

CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS

July 14, 2015

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

**Absent:** Commissioner Beverly Evans

**Others:** See Attachment A

6:30 P.M.

**REGULAR MEETING**

**I. GENERAL BUSINESS**

A. Welcome and Roll Call

Chairman Naylor welcomed everyone present. He noted that Commissioner Beverly Evans is excused from tonight's meeting.

B. Motion to Approve Agenda

**Commissioner Woolley made a motion to approve the July 14, 2015 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor, with Commissioner Evans absent.**

C. Approval of the Minutes from the Meeting held on June 23, 2015

**Commissioner Morrissey made a motion to approve the June 23, 2015 Planning Commission meeting minutes as printed. Commissioner Feist seconded the motion. Vote was unanimous in favor, with Commissioner Evans absent.**

**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. SUMMARY ACTION**

None

#### **V. PUBLIC HEARINGS AND POTENTIAL \*\*ADMINISTRATIVE ACTION ITEMS**

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

- A. Issue: DAYBREAK PLAT 10H  
PRELIMINARY PLAT**  
**Address:** Approximately 10700 South 5000 West  
**File No:** SUB-2015.36  
**Applicant:** Kennecott Land

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

Gary Langston, 4700 Daybreak Pkwy., SJC (Applicant); said he had nothing to add.

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

##### **A.2 Potential Action Item – (See V.A.1)**

**Commissioner Woolley motioned to approve File No. SUB-2015.36 with the requirement that all South Jordan City requirements are met prior to recording the plat. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

- B.1 Issue: DAYBREAK VILLAGE 7A PLAT 1  
PRELIMINARY PLAT**  
**Address:** Northwest corner of Daybreak Parkway and Mountain View Corridor  
**File No:** SUB-2015.37  
**Applicant:** Kennecott Land

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

**Gary Langston**, 4700 Daybreak Pkwy., SJC (Applicant); said he wanted to clarify the title should be Daybreak Village 7A Plat 1.

Chairman Naylor opened the Public Hearing.

**Preston Kalma**, 11677 S. Gold Stone Dr., SJC; asked what will go along the fence line and wanted to know if the road will come back to the Mountain View Corridor.

Mr. Langston said I will answer the second question first. Freedom Park Drive will eventually extend north to meet the future west extension of Lake Avenue from across Mountain View. He said we currently don't have a plan for the area around the fence line.

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

**Commissioner Feist motioned to approve File No. SUB-2015.37, with the requirement that all South Jordan City requirements are met prior to recording the plat. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

**C.1 Issue: WELLS FARGO ATM KIOSK  
CONDITIONAL USE PERMIT**  
**Address:** 10384 South River Heights Drive  
**File No:** CUP-2015.09  
**Applicant:** Justin Newbold

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

**Justin Newbold**, 383 N. 1940 W., SLC (Applicant); nothing to add at this time.

Chairman Naylor opened the Public Hearing.

**Sharon Spallino**, 3280 Spring Day Ln., SJC; she they have seen a rise in crime since Wal-Mart and Costco went in and wanted to know if this will bring in additional crime.

City Planner Greg Schindler said he did not think there will be any increase in crime.

Chairman Naylor closed the Public Hearing.

**C.2 Potential Action Item – (See V.C.1)**

**Commissioner Jolley motioned to approve File No. CUP-2015.09 for a freestanding banking kiosk within the C-C Zone, located at 10384 South River Heights Drive, provided that that all applicable City Department Requirements, as stated in the Municipal Code are met. Commissioner Woolley seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

**D.1 Issue: RUSHTON MEADOWS PARK  
CONDITIONAL USE PERMIT AND SITE PLAN**  
**Address:** 3787 W. South Jordan Parkway  
**File No:** SP-2014.33  
**Applicant:** Don Tingey, City of South Jordan

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

Chairman Naylor asked if the City has someone present on this item. Planner Drozdek said no; they just asked me to represent them.

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

Chairman Naylor asked if the project was going out for a bid soon. Planner Drozdek said as soon as we get all of the necessary approvals.

