

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

September 22, 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, Planner Damir Drozdek, Planner David Mann, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, Secretary MaryAnn Dean

Absent: None.

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone present. It was noted that Commissioner Morrissey was not present at this time.

B. Motion to Approve Agenda

Commissioner Woolley made a motion to approve the September 22, 2015 Planning Commission Agenda. Commissioner Feist seconded the motion. The vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on September 8, 2015

Chairman Naylor made an amendment to the minutes.

Commissioner Feist made a motion to approve the September 8, 2015 Planning Commission meeting minutes, as amended. Commissioner Woolley seconded the motion. The vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

Attorney Schaefermeyer said last meeting, they had a discussion about forwarding a recommendation to the City Council regarding Accessory Living Units. He asked if staff should forward just the minutes or also summarize the comments. Chairman Naylor said he would like their thoughts summarized and sent with the minutes. The Planning Commission concurred.

Attorney Schaefermeyer said there was a question about the transferability of an ALU (Accessory Living Unit). He read that section of the code. The ALU is not transferrable unless it is renewed by the new owner. He said it is important to look at an ALU as a use and not a structure. The applicant has to sign a

letter stating that they will follow the ALU requirements. By not allowing the permit to be transferred, they are saying that the new owner has to follow and know the requirements to conduct that use. It does not make the building non-conforming because it is about the use of the building. He said the issue could be clarified in the code, and there could be a better process for the city to issue those permits.

Chairman Naylor asked if the right term for the ALU is a Conditional Use Permit? Mr. Schaefermeyer said the CUP runs with the land. An ALU is an exception to that rule.

Commissioner Woolley said because there is no process, and it is currently not recorded, the new buyer would be unaware of the requirement. The Planning Commission would like that to be addressed with the City Council. Mr. Schaefermeyer said they would discuss that at the end of the meeting. They will also bring the issue back for the Planning Commission to review before they forward a recommendation to the City Council.

B. Comments from Planning Commission Members

None.

III. CITIZEN COMMENT

Chairman Naylor opened the Citizen Comment. There were no comments. He closed the Citizen Comment.

IV. SUMMARY ACTION

A.1 Issue: LOT LINE ADJUSTMENT KENNECOTT DAYBREAK VILLAGE 5 MULTI FAMILY 1 SUBDIVISION, LOTS 406-410
Address: 5356, 5352, 5348, 5344, 5342 West South Jordan Parkway
Applicant: Holmes Homes

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

B.1 Issue: LOT LINE ADJUSTMENT KENNECOTT DAYBREAK COMMERCE PARK PLAT 1 LOT C-101 AND COMMERCE PARK PLAT 3, LOTS C-113 AND C-144
Address: 6076 West Broken Rock Circle, 6097 West Old Bingham Hwy, and 6133 West Old Bingham Hwy
Applicant: Kennecott Land

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

C.1 Issue: LOT LINE ADJUSTMENT KENNECOTT DAYBREAK OQUIRRH LAKE PLAT SUBDIVISION, LOTS O-104 & O-105 AND KENNECOTT DAYBREAK VILLAGE 4 EAST PLAT 1 SUBDIVISION, LOT P-101
Address: 10559 & 10561 South Lake Avenue and 10582 South Serendipity Way
Applicant: Gary Langston, Kennecott Land

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

Commissioner Jolley made a motion to approve Summary Action items A.1., B.1., and C.1. Commissioner Evans seconded the motion. Roll call vote. The vote was unanimous in favor, with Chairman Naylor voting in place of Commissioner Morrissey who was not present at this time.

V. ACTION

**D.1 Issue: ACCESSORY LIVING UNIT - GUESTHOUSE
Address: 1863 West 9640 South
File No: ALU-2015.10
Applicant: Dave Webster**

Chairman Naylor inquired and received no additional comments from the public on this item.

Planner David Mann reviewed the background information on this item from the staff report.

Commissioner Morrissey arrived at this time.

Chairman Naylor said this application meets the Ordinance in all respects.

