

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

November 10, 2015

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

Absent: Commissioner Beverly Evans, Commissioner Richard Feist

Others: See Attachment A

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 November 10, 2015 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioner Evans and Commissioner Feist were absent.

C. Approval of the Minutes from the Meeting held on October 27, 2015

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

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

Chairman Naylor asked if there is going to be a second meeting in November. City Planner Schindler said yes. He said with regards to the second meeting in December you can make a motion at any time to cancel the December 22nd meeting because we have nothing scheduled for it.

Commissioner Woolley made a motion to cancel the December 22nd Planning Commission meeting due to the holidays. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioner Evans and Commissioner Feist were absent.

City Planner Schindler said we set the years meeting schedule at the beginning of the year and publish them in January. We will no longer schedule a second meeting in December with it so close to the Holidays.

III. CITIZEN COMMENT

Chairman Naylor opened the Citizen Comment.

Harry Bigelow, 11473 S. 3420 W., SJC; I was here a couple of weeks ago regarding the High Ridge 2 Estate access where construction vehicles are coming down through the subdivision when it was agreed they would be kept out of there. I want to get an update on this. The traffic has gotten worse. The no access sign has been thrown out. The signs are not effective. I would like to know how this is enforced.

Assistant City Engineer Shane Greenwood said I can work with the developer and get that sign back. The developer also needs to post signs out on 11400 South so they are aware of it before they come into the subdivision. I spoke with the fire department about possibly putting a chain across the road but they were not too favorable about doing that. I will meet with them again to address this.

Mr. Bigelow said as the trucks come up to the sign the drivers grab the sign and just throw it to the side. I want to know if I can put the sign back up when they move it. This is the subdivision I live in with many young children. If they can move the sign without repercussion, can I put it back? Assistant City Engineer Greenwood said I don't see why not; he said we are not there every day. Mr. Bigelow said a construction worker came out of one of the houses being built and he had a hammer in hand and started shaking it at me to not put the sign in the road. This was an agreement everybody made to keep the construction traffic out of our subdivision.

Staff Attorney Steven Schaefermeyer said I would suggest you get contact information from Mr. Bigelow so staff can follow up with him.

Chairman Naylor Closed the Citizen Comment.

IV. SUMMARY ACTION

A.1 Issue: LOT LINE ADJUSTMENT
Address: 9662 South 2740 West & 9674 South 2740 West
File No: LLA-2015.23
Applicant: Deana Rydalch and Shannon Pease

Presented by Planner Brad Sanderson.

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

B.1 Issue: LOT LINE ADJUSTMENT
Address: 4544 West Harvest Moon Drive & 4562 West Harvest Sun Lane

File No: LLA-2015.24
Applicant: Kennecott Land

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

Commissioner Jolley made a motion to approve Summary Action Items A.1. and B.1. Commissioner Woolley seconded the motion. Roll Call Vote was 4-0. Commissioner Evans and Commissioner Feist were absent.

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS
**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

**C.1. Issue: STRANG SUBDIVISION
PRELIMINARY SUBDIVISION**
Address: 9970 South 1000 West
File No: SUB-2015.58
Applicant: Connie Strang

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

Chairman Naylor asked if the applicant was present.

Greg Wilding, 14721 S. Heritage Crest Way, Bluffdale, UT; I am the civil engineer representing Connie Strang on the project and we have nothing to add we just wanted to make ourselves available for questions.

Chairman Naylor opened the Public Hearing.

Steve Tingey, 9966 S. 1000 W., SJC; our right of way cuts through by lot #3 and we live in that house behind. I wanted to know what the requirements are as far as fencing and what it will do to our right-of-way.

Planner Brad Sanderson said all of these properties, including Mr. Tingey's and Mr. Mabey's, are all in the R-2.5 zone. They do have large lots that would be warranted for large farm animals but because they are not zoned for large animals there is no requirement for masonry or any kind of fence. If they want to work out something with the applicant that is between them, but the city is not requiring anything.

It was noted that Mr. Tingey currently has a fence. Planner Sanderson suggested Mr. Tingey and the applicant get together to come up with an agreement between them.

Brad Mabey said I own the property at 9990 South 1000 West. My question is if this is zoned R-2.5 at this point, when was the zoning changed. He said I thought the zoning was R-1.8 because it has been zoned agriculture for as long as I can remember.

Planner Sanderson said I will look that zoning change up for you.

Mr. Mabey asked if a property owner made the change or if the city does it automatically. I couldn't see any rezone when I pulled the county records today. I thought I was in an agricultural zone, especially with the larger lot that I have.

Planner Sanderson said zoning changes are rarely done by the City, they are usually done by the property owner. He said this zoning was changed on August 4, 2015.

Chairman Naylor said I guess we have satisfied ourselves that we did rezone it to the R-2.5.

Planner Sanderson said we have not rezoned Mr. Mabey's property. His property and the applicant's property are both zoned R-2.5.

Chairman Naylor closed the Public Hearing.