**D.2 Potential Action Item – (See V.D.1)**

**Commissioner Woolley motioned to approve Application No. SP-2014.33 to allow for construction of a city park on property located at 3787 W. South Jordan Parkway. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

- E.1 Issue: OQUIRRH MOUNTAIN MARKETPLACE – SHOPS C & D  
SITE PLAN  
Address: 11511 South 4000 West & 11515 South 4000 West  
File No: SP-2015.20  
Applicant: Joshua Binkley (SJ Marketplace)**

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

**Joshua Binkley**, (Applicant); I have nothing to add to the information.

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

**E.2 Potential Action Item – (See V.E.1)**

**Commissioner Feist motioned to approve Application No. SP-2015.20 to allow for construction of two commercial buildings located at 11511 S. 4000 W. and 11515 S. 4000 W. Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

- F.1 Issue: OQUIRRH MOUNTAIN MARKETPLACE – SHOPS H & I  
CONDITIONAL USE PERMIT AND SITE PLAN  
Address: 11514 South 4000 West & 11522 South 4000 West  
File No: SP-2015.21  
Applicant: Joshua Binkley (SJ Marketplace)**

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

**Joshua Binkley**, (Applicant); I have nothing to add to the information.

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

**F.2 Potential Action Item – (See V.F.1)**

**Commissioner Woolley motioned to approve Application No. SP-2015.21 to allow for construction of two commercial buildings located at 11514 S. 4000 W. and 11522 S. 4000 W. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

- G.1 Issue: NEW MEETINGHOUSE FOR COUNTRY CROSSING 7 &  
SOUTH JORDAN COUNTRY CROSSING STAKE  
CONDITIONAL USE PERMIT AND SITE PLAN  
Address: 11121 South Blackhawk Drive**

**File No:** SP-2015.19  
**Applicant:** Paul Evans, EA Architecture

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

**Erin Blake**, Riverton (Representing Applicant); said he had nothing to add.

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

**G.2. Potential Action Item – (See V.G.1)**

**Commissioner Woolley made a motion to approve application SP-2015.19 to allow for construction of a LDS Chapel on property located at 11121 S. Blackhawk Dr. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

**H.1. Issue: JORDAN RIDGE ESTATES  
SUBDIVISION AMENDMENT**  
**Address:** 9938 South 2200 West  
**File No:** SUB-AMEND-2015.25  
**Applicant:** John Mendes

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

**Dan Freeman**, Riverton (Representing applicant); present but had nothing to add.

Commissioner Jolley asked if there is currently a structure there now.

Mr. Freeman said yes; we will be removing it.

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

Commissioner Woolley said I live in the area and I know the developer has worked close with the neighbors to make sure there were no issues. They only have minor issues to work out now.

**Potential Action Item – (See V.H.1)**

**Commissioner Jolley made a motion to approve the Jordan Ridge Estates Subdivision Amendment as proposed, subject to the following requirements:**

- 1. All clear vision site areas shall be brought into compliance with current City Code.**
- 2. All fences shall be removed from front yards that are parallel to street rights-of-way.**
- 3. All accessory buildings shall be brought into compliance with current City Code. If the existing accessory building located on the proposed lot is not removed prior to recording the plat, the developer shall provide the City a bond in an amount that is equivalent to the cost of removing the building. In the event that a primary structure is not built within six months of recording the plat the City may use the bond to remove the accessory building from the property.**

**Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

**I.1. Issue: WARD RANCH P.U.D.  
PRELIMINARY SUBDIVISION & CONDITIONAL USE PERMIT**  
**Address:** 11630 South 975 West  
**File No:** SUB-2015.10  
**Applicant:** Mike Ward

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

**Mike Ward**, 3768 Clubhouse Ln. (Applicant); he said he had nothing to add.

Chairman Naylor opened the Public Hearing.

**Jeff Brown**, 1027 W. Chapel Ridge, SJC; about 10 years ago there was a significant amount of fill dirt added to the property. His concerns were addressed in a presentation (Attachment B). Has questions about the problems resulting from the fill dirt, access road tie in, height of homes to be put in and drainage. He'd mentioned that directly behind him, the development was already approximately 65" higher than his property.

Mr. Brown offered several possible resolutions that the Developer could do or that the City could impose to mitigate his concerns dealing with drainage and privacy due to the substantial grade difference.

**Nathan Snapp**, 11683 Lampton View Dr., SJC; question regarding the south west side regarding masonry wall, how will the cul-de-sac be closed and if there will be any property changes to Country Ridge Drive.

Chairman Naylor closed the Public Hearing.

Chairman Naylor asked if they are required to do a geotech report.

Assistant City Engineer Shane Greenwood said yes, it is required in the development agreement.

Commissioner Jolley asked if the geotech report been done. Planner Sanderson said yes; it was done two years ago.

