

South Jordan City  
Planning Commission Meeting  
January 10, 2006

**I      WORK SESSION – 6:30 P.M.**

PRESENT:    Chairman – Kathie Johnson, Planning Commission – Fred Kankamp, Clark Mabey, Claron Perry, and Dwayne Woolley, Community Development Director – Brian Preece, Senior Planner – Greg Schindler, Secretary – MaryAnn Dean, City Engineer – Brad Klavano

EXCUSED:    None.

A.      *Roll Call*

All those present are listed above.

B.      *Review of the Agenda*

The Planning Commission reviewed and discussed the items listed on the agenda.

**I      GENERAL BUSINESS ITEMS – 7:00 P.M.**

PRESENT:    Chairman – Kathie Johnson, Planning Commission – Fred Kankamp, Clark Mabey, Claron Perry, and Dwayne Woolley, Community Development Director – Brian Preece, Senior Planner – Greg Schindler, Secretary – MaryAnn Dean, City Engineer – Brad Klavano

EXCUSED:    None.

AUDIENCE: Steve Young, Stef Link, Jean Perschon, John Evans, Roger Hutchings, Carol Hutchings, Jay Frandsen, Rich Tabish, Clay Keller, Brent & Sydney Roberts, Chris Purcel, Greg Fairbanks, Russ Haslam, Phil and Peggy Brown, Jim & Kris Reese, Marion Fieldsted, Beverly Miller, Cally Miller, Shane & Suzanne Williams, Ray & Northery Robinson, Reed Searle, Mark Isaac, Elizabeth Taylor, Keith Pederson, Dale Evans, Larry Jensen, Ron George, Dave Allred, Mark Davis, Conrad & Joyce Tanner, Tristen and Tara Tanner, Allen & Melba Taylor, James and Paula Bywat, Dick and Linda Burnett, Larry and Connie Larson, Larry Hutchings, Brandon Peterson, Joe Fullmer, Brian Wyllie, Enrique Macias, Jennette Parcell, Mary Andwarer, Hilda Itlerriaga

A.      *Roll Call*

Chairman Mabey welcomed everyone present. All members of the Planning Commission were present.

*B. Election of a Chair and Vice-Chair for 2006 Calendar Year*

**Commissioner Kankamp made a motion to nominate Kathie Johnson as Planning Commission Chair for 2006. Commissioner Woolley seconded the motion.**

There were no other nominations.

**Chairman Mabey made a motion that all nominations cease. Commissioner Woolley seconded the motion. The vote was unanimous in favor.**

**The vote for Kathie Johnson as Planning Commission Chair was unanimous in favor.**

**Commissioner Perry made a motion to nominate Dwayne Woolley as Planning Commission Vice-Chair for 2006. Commissioner Johnson seconded the motion.**

There were no other nominations.

**Chairman Mabey made a motion that all nominations cease. Commissioner Kankamp seconded the motion. The vote was unanimous in favor.**

**The vote for Dwayne Woolley as Planning Commission Vice-Chair was unanimous in favor.**

*C. Approval of Agenda*

**Commissioner Mabey made a motion to approve the January 10, 2006 Planning Commission agenda, as printed. Commissioner Kankamp seconded the motion. The vote was unanimous in favor.**

*D. Approval of the Minutes of the Meeting held on December 13, 2005*

**Commissioner Woolley made a motion to approve the December 13, 2005 Planning Commission minutes, as printed. Commissioner Perry seconded the motion. The vote was unanimous in favor.**

*E. Citizen Request/Comments*

None.

Chairman Johnson recognized some scouts present. Scout Troop 1572 and another Scout Troop (number not given) were introduced.

**II SPECIAL BUSINESS ITEMS**

None.

### **III ACTION ITEMS**

- A. *File #SUB-2005.84, Amend Chattel Estates Subdivision Lot #1, Located at 10186 South 3345 West, 1.00 Acre, Bryon Roberts (applicant).*

Senior Planner Schindler reviewed the background information on this item. He said only lots with 90 ft. of frontage could subdivide their lots. There are few with that potential.

The Planning Commission noted a letter that was submitted relative to this application (Attachment A). This issue will be a public hearing at the next City Council meeting. Senior Planner Schindler said Mr. Lewis (the person who submitted the letter in opposition) has been told that he can subdivide his property, if he can meet all of the requirements. He said all of the neighbors within 300 ft. were notified of this application.

Commissioner Mabey said people that move into a subdivision have expectations that the neighborhood will remain as is. He said this lot split is by a road and would have little impact to the neighborhood.