Commissioner Jolley said I see all of the requirements that are recommended for approval but what in the development agreement was agreed upon that there would be no sidewalks in the subdivision.

Planner Sanderson said the City Council agreed with the applicant that no sidewalks would be required partially because it is a dead-end cul-de-sac.

Commissioner Woolley said it that property owner has large animals I thought it was required to have a masonry fence between them.

City Planner Schindler said the properties have to be zoned for and have large animals. In this case both properties are zoned R-2.5 and that makes the animals on his property a non-conforming use. The code says you have to be both zoned for them and have large enough property for them. In this case his property is not zoned for large animals even though his property is large enough.

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

Commissioner Woolley made a motion to approve SUB-2015-.58 Strang Preliminary Subdivision, subject to the following 6 requirement(s) and adding a 7th requirement that the staff confirm that the zoning of the two parcels immediately to the south are in fact R-2.5 and if they are not, then the applicant would be required to add the masonry fence if required by city code:

- 1. Prior to plat recordation, all park strip swale shall be graded as designed per the approved plans.**
- 2. Prior to plat recordation, the Applicant shall post a bond equal to the amount needed to install the park strip landscape improvements. The installation of the improvements shall be per the landscape plans or some similar version thereof as approved by City Staff. The maintenance of the park strip area shall be the responsibility of each abutting property owner.**
- 3. Front yard building setbacks shall be 37' as measured from back of curb where no sidewalk is present.**
- 4. All requirements of the Development Agreement shall continue to be met.**
- 5. All necessary structures not accompanied by a primary single family structure shall be removed prior to plat recordation.**
- 6. Any necessary utility easements shall be secured prior to or as part of the final plat recordation as determined by the City Engineering Department.**
- 7. Added – staff is to confirm that the zoning of the two parcels immediately to the south are in fact R-2.5 and if they are not, then the applicant would be required to add the masonry fence if required by city code.**

Commissioner Jolley seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Evans and Commissioner Feist were absent.

**D.1. Issue: INTERMOUNTAIN HOMECARE OFFICE/WAREHOUSE
SUBDIVISION
PRELIMINARY SUBDIVISION**
Address: 11444 South Redwood Road
File No: SUB-2015.69
Applicant: Tom Uriona

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

Tom Uriona, (applicant); we have two uses on the property, one of which is taxable and the other is not taxable. To help the County Assessor and to help our internal accounting this makes it easier if we split the two uses.

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

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

Commissioner Jolley made a motion to approve SUB-2015.69 Intermountain Homecare Office/Warehouse Preliminary Subdivision. Commissioner Woolley seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Evans and Commissioner Feist were absent.

Chairman Naylor said the next application is a project that my office is doing so I will recuse myself on this.

It is noted that Commissioner Jolley will be Chair for Agenda Item E.1.

E.1. Issue: DISTRICT HOTEL/FITNESS CENTER/ OFFICE BUILDING SITE PLAN
Address: 11248 South River Heights Drive
File No: SP-2015.33
Applicant: Kevin Ludlow

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

Chairman Jolley asked for the applicant to come up and address the Commission.

Russ Naylor, said with me tonight is Kevin Ludlow, my client and property owner, and Mark Stoker, his CFO and Austin Thorson will be the owner of the Fitness Center. This is a project that we have been working on for many months and we are very excited about it. We did meet with the Architectural Committee and there was quite a bit of discussion about the materials. We would hope to start the construction on the hotel sometime just after the first of the year. We expect to start construction on the office building in the very near future. The ARC was generally pleased with what we proposed even though there were questions about material percentages. We did verify and provide calculations for staff that with what we proposed to the Architectural Committee did meet the requirements for the stucco being less than 50% of the building surface area. The landscape plan is a really nice plan with significant trees and plantings. We think this will be a very good project in the city.

Chairman Jolley said when I went through the architectural information I think we discussed that the office building we wanted to bring in materials to be used.

Mr. Naylor said I don't think we have totally put that to bed. If you wanted to include in your motion that we would need to bring that back to the ARC for confirmation on the materials and bring in samples.

Chairman Jolley opened the Public Hearing.

Ray Bennett, 11307 S. River Heights Dr., SJC; voiced concerns about noise and traffic from delivery vehicles and maintenance vehicles at all hours of the night.

Kevin Ludlow, Sequoia Development – 9055 S. 1300 E., Sandy (applicant); the good news about the hotel is the guests there want to sleep. We are conscious of the noise factor. We don't plow during evening hours for that very reason. We are happy to be here in South Jordan.

Chairman Jolley asked about the hours of operation for the fitness center. It was noted that the Fitness Center would close at 11 pm.

Chairman Naylor closed the Public Hearing.

Commissioner Woolley said I am very impressed with the architecture. He said you have phase 1 and phase 2 and if I understand this right, the owner owns phase 2 as well. We don't know what is happening there but it is a small piece of property and the parking stalls that are required for phase 1 are a bit short. One of the things I have learned over the years is that most owners wished they had more parking. I am concerned that we would be approving something today that isn't meeting enough parking for its specific needs.