Commissioner Jolley asked if anyone knew when the extra soil was added to the property. Planner Sanderson said the soil was likely added prior to 2007 and the geotech report was done a few years ago, around 2012.

Chairman Naylor asked if we are making them remove the soil. Planner Sanderson said there would be 2-3 lots that have a significant grade.

Planner Sanderson explained that the development was connecting to two existing streets, Clover Ridge Drive, located to the west, and River Front Parkway located to the east. Since the grade or elevation of River Front Parkway had been allowed to be elevated a few feet, allowing the developer the possibility of having basements on those lots located along the east side of the development, there would be an even less of a grade changed across the development from west to east.

Planner Sanderson further explained that City Staff had previously met with the applicant's Engineer, Northern Engineering, and caused them to redesign the proposed road from ¾ of a percent down to ½

percent, bringing the elevation of the road as close to the existing grade as possible, while still maintaining the minimum amount of slope enabling the future road to drain properly.

There is currently a swale which runs between the developing property and The Ridge Subdivision to the north. Near the northwest corner near the Beckstead Ditch, the elevation difference from the bottom of the swale to the existing grade of the developing property is approximately 65" however; the bottom of the swale is between 12" and 18" below the elevation of the adjoining properties to the north making for about a 4' difference between properties. With the slope of the new road being flattened down to ½ of a percent, it drops it a couple of feet making it roughly 2' to 3' above existing grade and still allowing it to connect to the existing stub street to the west. The current requirement does not allow the finish floor elevation of the new homes to exceed 4' above top back of curb. However, if you add those numbers together, one to two of lots near the northwest corner of the development could be as much as 10' to 11' feet above the back yard of the adjoining property.

The water table isn't as much of an issue on the west side of the development as it is on the east side so the maximum finish floor elevation of the homes could be set at 2' above top back of curb rather than 4' within this area as long as there is sufficient drainage away from the foundations.

Other measures can be taken such as altering the setbacks within the PUD and requiring the final grade within the backyard to be set to within a foot of that of the existing neighboring properties.

Chairman Naylor asked what the different requirements would be between a P.U.D. and standard residential subdivision.

Planner Sanderson stated that the lot size, setbacks, and frontage can be reduced however the PUD required an increase in home size from 2,400 sq. ft. to 3,600 sq. ft., additional brick/stone, and steeper roof pitches, amongst other things. The setback on the rear yard is proposed to be reduced from 25' to 20'. The front yard setback is also proposed as being reduced from 25' [on a cul-de-sac] to 15' as measured to the home and 20' as measured to the garage. However, as it pertains to setbacks Staff does not feel comfortable reducing the front yard setbacks any further as it limits the future residence's ability to park within the driveway and/or it forces the structure into the typical 10' front yard utility easement.

Chairman Naylor said I have no problem with the Engineering to be done.

Assistant City Engineer Shane Greenwood stated that the City's minimum slope on roads is ½ percent which is what the developer is proposing.

Commissioner Jolley asked City Staff to address Mr. Snapp's question about the fence.

Planner Sanderson responded that a masonry wall would be required between the development and neighboring properties to the west that have animal rights. He also discussed the elevation change between the cul-de-sac and the Beckstead Canal, which will also create a buffer between the development and the neighboring properties.

## **I.2. Potential Action Item – (Sec V.I.1)**

**Commissioner Woolley made a motion to approve the Ward Ranch PUD Subdivision and Conditional Use Permit subject to the 8 requirements listed in the staff report and adding a 9<sup>th</sup> requirement that staff work with Engineering to keep height to a minimum on 133 & 134. Detrimental effect would be loss of privacy.**

Commissioners decided they needed more discussion regarding the potential detrimental effects from the fill that was added and the potential privacy issues, and were generally concerned that this development would cause the same problems seen in other developments throughout the City that changes to the City Code were meant to address.

Mr. Ward said the fill that was added predates my application. He said they could possibly limit the two lots to ramblers.

City Planner Schindler said you can't modify the P.U.D. requirements listed within the zone such as the minimum house sizes.

Commissioner Woolley said my issue keeps coming back to the privacy issue.

Staff Attorney Schaefermeyer read the City Development Code section **16.10.040 E.9.**

Commissioner Morrissey said I am not worried about stating a detrimental effect if the City Code already requires the developer to maintain a certain grade between properties.

Commissioner Wooley asked if the development agreement needed to be amended to address the concerns with the grading issues.