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for File #SUB-2005.84, Amend Chattel Estates Subdivision Lot #1, Located at 10186 South 3345 West, 1.00 Acre. Commissioner Perry seconded the motion. The vote was 3-2 in favor, with Commissioner Kankamp and Commissioner Woolley opposed.**

Commissioner Woolley said the subdivision should remain as it was platted. He sees no substantial reason to subdivide the lot. Commissioner Kankamp concurred. He said platted subdivisions are expected to stay that way. Commissioner Woolley said he feels the whole neighborhood should agree to a change of this nature.

### **IV PUBLIC HEARING ITEMS**

- B. *File #LUA-2005.25 Future Land Use Amendment application, from Commercial, Office Space and Recreation/Open Space to High Density Residential and File #REZ-2005.37 Rezone Application From A-5 (Agricultural) to RM-4 (Multi-Family Residential-4 Units Per Acre), Generally located West of 3200 West between 10300 South and 10500 South, approximately 27.8 Acres, Peterson Development (applicant).*

Senior Planner Schindler reviewed the background information on this item.

**Barret Peterson**, Peterson Development, gave a presentation on the proposed land use amendment and rezone application. He gave some background information on the project. The current proposal is for 4 units per acre, with single family detached units. He said their reasons for the zone change are as follows:

- Overabundance of office in the area.
- Good planning principles: a variety of housing types next to commercial and office.
- Need for more of this type of housing for empty nesters, young professionals.

He said the proposal is not very dense. The homes will sell for \$350,000-\$500,000. He said they are committed to one story detached homes.

Chairman Johnson opened the public hearing.

**Rich Tabish**, 3264 W. Corrine Dr., said he is opposed to this proposal due to the size of lots in the surrounding areas. It makes no planning sense. By South Jordan's definition, this is high density. He said he does not want that to border his subdivision.

Commissioner Kankamp asked what density Mr. Tabish feels is appropriate? Mr. Tabish said 1/3 acre lots. Commissioner Woolley asked if Mr. Tabish would oppose office next to him? Mr. Tabish said no. He said he does not think office can be supported on that property, and he does not think that will ever happen. He said he would be okay with office on this property.

**Melba Taylor**, 10613 S. 3210 W., said she is opposed to this proposal. She said in keeping with the land use map, South Jordan has not planned to have high density developments between Redwood Road and the Bangerter Corridor. She asked that a favorable recommendation not be sent to the City Council. She said there are many R-1.8 and R-2.5 subdivisions in the City, but few with higher density or multi family uses. She said if people want a home in South Jordan with no yard, they can already get that. There are going to be plenty of those types of properties west of Bangerter Highway and in the Daybreak area. She said she is opposed to this proposal.

**Larry Larson**, 3238 W. Lewiston Cir., said he represents his family and the following neighbors: Archibalds, Marsh's, Kumps, Fullmers, and Funas. He said they purchased their lots based on the current plan, which is office. He is concerned about a detriment to their quality of life. He reviewed a prepared letter (Attachment B).

Commissioner Woolley asked if they would be opposed to office? Mr. Larson said no; they built with the assumption that there would be office developed on this property.

**Dale Evans**, 3247 Millville St., said they have chosen to live in a low density single family residential area. The low density zoning is why South Jordan has been able to have nice custom homes and why people stay here. She said she opposes a multi family zoning because the standards are lower. She said this could set a precedent for the future and open the whole area to higher density. She reviewed a handout outlining her main concerns (Attachment C). She said they knew that office was proposed on this property. Office can be a good thing because it would buffer a lot of the sound from 10400 South. She said Peterson Development says that there is too much office space, but at the last meeting, they changed some of the commercial to office. She said she also read in the paper recently that more office space is needed in the South Valley area.

**Brian Willey**, 3414 Bear River Rd., said he bought his lot based on the existing zoning. He said he feels this change was calculated and Peterson Development planned to do this all along. He said he feels this will affect the equity of their homes.

**John Evans**, 3247 Millville St., said in the Salt Lake Valley, there is a multitude of higher density housing. People live in the higher density housing, and then move up. South Jordan is the place that people can move up and stay away from the higher density housing. He said he has lived in high density areas in the past.

Chairman Johnson closed the public hearing.

**Barrett Peterson**, Peterson Development, said things change. The land to the south was supposed to be office but they developed that into single family residential. He said the economics of the land also change. He said when land prices go up, they have to do a higher density development to make it work for them. He said to this point, they have developed eight phases of 1/3 acre lot subdivisions. He said they intend to develop the land and not sell it off. He said they have to weigh the concerns of the neighbors with planning principles. He said they can do a nice product with the RM-4 zoning. The people they are targeting are empty nesters.

