27, 2015 Planning Commission meeting adjourned at 8:00 p.m.

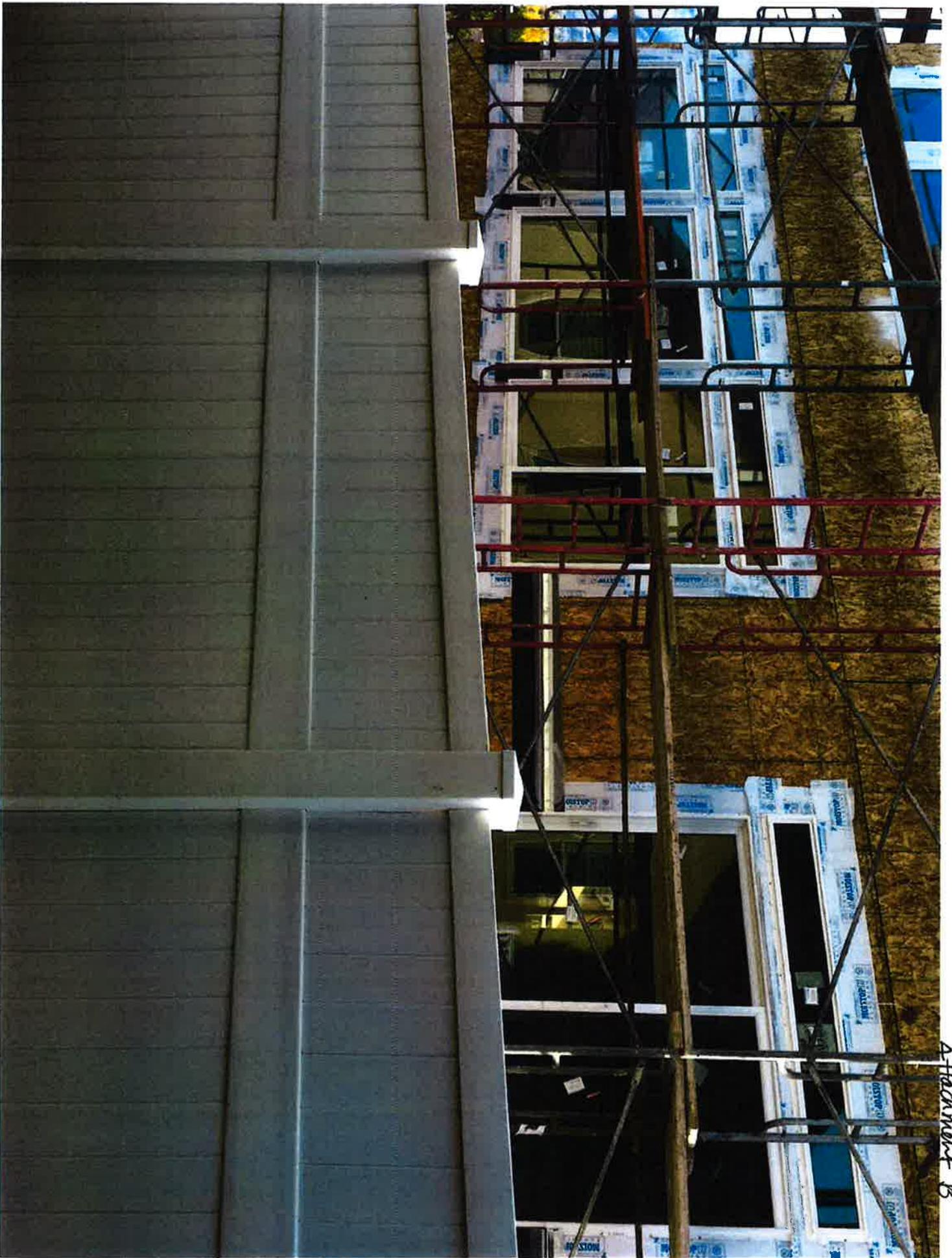
Meeting Minutes were prepared by Deputy Recorder Cindy Valdez.

This is a true and correct copy of the October 27, 2015 Planning Commission meeting minutes, which were approved on November 10, 2015.

Anna M. West

South Jordan City Recorder





Attachment B



Attachment C



ATTACHMENT 1



Attachment 4



ATTORNEY E



ATTACHMENT F



Attachment 5



Attachment H