Commissioner Woolley said at the end of the meeting, they will address their concerns on Accessory Living Units to forward to the City Council.

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

Commissioner Feist made a motion to approve File No. ALU-2015.10 for a guesthouse located at 1863 West 9640 South provided that all applicable City Department requirements, as stated in the Municipal Code are met. Commissioner Woolley seconded the motion. Roll call vote. The vote was unanimous in favor.

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

**E.1. Issue: RIVERTON MOTORS SUBDIVISION
PRELIMINARY SUBDIVISION PLAT
Address: 291 West 11000 South
File No: SUB-2015.53
Applicant: Brandon McDougald, Kimley-Horn**

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

Chairman Naylor opened the public hearing. There were no comments. He closed the public hearing.

Brandon McDougald, applicant, 215 S. State (SLC), said they will be increasing the size of lot 1. This allows them to dedicate a roadway to South Jordan City and provide an easement for the project.

Chairman Naylor asked if the dealership will be on the north piece of lot 1? Mr. McDougald said yes.

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

Commissioner Evans made a motion to approve application SUB-2015.53 to allow for subdivision of land into two lots on property generally located at the southwest corner of Jordan Gateway and 11000 South. Commissioner Morrissey seconded the motion. Roll call vote. The vote was unanimous in favor.

F.1. Issue: OQUIRRH PARK CONDOMINIUM PHASE 2 AND OQUIRRH PARK CONDOMINIUM PHASE 2-2 THRU 2-16
Address: 10500 South 4000 West
File No: SUB-AMEND-2015.44
Applicant: Mark Nickel

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

Chairman Naylor asked if they inspected the condition of the road? Assistant City Engineer Shane Greenwood said the road has been maintained well. There were a few sections that had to be repaired, but that has now been taken care of. He noted that the road is narrower than the city standard. As a result, the city is requiring a no parking sign on one side of the road.

Mark Nickel, applicant, 10597 S. Pine Shadow Dr., said he represents the Homeowners Association. He is available for questions.

Chairman Naylor opened the public hearing. There were no comments. He closed the public hearing.

Commissioner Feist asked if it is typical that PUDs are done with private roads, and then the city is asked to take them over 5-10 years later? City Planner Schindler said it has become that way. Staff is recommending that they not have any more private gated communities because this is what happens. If it is a gated community, they are required to take down the gate to make the road public, and many don't want to do that. This community was not gated.

Commissioner Jolley asked how is the city compensated when taking over the maintenance of these private roads? City Planner Schindler said the residents pay taxes like everyone else. The property tax comes to the city. It also puts the streets on their list of roads, and it increases the Class C road funds that the city gets.

Commissioner Jolley noted that this road was built at a smaller size and a decreased cost to the developer versus other developments.

Commissioner Woolley said because of the number of HOA's with this concern, the City Council put together a commission about 5 ½ years ago. He participated on that commission. He said as a result, there are a lot of requirements for the neighborhoods to be eligible to turn their roads over to the city. If the road is not up to city standard, they have to fix it.

Mr. Schaefermeyer said this has been a long process and this neighborhood has a lot of unique issues. He noted that there is an agreement that the neighborhood will still maintain their street lights.

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

Commissioner Woolley made a motion to approve the Oquirrh Park Condominium Subdivision Amendment as proposed, subject to all requirements listed within Exhibit A of Resolution R2015-

40 shall be completed prior to plat recordation. Commissioner Evans seconded the motion. Roll call vote. The vote was unanimous in favor.

**G.1. Issue: DETACHED GARAGE
CONDITIONAL USE PERMIT**
Address: 11700 South 2700 West
File No: CUP-2015.13
Applicant: Robert Gorringe

Planner David Mann reviewed the background information on this item from the packet staff report.

Commissioner Feist asked how many accessory buildings one can have on the property? Mr. Mann said there is a maximum lot coverage for buildings on a lot. Mr. Mann said the footprint is calculated for each individual structure. The maximum lot coverage is 40 percent in this zone.