Commissioner Mabey asked if the density is anticipated to be slightly less than 4 units per acre, after the roads, etc. Mr. Peterson said 3.8 units per acre is an estimate until they get to the site plan process.

Commissioner Kankamp said Peterson Development's proposal has come a long way. He said this property is stuck between commercial and low density residential. He said they need to consider if this property should be left as office space. He said he is concerned about office space vacancy, but that could change in the future.

Commissioner Mabey said he is okay with nice detached single family homes. He said he feels this proposal could be appropriate given its location. He said if the current land use was low density residential, he would not be in favor of the proposal. This proposal has the potential to fit in the area.

The Planning Commission discussed the potential height of office buildings. Senior Planner Schindler said office space can be up to 6 stories, but this property would only have the potential of a 2 story building. He noted that office space would require 30 percent open space.

Commissioner Woolley said personally, RM-4 would be more acceptable to live by than office. He said the residents knew that the property was planned for office when they built their homes. If that is what they want, he is okay to leave it as is.

Commissioner Perry said they have to consider the best use for the land, and in this case, the best use for the land is residential. He said he is still surprised that the residents desire

office over residential on the property. He said Peterson Development's proposal is good, and he feels it will be good for the surrounding neighborhood.

Chairman Johnson said 10400 South will continue to get busier over time. She said people on larger lots do not want to be by a busy road. She said this proposal may be more accommodating because of the traffic and commercial development in the area.

**Commissioner Woolley made a motion to recommend denial for Resolution No. R2006-01. The motion died for lack of a second.**

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for Resolution No. R2006-01, as presented. Commissioner Perry seconded the motion. The vote was 4-1 in favor, with Commissioner Woolley opposed.**

Commissioner Woolley said he does not see a solid reason to make a change. He said people bought their homes in the area knowing what to expect.

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for Ordinance No. 2006-03-Z for the RM-4 density. Commissioner Perry seconded the motion. The vote was 4-1 in favor, with Commissioner Woolley opposed.**

- C. *File #LUA-2005.23, Future Land Use Amendment application from Low-Density Residential to High-Density Residential, 17.172 acres generally located at 9640 South 1800 West and File #REZ-2005.35, Rezone application from A-5 and R-1.8 to RM-4 (17.172 acres) and R-1.8 to MU-City Center (8.506 acres) generally located at 9640 South Redwood Road, New West Land & Development/Mark Isaac (applicant)*

Senior Planner Schindler reviewed the background information on this item.

**Mark Isaac**, applicant, said the area that they are looking to rezone is a good transitional zone. It is a good use of the land. There is a proposed Sr. Living Center campus proposed, some office, and some residential in the area. Their plan is to put larger lots to the north and smaller lots as a transition to the Southeast corner, adjacent to the proposed retail.

Chairman Johnson opened the public hearing.

**Chris Purcel**, 1961 W. 9640 S., passed out photographs of their street (Attachment D). He said they have a rural community, with no sidewalks. Their street is only 25 ft. wide. He said there is a school bus stop at the end of the road. He said with only 2 exits proposed in the new development, they are concerned about the increase in traffic flow to their subdivision. He said it will jeopardize the health and safety of the residents in the area. He said there should be a 3<sup>rd</sup> exit for the proposed development. They should also

have a lower density than is proposed; he recommended 1/3 acre lots. He said they would also like sidewalks installed for their children.

**Clyve Taylor**, 1835 W. 9640 S., said with an outlet to their street, it could result in almost a 100 percent increase in traffic, with 150-250 extra cars on their street a day. He said there are 31 kids that play in the street. The extra traffic represents a danger to the kids on the street, and he is concerned about their safety. He said they have large lots and the proposal is for 4 units per acre. He said 1/6 of an acre lot next to 1/2 acre lots is a drastic change in density and inappropriate for the neighborhood. He recommended denial of the application. The rezoning should be for no more than 3 houses per acre. He said they would like 3 outlets out of the subdivision. He submitted a petition in opposition to the application (Attachment E). He referred to figures from the traffic study that was done. He said this could be a serious danger to their subdivision if the proposal goes through.

**Keith Pederson**, 1915 W. 9640 S., said he has information regarding the proposed concept plan. Chairman Johnson said the site plan issues will be addressed at a later hearing. They are only taking comments relative to land use and zoning tonight.

**Conrad Tanner**, 1946 W. 9640 S. said they are not opposed to developing the property, but they would like to see 1/3 acre lots. He said he is concerned about increased traffic. He said there needs to be 3 exits out of the proposed development. He said he likes the peacefulness of the area, and he hopes that is considered.