Staff Attorney Steven Shaefermeyer said the development agreement doesn't address that level of detail and that imposing conditions related to the C.U.P. and/or requirements related to the code would not violate the agreement.

Mr. Ward said he would prefer to not further restrict their ability to building a home on the future lots however they want to be a good neighbor and would consider a single story rambler on lots 133 & 134 pending there is a sufficient envelop to allow a 3,600 square foot home with a 3 car garage. We can also look keeping the foundations or finished floor elevations as low as possible and requiring walk out basements to help ensure that the backyard grade will be closer to the existing grade of the adjoining properties.

We will continue to work with the City and do what we can.

Commissioners Woolley and Morrissey asked if a motion to approve the application could include language holding Mr. Ward to his desire to work out the issues on lots 133 and 134.

Staff Attorney Schaefermeyer said if there are detrimental effects, the Commission can impose conditions on the C.U.P. The Commission may also require strict compliance with the City Code provisions that may address the Commissioners' concerns with the grading. Besides those two options, it is difficult to bind Mr. Ward to several general options to solve the grading issues by means of a motion.

Commissioner Woolley said I will withdraw my earlier motion.

**Commissioner Morrissey made a motion to approve the Ward Ranch P.U.D. Subdivision and Conditional Use Permit subject to the 8 requirements listed by staff and adding a 9<sup>th</sup> requirement that the developer work closely with staff to meet the requirements of code 16.10.040 E.9.**

**Commissioner Woolley seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

- J.1. Issue: BEVERLY ESTATES PHASE II  
PRELIMINARY SUBDIVISION**  
**Address:** 9904 South 1300 West  
**File No:** SUB-2015.26  
**Applicant:** Larry Sommer

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

**Larry Sommer**, 11288 Palisade View Dr., SJC (applicant); I have nothing to add to what's been presented.

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

**J.2. Potential Action Item – (See V.J.1)**

**Commissioner Woolley made a motion to approve the Beverly Estates Phase II Subdivision subject to the following provisions:**

- 1. “No Parking” signs shall be placed at the end of the Marwood Park Lane prohibiting on-street parking.**
- 2. A snow removal easement at the end of Marwood Park Lane shall be included on the recorded plat.**
- 3. The property grade shall be maintained within one foot of the existing grade near all adjoining property lines as approved by the City Engineer.**
- 4. A six-foot tall vinyl fence shall be constructed along the canal right-of-way with access gates, if deemed necessary by City Staff, providing access for the use and maintenance of the secondary water system.**
- 5. The existing masonry fence post and panels shall be removed from the City right-of-way as well as any fences that are greater than three-feet high that extend beyond the front line of adjacent homes, as directed by City Staff.**

**Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

**VI. PUBLIC HEARINGS AND POTENTIAL \*LEGISLATIVE ACTION ITEMS**

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

- K.1. Issue: STRANG AND OLSON PROPERTY REZONE**  
**Address:** 9956 South 1000 West  
**File No:** REZ-2015.11  
**Applicant:** Connie Strang & Dean Olson

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

Applicant Connie Strang was present but had nothing to add.

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

**K.2. Potential Action Item – (See VI.K.1)**

**Commissioner Morrissey made a motion to recommend approval of Rezone Ordinance 2015-15-Z, rezoning property from the Agricultural (A-5) & Residential (R-1.8) Zone to the Residential (R-2.5) Zone. Commissioner Woolley seconded the motion. Roll Call Vote was unanimous 5-0, with Commissioner Beverly Evans absent.**

#### **ADJOURNMENT**

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

The July 14, 2015 Planning Commission meeting adjourned at 8:27 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

**This is a true and correct copy of the July 14, 2015 Planning Commission meeting minutes, which were approved on July 28, 2015.**

*Anna M. West*

**South Jordan City Recorder**

" Attachment A "



JULY 14, 2015

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Connie Strang	1113 W 9970 S D
Nathan Snapp	11683 Lampton View Dr
Mike Baerney	
Larry Sommer	11288 Palisade View Dr.
Mark Schultz	11541 S Lampton View Dr
GARY LANGSTON	4700 DAYBREAK PKWY
Mike Ward	3768 Clubhouse Ln
Sharon Spallino	3280 Spring Day Ln.
David F Ward	3006 Kemper Pk
Rahid Karim	3841 W. Sagemeadow Dr.
Preston Kalma	11677 S. Goldstone Dr
Justa Newbold	303 W 1940 W
James Crookston	9966 So. 1300 W.