Dominic Gorringe, 2700 W. 11700 S., said they are building the garage for their camper, old boat, and motor home. He said they need a 12 ft. door to get them in. They are matching the colors of the home the best that they can. He said they will barely be able to see the garage from 2700 West. He believes the garage will be an addition.

Chairman Naylor opened the hearing.

Jordan Snedegar, 2751 W. Current Creek Dr., said his back yard faces the proposed structure. He is concerned with the height of the garage and their view being restricted.

John Nichols, 11699 Current Creek Cir., said their property line exceeds the existing fence 7 ft., and he is concerned about the building being too close to his property line. He is also concerned with the height of the building and their views being obstructed. They weren't sure what the building will be built out of and they want to make sure the building looks nice for their side of the fence.

Chairman Naylor closed the public hearing.

Mr. Gorringe said the garage will be steel and they will match the color as close as they can. The roof and white trim will match the house.

Chairman Naylor said the proposal meets all required setbacks and the zoning Ordinance regarding height. Mr. Mann concurred. He said the property line seemed to match closely with the fence line on the GIS.

Chairman Naylor said if this is approved, they should make sure that the rear property line is surveyed and the setback should be verified. It was noted that there is a utility easement in the area, but Mr. Mann said this structure is outside of the easement.

Attorney Schaefermeyer said if there is a private property dispute, they do not deal with those. They can try to help the residents resolve it. Commissioner Feist said the concern is if the property line is incorrect, the setback could potentially be incorrect.

Mr. Gorringe said their property goes 3 ft. from the fence. Perry Homes put a man gate in each of the back yards so the residents could access the 3 ft. He said the plan was to come 10 ft. off the fence line. He is aware of the issue and will provide the required setback.

Chairman Naylor said if all Ordinances are met, they cannot protect a view.

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

Commissioner Woolley made a motion to approve File No. CUP-2015.13 for a detached garage, located at 11700 South 2700 West, provided that all applicable City Department requirements, as stated in the Municipal Code are met, and that the property line is verified such that the setback is appropriate to city requirements and any easement is accounted for. Commissioner Jolley seconded the motion. Roll call vote. The vote was unanimous in favor.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

H.1. Issue: SOUTH JORDAN OFFICE SPACE LAND USE AMENDMENT AND REZONE
Address: Approx. 4000 West 11400 South
File No: LUA-2015.02 & REZ-2015.12
Applicant: Boyd Brown

Planner David Mann reviewed the background information on this item from the packet staff report. They are working on a development agreement that will be done prior to this issue going to the City Council.

Boyd Brown, 8098 S. Maio Dr. (Sandy), applicant, said his business will occupy this location. He does not feel the property is a good place for houses. The traffic in the area is busy. He feels the property is ideal for offices. They held a neighborhood meeting and addressed most of their concerns. There have been discussions about landscaping and fencing types. They have agreed to limit their building height to 2 stories. He said they feel they can park 30,000 sq. ft. of offices at this location.

Commissioner Feist asked what is the traffic projection for these offices? Mr. Brown said the area is already busy with traffic. They feel the traffic counts would be similar to 11-12 residential units. They would like to have a right in, right out access off Daybreak Parkway to relieve some of the traffic congestion.

Commissioner Feist noted that traffic is a concern in the area. He said he is trying to determine how much traffic would be generated for the amount of proposed office space.

Mr. Brown said they do not have exact figures until a traffic study is done. That is the next step after zoning.

Commissioner Morrissey asked if they have explored options for a right in, right out access onto Daybreak Parkway? Assistant City Engineer Greenwood said it would require a traffic analysis. He said that access is possible, but it would be tricky with the trail and making sure there is a crosswalk. Commissioner Morrissey said he is part of the HOA near this development and there are concerns with traffic.

Chairman Naylor opened the public hearing.

Mitch McDonald, 11362 Hereford Ct., said he is opposed to the zone change. He said the proposal has parking in people's back yards. When people purchased their homes, they thought it was going to be

single family houses in this area. People are concerned about the potential of apartments and townhomes. The majority want this to be single family homes. He noted that RM-6 does not allow for townhomes.