**Larry Hutchings**, 9753 S. Pine Meadow Way, said the developer is proposing a concept plan and a land use that will help with buffering in the area. The proposal provides good buffering. He said the intersection at 9800 South will be a major intersection in the City. He said there are 2 entrances proposed in the rezone area; everyone will not be using 9640 South because making a turn onto Redwood Road is difficult. He said most will want to use the signal. He said the developer has indicated that he would buffer Powell Estates with larger lots; he also plans to buffer the area to the west with larger lots. He noted that staff is recommending approval. He recommended that the Planning Commission forward a favorable recommendation to the City Council so they can buffer the horse properties with the properties that are backing the commercial.

**Keith Pederson**, 1915 W. 9640 S., said no buffering has been proposed against the properties that he owns. It was done all along the rest of the subdivision. He said he has beautiful gardens in his back yard and understands that the developer wants to use his yard as a buffer for the new homeowners. When land is mis-appropriated for another man's use, that is called embezzlement. He said he should be treated honestly and fairly and he should be given a buffer.

**Tamara Tanner**, 9640 S. 1780 W., said she is concerned about increased traffic. Regardless of what is developed, there will be more houses and more traffic. She said the residential zoning should be kept, as is. They would like traffic kept down on their street.

**Greg Fairbanks**, 9757 Pinebrook Dr., said they were told that if the developers got Perschon's property, they would have no problem putting in 1/3 acre lots. He said they now have Perschon's property so they should put in 1/3 acre lots. Once the developers get the zoning, they will do what they want with their property. He asked why is this issue already planned to go to the City Council?

Commissioner Mabey said whether the Planning Commission recommends approval or denial, it will go to the City Council for their consideration.

**Roger Hutchings**, 9786 S. 1700 W., said all of the homes that have been developed in the area have effected and endangered his family. He said things change, times change. He said the problem that they have on 9800 South is because of City government problems from 30 years ago. He said the lack of sidewalks on 9640 South was an error of the developer of that subdivision and the city officials at that time. He said the current Ordinance requires 2 outlets from a subdivision. He said when Powell Estates was built, the stub street was installed before any homes were built. He said there are problems that come with growth and development. He said the changes coming to this property will cause him to move. He recommended that the Planning Commission forward a favorable recommendation to the City Council.

**Richard Bennett**, 9743 Pinebrook Dr., said they purchased their 1/3 acre lot from the Hutchings's, and now Mr. Hutchings is saying that they are endangering his family. He said he takes offense to that. He said they knew that 9800 South would go through. They looked at the master plan when they purchased their property. The City should stick with the master plan.

**Brad Andreason**, 9701 Pinebrook Dr., concurred with the previous comments. He said he is against the rezone change. He said they enjoy their current standard of living. He said he hopes that the Planning Commission will consider the neighbor's comments.

**Russ Haslam**, 9767 Pinebrook, said they enjoy a solid neighborhood and a nice standard of living. He said they knew the property would be developed and 9800 South would go through. He said he does not feel that there is a need for less expensive homes. They would like to maintain 1/3 acre lots. He said there are many new subdivisions and nice homes backing busy streets and commercial properties.

Chairman Johnson closed the public hearing.

Senior Planner Schindler noted that there are two different zones proposed. One is RM-4 and the other is MU-City Center. They have to recommend approval or denial of the whole thing. They cannot separate the two issues.

**Mark Isaac**, applicant, said the street tie into Powell Estates and the other area was at the request of staff for water service and hydrant pressure. He said the traffic analysis says that they have found no impact on the surrounding neighborhoods. He said Powell Estates will be served by emergency vehicles more easily. He said it will be safer overall.

He said the development of this property will also provide sidewalks for the kids that are walking to school. He said the larger impact will be from Powell Estates through the new development. He said 9800 South will be more appealing for people to use. He said the study shows that this will decrease vehicles using 9640 South. He said larger homes create higher traffic counts. He said the houses they are building in the subdivision will be more expensive than every other house around because of the current economics. He said this development will create a positive economic benefit. He asked that staff's recommendation be considered. He said they would love to create a 3<sup>rd</sup> access point, but that would require him to access land that he does not own. He said this is positive land use planning and this is a good transitional plan. He said they can address concerns with buffer lots with the site plan. He discussed the parcels west of the proposed MU City Center zone that is planned to be a senior living housing campus. The developers did not want that campus dissected with a road.

Commissioner Woolley asked why can't they tie the road into Redwood Road? Mr. Isaac said that is a possibility, but they did not think that was good land use planning to send the residents of a neighborhood through a retail development. He said they would like to create a grand landscaped entrance to the development. Commissioner Woolley said they could do the same landscaped entrance off of Redwood Road. Mr. Isaac said he is not sure if UDOT would require a right in, right out only onto Redwood Road.