Mr. Naylor said one of the things that we are considering is that hotel uses the parking at night and the office building and fitness center primarily use parking during the day. My client owns the whole 6 acres so he would be doing the second phase as well.

Chairman Jolley asked City Planner Schindler if there was a parking deficiency when this was reviewed. City Planner Schindler said they were short 11 stalls. The City Engineer recommends approval of reducing the requirement for the project and by code he can recommend it but Planning Commission is the body that would approve it.

Commissioner Morrissey asked if there is an overlap agreement for parking. City Planner Schindler said that would not be necessary because the developer owns all of the property.

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

Commissioner Woolley made a motion to approve the District Hotel/Fitness Center/Office Building Site Plan file no. SP-2015.33 located at 11248 S. River Heights Drive as presented to the Planning Commission, provided that all applicable city Department Requirements, as stated in the Municipal Code, are met and also with the requirement that the applicant provide to the Architectural Review Committee the final samples for the Office Building for their final approval. Commissioner Morrissey seconded the motion. Roll Call Vote was 3-0 in favor. Commissioner Evans and Commissioner Feist were absent.

Russ Naylor returns as Chairman at this point.

F.1. Issue: RUSHTON MEADOWS PHASE 3 (AMENDED) SUBDIVISION AMENDMENT PLAT

Address: 10690 South Poppy Meadow Lane
File No: SUB-AMEND-2015.68
Applicant: Austin Richards, Alpine Homes LLC

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

Staff Attorney, Steven Schaefermeyer noted that the motion in the staff report needs to have the portion deleted that says “subject to City Council review and approval.”

Austin Richards, 10705 South Jordan Gateway, SJC (applicant) had nothing to add.

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

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

Commissioner Morrissey made a motion to approve SUB-AMEND-2015.68 to allow for modification of lot lines and Public Utility and Drainage Easements between lots 309-311 of the Rushton Meadows Phase 3 subdivision, generally located at 10690 S. Poppy Meadow Lane, subject to City Council review and approval. Commissioner Woolley seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Evans and Commissioner Feist were absent.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

G.1 Issue: ZONE TEXT AMENDMENT – AMENDING THE SOUTH JORDAN MUNICIPAL CODE BY ADOPTING CHAPTERS 17.60 (COMMERCIAL ZONES) AND 17.90 (INDUSTRIAL ZONES), AMENDING CHAPTER 17.18 (USES) AND SECTION 5.68.050 (ZONING AND LOCATIOJN RESTRICTIONS), AND REPEALING CHAPTERS 17.52 (COMMERCIAL-COMMUNITY C-C ZONE), 17.56 (COMMERCIAL-NEIGHBORHOOD C-N ZONE), 17.60 (COMMERCIAL-INDUSTRIAL C-I ZONE), 17.64 (COMMERCIAL-FREEWAY C-F ZONE), 17.68 (LIGHT INDUSTRIAL-FREEWAY I-F ZONE) AND SECTION 17.04.230 (TEMPORARY USES)

File No: ZTA-2015.05 & ZTA-2015.06
Applicant: City of South Jordan

Planner Jake Warner reviewed the background information on this item from the staff report. Staff is recommending that the Planning Commission forward a recommendation for approval to City Council.

Commissioner Woolley asked if we will change the business licensing portion in sexually oriented businesses to reflect what we have in this ordinance.

Planner Warner said that is a question we have brought up internally. What should be in business licensing and what should be in zoning. Those are discussions that we as staff are going to have and so in the future you may see some cleaning up of that.

Staff Attorney said generally speaking the City’s power under business licensing is the general police power and land use is a sub-set of that and is more specific. As we look at it we will look at what is defensible under our general licensing standards versus land use regulation.

Commissioner Woolley asked about the live plant material language. Given the fact of all we are going through with reduction of water usage I think as landscape architects and others work on this to try to minimize water use that there we want to allow a mix of some live and non-live materials. We should take full advantage of some of the best practices that are out there to mix non-live materials with live materials. I am concerned that this language might not allow for that. One of my pet peeves is that we require grass in our park strips and we require the property owners to maintain the park strips when technically it's not their property.

Planner Warner said in the residential zones we have made this change as well but in the residential zones it does allow for you to get approval for artificial plant material through a conditional use permit.

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

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

Commissioner Jolley made a motion to forward a recommendation to the City Council to approve Ordinance 2015-09, adding chapters 17.60 and 17.90, amending chapter 17.18 and section 5.68.050, and repealing existing chapters 17.52, 17.56, 17.60, 17.64, 17.68 and section 17.04.230.

Commissioner Woolley seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Evans and Commissioner Feist were absent.

V. OTHER BUSINESS

None

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

ADJOURNMENT

The November 10, 2015 Planning Commission meeting adjourned at 7:50 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

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

Anna M. West

South Jordan City Recorder