Rusty Isaacson, 4073 Greatneck Dr., said the developer has worked with them. He is concerned about the effect this could have on their home values. He is a member of the Jordan Heights HOA Board. They would like to mitigate damage to their neighborhood. At first they were told this property would be a park, and then residential. Had he known about this, he would not have purchased his home there. This has been quickly pushed through; there hasn't been a lot of time to think about the impact to the neighborhood. The property is not zoned for offices; it is zoned for single family residential. He said they could keep this residential if they found a developer that wants to do this. They didn't oppose the commercial across the street because there was enough of a buffer. If he had a choice, he would rather see residential on this property.

Tyson Webb, 3971 Coppersee Cove, said he is the HOA president. The developer has been great to talk to the neighborhood. Their top concern is traffic. He understands getting UDOT to do a right in, right out access will be difficult. This will impact their neighborhood. He said the traffic is a mess during rush hour; there have been some major accidents in the intersection over the last 6 weeks. They are all concerned about the home value. The neighborhood feels that they are a barrier to what is going on south of them. He said this is the best proposal that has come to the land, but they hope for something better. They would prefer to see homes. He appreciates the developer working with them to mitigate issues with the building, lighting at night, signage, and where the dumpsters are placed.

Chairman Naylor closed the public hearing.

Mr. Isaacson asked if they have to get the zoning changed first before a traffic study can be done? Chairman Naylor said this is being considered based on the concept of the land use and if it's a compatible use. The Planning Commission will make a recommendation to the City Council, and if it's approved, then the next step is civil engineering. The issue would be brought back to the Planning Commission for site plan approval, after the developer has worked with staff to resolve all of the issues. Mr. Isaacson echoed that there have been many accidents in the last 6 weeks. It would be nice to know the traffic factors beforehand. Once the zoning is changed, it is hard to get it reversed.

Commissioner Morrissey said they need clarification of what is allowed in the RM-6 zone.

Chairman Naylor reopened the public hearing.

There was a discussion with the residents that spoke in the hearing, clarifying the uses allowed in the RM-6 zone. City Planner Schindler said only single family dwelling are currently allowed on this property, up to 6 units per acre. That excludes apartments and town homes.

Chairman Naylor closed the public hearing.

Chairman Naylor said it is a weird piece of property, isolated by a major road and a canal. It is almost 2 acres, which would be allowed roughly 12 homes on the property with the current zoning. It was noted that the minimum lot size in the RM-6 zone is 5,000 sq. ft. Chairman Naylor said he lives in a neighborhood with small lots and it is a great community.

Commissioner Feist concurred with the concerns of the residents. He feels this punishes people that checked in to see what the zoning on this property was. Just because the land has not sold for years, does not warrant changing the zoning. If they do a traffic study today, it will be twice that amount in another 3-

4 years. The traffic is already getting bad. A lot of the commercial is not built in this area yet and the traffic is already a problem. He does not feel they need a rezone.

Commissioner Morrissey concurred with Commissioner Feist. He said there was also an expectation of the owners of the existing homes in the area. He said he feels the change is unnecessary, though there is some benefit to the city by putting in offices here. He said there is a reasonable expectation for the community that they would be surrounded by homes.

Commissioner Evans said this is a hard property to deal with. If they put homes on this property, there would be traffic problems as well. She does not think the traffic from homes would be much less than from offices. They would need a thorough traffic study.

Commissioner Jolley said there is a reason the property has sat vacant. Maybe the residents in the area will be able to use the property for their business and be close by. He feels the proposal is a good use for the triangle piece of land. There will be traffic conditions regardless. The development of the property will improve the community.

Commissioner Woolley concurred that it is an awkward piece of property. He said the traffic impact between the residential and office would be similar, if not identical. There are ways to address concerns with landscaping, garbage location, etc. He said the canal is another barrier. He said the canal wasn't bridged to connect this to the adjacent subdivision because of cost. He said he would rather see office in this location over retail. He said office could be a great use; the traffic study would have to address how to make it work.