Commissioner Woolley clarified the current land uses in the area. They discussed the minimum lot size allowed in the R-2.5 and R-3 zones, and what would be allowed through a PUD.

Commissioner Mabey said since this property is next to commercial and office, it may be appropriate to go R-2.5. He is uncomfortable going to RM-4 that allows townhouses and multifamily homes. He said this area should remain single family detached homes. He said they are trying to preserve the quality of life in the area. He said RM-4 may be going too far. Commissioner Woolley concurred. He said he does not feel RM-4 is appropriate for this area. He said he thinks R-2.5 is appropriate between R-1.8 and a senior assisted living center. Commissioner Mabey said R-3 may be appropriate. Commissioner Woolley said R-3 is not a choice for them tonight. Commissioner Kankamp said he feels the area should remain low density residential.

Commissioner Woolley said the traffic patterns suggest that there will not be an impact on Powell Estates, but they do not want to impact the neighborhood more than they have to. The road in Powell Estates is narrow.

Commissioner Kankamp agreed that bigger homes brings more traffic. However, low density residential does not necessarily mean low amounts of traffic.

Commissioner Perry said he agrees with the proposal. He feels it is a good location for what is being proposed.

**Commissioner Kankamp made a motion to recommend denial of Resolution #R-2006-04 to the City Council. Commissioner Woolley seconded the motion. The vote was 4-1 in favor, with Commissioner Perry opposed.**

**Commissioner Kankamp made a motion to recommend denial of Ordinance #2006-05-Z to the City Council. Commissioner Woolley seconded the motion. The vote was 4-1 in favor, with Commissioner Perry opposed.**

The Planning Commission took a 5 minute recess.

- D. File #SP-2005.56, Site Plan/Conditional Use Permit for Cyprus Credit Union located at 3629 West South Jordan Parkway in the Harvest Pointe Shopping Center, JRCA Architects on behalf of Cyprus Credit Union, applicant, Zoned C-C*

Community Development Director Preece reviewed the background information on this item.

**Danny Fox, 577 S. 200 E.,** said they intend to comply with staff requirements.

Commissioner Woolley said they were given 2 plats. The building appears to be shifted to the west on the landscaping plat. Mr. Fox said they will be following the site plan.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

Chairman Johnson said the Architectural Review Board asked the developers to match the cornice on the north side of the building. She said the cornice increased some, but it still does not match. Mr. Fox said they are willing to increase the height on the cornice to make it in line with the cornice on the larger canopy.

Commissioner Perry said they need to make sure that this building blends in with the design of the Albertson's. Having the cornice the same height ties it together. He said the proposal is in line with current architectural themes.

**Commissioner Woolley made a motion to approve File #SP-2005.56, Site Plan/Conditional Use Permit for Cyprus Credit Union located at 3629 West South Jordan Parkway in the Harvest Pointe Shopping Center, JRCA Architects on behalf of Cyprus Credit Union, applicant, Zoned C-C, with the following conditions:**

- 1. That the applicant consult with UDOT to determine the alignment of South Jordan Parkway adjacent to the property and to subsequently design landscaping accordingly and either install it with the development or bond for future installation after the UDOT street widening is completed. Design to be approved by staff prior to building permit issuance.**
- 2. That all South Jordan City Engineering, Planning, Public Works, Parks and Fire Department requirements are met.**

**Commissioner Mabey seconded the motion. The vote was unanimous in favor.**

Senior Planner Schindler noted that the applicants would not be required to make any changes to the elevation drawings.

- E. File #SP-2005.53, Site Plan/Conditional Use Permit for Chase Bank located at 11423 South Parkway Plaza Drive in The District At South Jordan Development, Architectural Nexus on behalf of Chase Bank, applicant, zoned BH-MU*

Senior Planner Schindler reviewed the background information on this item.

Commissioner Woolley asked what are the setback requirements for the parapets on the drive through canopy? Senior Planner Schindler said there is a 20 ft. setback requirement from the street. The site plan is in compliance.

**Mark Davis**, 2339 W. 9435 S., applicant, said he is available for questions.

Commissioner Woolley asked about the architectural structure of the trash enclosure? Mr. Davis said the enclosure will be 7 ft. tall masonry to match the bank. The gates will be solid steel. Senior Planner Schindler said that is a standard that is in the design book.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

**Commissioner Mabey made a motion to approve File #SP-2005.53, Site Plan/Conditional Use Permit for Chase Bank located at 11423 South Parkway Plaza Drive in The District At South Jordan Development, Architectural Nexus on behalf of Chase Bank, applicant, zoned BH-MU, with the following conditions:**

- 1. That all proposed signs for the building and freestanding on the site be reviewed under separate application(s).**
- 2. That all South Jordan City Engineering, Planning, Public Works, Parks and Fire Department requirements are met.**

**Commissioner Kankamp seconded the motion. The vote was unanimous in favor.**

- F. File #REZ-2005.39, Application to Rezone from RM-6/Multi-Family Residential 6 Units Per Acre to RM-5/Multi-Family Residential 5 Units Per Acre; Subject Property is located at approximately 4000 West 10800 South (South of Rushton View Drive), 11.87 Acres, J & K Investment Properties LLC (applicant)*

Senior Planner Schindler reviewed the background information on this item. He said the original plat has not changed.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

**Commissioner Kankamp made a motion to forward a favorable recommendation to the City Council for File #REZ-2005.39, Application to Rezone from RM-6/Multi-Family Residential 6 Units Per Acre to RM-5/Multi-Family Residential 5 Units Per Acre; Subject Property is located at approximately 4000 West 10800 South (South of Rushton View Drive), 11.87 Acres. Commissioner Woolley seconded the motion. The vote was unanimous in favor.**

- G. *File #REZ-2005.34, Application to Rezone from R-1.8/Single-family Residential to R-2.5/Single-Family Residential; Subject property is located at approximately 11596 South 2700 West, 1.0-Acre, David J. Allred (applicant).*

Commissioner Perry excused himself from this item, due to a conflict of interest. He has a business relationship with the applicants.

Senior Planner Schindler reviewed the background information on this item.

**Dave Allred**, 11596 S. 2700 W., said he feels this change will fit in the area.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for Ordinance #2006-02-Z. Commissioner Woolley seconded the motion. The vote was 4-0 in favor, with Commissioner Perry abstaining.**

- H. *File #CUP-2005.16, Application for a Temporary Use Permit to operate an antique & vintage store to be located at 575 West 9800 South, Deborah Johnson/Stefanie Link (applicants).*

Senior Planner Schindler reviewed the background information on this item.

Commissioner Woolley said the original permit has been in violation.

**Stefanie Link**, applicant, said she just leased the building from Deborah Johnson in November 2005. She said she has a 3-5 year lease. She asked is it possible to get a temporary use permit for longer than one year? Senior Planner Schindler said staff's concern with a longer permit is if the property develops and this building goes away. He said staff could renew the permit yearly.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

Commissioner Woolley said he agrees that the permit renewal could be done by staff, as long as no complaints are received and the use is the same.

**Commissioner Woolley made a motion to approve File #CUP-2005.16, Application for a Temporary Use Permit to operate an antique & vintage store to be located at 575 West 9800 South, with the following conditions:**

- 1. The Temporary Use Permit and Business License will expire one-(1) year from the date of approval and will be able to be renewed by staff review as long as there are no complaints and the use remains the same.**
- 2. There will be no permanent signage allowed such as monument signs.**
- 3. A South Jordan City Business License will be obtained.**
- 4. There will be no additional structures or improvements to the property.**
- 5. The existing home will meet all requirements of the City's building code.**

**Commissioner Perry seconded the motion. The vote was unanimous in favor.**

- I. File #CUP-2005.17, Application to operate a banking and lending institution at 1066 West South Jordan Parkway in the C-C Zone District, Valley West Plaza LLC for Centennial Bank (applicant).*

Senior Planner Schindler reviewed the background information on this item.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

**Larry Grant**, Centennial Bank, 1155 W. Oakhills Way, (SLC), was available for questions.

Commissioner Kankamp asked what type of bank is this? Mr. Grant said it is a full service bank. There will be one drive up lane. They will be moving the window slightly to the south. The ATM will be just to the north of the drive up window. The ATM will be through the wall.

Chairman Johnson asked how much stacking will there be? Mr. Grant said most of their business is "walk in". This is a successor to an existing loan production office, and their largest product will be loans. He said their plan is to establish a presence in the South Jordan market, and then build a free standing building.

**Commissioner Mabey made a motion to approve File #CUP-2005.17, Application to operate a banking and lending institution at 1066 West South Jordan Parkway in the C-C Zone District, Valley West Plaza LLC for Centennial Bank (applicant), with the following condition:**

- 1. That all City Ordinances are followed.**

**Commissioner Kankamp seconded the motion. The vote was unanimous in favor.**

- J. File #LUA-2005.22 Future Land Use Amendment Application, From Industrial Parkway and Recreation/Open Space to Commercial and File #REZ-2005.32 Rezone Application from I-F (Industrial Freeway) to C-F*

*(Commercial Freeway), generally located at 780 West Shields Lane, approximately 15.97 Acres, Sundborn LLC (applicant)*

Senior Planner Schindler reviewed the background information on this item.