Commissioner Feist said this could send a message to property owners that if they wait a while to sell their property, they could get a zone change and a higher price. He said he believes housing would work well here, at the right price. Office is a good alternative but traffic at rush hour is difficult. There may be the same amount of trips per day with residential but they are spread throughout the day, so the numbers could be misleading. There are traffic concerns, regardless of how this is developed. He believes the zone change is a disservice to those that live around here, looked into the zoning, and now it is proposed to change on them. If the property was an eyesore, or was creating problems, they may need to push development, but it is just an empty field.

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

Commissioner Feist made a motion that the Planning Commission forward a recommendation to the City Council to deny Resolution R2015-63, Amending the Land Use Designation from Low Density Residential to Office. Commissioner Morrissey seconded the motion.

Commissioner Feist said his reasons are because this is a natural barrier between the residential and commercial on Daybreak Parkway, and because there are traffic concerns.

Roll call vote. The vote failed 2-3 with Commissioner Evans, Commissioner Woolley, and Commissioner Jolley voting no.

Commissioner Evans made a motion that the Planning Commission forward a recommendation to the City Council to approve Resolution R2015-63, Amending the Land Use Designation from Low Density Residential to Office. Commissioner Jolley seconded the motion. Roll call vote. The vote passed 3-2, with Commissioner Morrissey and Commissioner Feist voting no.

Commissioner Evans made a motion that the Planning Commission forward a recommendation to the City Council to approve Ordinance 2015-16-Z, Rezoning the property from R-M-6 to P-O. Commissioner Woolley seconded the motion. The vote passed 3-2, with Commissioner Morrissey and Commissioner Feist voting no.

VIII. OTHER BUSINESS

Commissioner Woolley said there is a need to address issues that don't fit with the accessory building code. He said the intent was always that the accessory building was to be a secondary use. He feels the allowance for a 1500 sq. ft. building is too high. He said the definition in the Ordinance is that it is 35 percent based on livable space, and that should be changed to be based on the footprint of the main residence so it is proportional to the lot size. He recommended that they recommend those changes to the City Council. That will take care of the majority of the issues.

Chairman Naylor and Commissioner Morrissey concurred.

Commissioner Woolley said he feels the maximum square footage should be no bigger than 1000 sq. ft. On the larger lots, the current 1500 sq. ft. allowance doesn't affect the community as much, but it affects the intent.

Chairman Naylor said on large lots, with large homes, they could do a large accessory unit and be within 35 percent of the home size. Commissioner Woolley said they could include that the applicant could apply for a condition for their accessory building to be larger than 1000 sq. ft.

City Planner Schindler said under the current code, they could allow for a larger accessory building unit, with reason. It is already covered in the code.

Commissioner Woolley said later in the code, it includes footprint of the building to include the attached garage. Maybe they should consider it in this case as well, to be consistent. Chairman Naylor said he is okay with that. Commissioner Woolley said he would be okay with that as well.

Attorney Schaefermeyer said in all cases, the accessory living unit must remain a secondary use. He said they will likely do more with the code, but these changes will clarify some inconsistencies. They will bring it back to the Planning Commission to review before they send it to the City Council.

Commissioner Woolley said the definition of the Accessory Living Unit is that it is meant to be an accessory, not a full blown house.

Commissioner Jolley said it would help if they clarify that the use does not continue when the home is sold. Attorney Schaefermeyer said staff is working to make that more clear, such as making sure there is a permit for the use that can be reviewed and renewed. Commissioner Woolley suggested that when they approve an ALU, they record a document against the property that states the date of approval and the conditions in place so they know the use doesn't survive new ownership. Mr. Schaefermeyer said staff will look into that.

ADJOURNMENT

Commissioner Evans made a motion to adjourn. Commissioner Woolley seconded the motion. The vote was unanimous in favor.

The September 22, 2015 Planning Commission meeting adjourned at 8:09 p.m.

This is a true and correct copy of the September 22, 2015 Planning Commission meeting minutes, which were approved on October 13, 2015.

Anna M. West

South Jordan City Recorder