Commissioner Woolley asked how many acres are designated as open space on the current land use map? Senior Planner Schindler said he is not sure, but the only way to maintain the open space is for the City to buy the property.

Commissioner Mabey said the C-F zoning would allow them to put freeway signage on the property. He said he does not want a pylon sign on Shields Lane.

The applicant indicated that he would be agreeable to a height limitation on the sign.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

Commissioner Woolley said he shares the same concern with the freeway signage on this property. Can they put restrictions on the sign? Senior Planner Schindler said if it comes through as a residential property, it would have to go through the performance zoning and staff would not recommend a pylon sign. If a strictly retail use was requested on the property, they cannot deny the use of a pylon sign. He said pylon signs are not allowed in the I-F zone. He said the C-F zone is the only zone that the applicants can do what they are proposing conceptually. He said he does not feel that a commercial development would occur this far from the freeway. Commissioner Kankamp said it is unlikely that a pylon sign would happen on this property.

Community Development Director Preece said the likelihood of a pylon sign on this property is not great, but there are no guarantees. He said they cannot limit rights within the zone. He said they could do an overlay zone that would not allow the pylon sign. Senior Planner Schindler said they could also amend the Ordinance to prohibit pylon signs within a certain distance from the freeway. Community Development Director Preece said a change to the C-F zone will be coming soon and the sign could be addressed at that time.

**Commissioner Woolley made a motion to forward a favorable recommendation to the City Council for Resolution No. R2006-02. Commissioner Kankamp seconded the motion. The vote was 4-1 in favor, with Commissioner Perry opposed.**

Commissioner Perry said he still has concern over the possibility of a pylon sign on this property.

**Commissioner Woolley made a motion to forward a favorable recommendation to the City Council for Ordinance No. 2006-04-Z. Commissioner Mabey seconded the motion. The vote was 4-1 in favor, with Commissioner Perry opposed.**

Commissioner Woolley recommended that staff review the sign Ordinance regarding the pylon sign distance from the freeway. Commissioner Mabey said they would like a specific distance that pylon signs are prohibited from the freeway so it cannot happen on this property.

**V     OTHER BUSINESS**

*A.     Calendaring Items*

It was noted that the Planning Commission has a meeting with the City Council on January 17, 2006 at 6 p.m. Commissioner Woolley asked to be excused from that meeting.

*B.     Planning Department Matters*

None.

**VI    ADJOURNMENT**

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

The January 10, 2006 Planning Commission meeting adjourned at 10:15 p.m.

South Jordan City  
Planning Commission Meeting  
January 24, 2006

**I     WORK SESSION – 6:30 P.M.**

PRESENT:   Chairman – Kathie Johnson, Planning Commission – Fred Kankamp, Clark Mabey, Claron Perry, and Dwayne Woolley, Community Development Director – Brian Preece, Senior Planner – Greg Schindler, Secretary – MaryAnn Dean, City Engineer – Brad Klavano

EXCUSED:   None.

A.     *Roll Call*

All those present are listed above.

B.     *Discussion on Landscape Ordinance*

This item was not done.

C.     *Review of the Agenda*

The Planning Commission reviewed and discussed the items listed on the agenda.

**I     GENERAL BUSINESS ITEMS – 7:00 P.M.**

PRESENT:   Chairman – Kathie Johnson, Planning Commission – Fred Kankamp, Clark Mabey, Claron Perry, and Dwayne Woolley, Community Development Director – Brian Preece, Senior Planner – Greg Schindler, Secretary – MaryAnn Dean, City Engineer – Brad Klavano

EXCUSED:   None.

AUDIENCE: Chris Robbins, George Fish, Sheila Buchei, Greg Fredde, Ron Pinarelli, Don Mathews, Jake Butterfield, Todd Young, Craig and Liz Taylor, Todd Spexicer, Bruce Burt, Aaron Griffith, Malele Tuelorma, Alberta Tuelorma, Shauna Larson, Douglas Haaga, Terry Haaga, Rochelle Thompson, Verdi Schill, Dan Mooy, Brandon Peterson, Wade Williams, Curt Lytle, Brian Davis, Craig Wright, Trae Stokes, Dan Kurtz

A.     *Roll Call*

Chairman Johnson welcomed everyone present. All members of the Planning Commission were present.

*B. Approval of Agenda*

**Commissioner Mabey made a motion to move item I. B. from the work session to the end of the agenda and renumber all of the items from III. A. on. Commissioner Perry seconded the motion. The vote was unanimous in favor.**

*C. Approval of the Minutes of the Meeting held on January 10, 2006*

**Commissioner Perry made a motion to approve the January 10, 2006 Planning Commission minutes, as printed. Commissioner Kankamp seconded the motion. The vote was unanimous in favor.**

*D. Citizen Request/Comments*

None.

**II SPECIAL BUSINESS ITEMS**

None.

**III ACTION ITEMS**

*A. Consider the creation of an EDA namely, Merit Medical EDA to support the creation of 500 new jobs for South Jordan City and the State of Utah*

Economic Development Director Meldrum reviewed the background information on this item. He said if they don't create the EDA, the jobs will not be moving to South Jordan. He said they have been working on this for about 3 months.

Chairman Johnson asked if people will be relocating from Texas or will this be creating more jobs for people in Utah? Economic Development Director Meldrum said both.

Commissioner Woolley asked if there is a reason that the report does not address areas other than Merit Medical? Economic Development Director Meldrum said this is to help Merit Medical bring in jobs. No other properties are associated with the EDA. Commissioner Johnson asked how many buildings are proposed? Economic Development Director Meldrum said 4 buildings. The 5<sup>th</sup> building will be an annex. He said they don't have a site plan at this time.

Commissioner Mabey clarified that this does not change the zoning, land use, or taxes. This just re-allocates the property taxes differently. Economic Development Director Meldrum said that is correct. He explained the purpose for an EDA. He said they have directed a portion of the tax increment money back to the School District. He said the plan is for the EDA to be 15 years. If they reach their goals early, the EDA will end.

Commissioner Woolley said in the future, he would like more time to digest these types of issues.

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council to Consider the creation of an EDA namely, Merit Medical EDA to support the creation of 500 new jobs for South Jordan City and the State of Utah. Commissioner Kankamp seconded the motion. The vote was unanimous in favor.**

Chairman Johnson recognized some scouts present. Scout Troop 1040 was introduced.

#### **IV PUBLIC HEARING ITEMS**

- B. File #SUB-2005-83, Application for Conditional Use Permit-Preliminary Plat approval for Chateau Estates Subdivision, a 13 lot Planned Unit Development located at approximately 11030 South 3200 West in the R-2.5 Zone District, Jake Butterfield & Todd Young (applicants).*

Senior Planner Schindler reviewed the background information on this item.

Commissioner Johnson asked why the houses are drawn in on one cul-de-sac? Senior Planner Schindler said possibly to show where the houses will go. He said there is not an existing house on the site.

Commissioner Woolley asked if the road in the subdivisions will be built to city standards? Senior Planner Schindler said they will meet the standards for private streets within a PUD. He said the construction standards are the same.

**Todd Young**, applicant, said they are planning to gate the community. He said all of the streets will be up to city standards. He said he has met with the Fire Marshall on this plan. He said their plan is to set the gates back to prevent stacking.

Senior Planner Schindler asked about the driveway for lot 13? Mr. Young said the home will probably face onto the public street; the driveway will not. Senior Planner Schindler said the gate may be in the middle of the property for lot 13. Commissioner Woolley said there does not appear to be stacking availability. Mr. Young said they can push the gate back; the gate is important to them.

Commissioner Woolley said there is no radius shown on the plat for the corner of 3210 West. He said that would be shown before the final plat approval. Mr. Young said they are willing to build their portion of 3200 West, but it may be better to bond for their portion. Senior Planner Schindler agreed that it may be better to bond for this portion of 3200 West, at this time.

Mr. Young discussed the Jordan aqueduct. He said they are limited to a 3 ft. fence along the aqueduct, which will leave the back yards open in this location. The builders of these

lots are aware of the restrictions. He said the homes were drawn in on the plat to show the distance of the homes from the Jordan aqueduct.

Commissioner Johnson opened the public hearing.

**Doug Haaga**, 3271 Spring Day Lane (lot 35), said he is concerned that the City is giving up space to accommodate the builders. The proposed lots are too small. He would favor larger lots, similar to what they have. He said this proposal does not compare to their subdivision or the Ivory subdivision. He said they don't want to make changes to accommodate the developers. He said he does not want the Conditional Use Permit, and he does not want this to be a spot zone.

**Wendy Stone**, 3325 W. Spring Day Lane (lot 32), said the developer is doing a PUD so they can have smaller lots. She said she has similar concerns as Mr. Haaga. She said on smaller lots, they will have huge 2 story homes and that will ruin their privacy with people looking down onto their property. She said she heard that these will be \$900,000 homes. How will they get that on a .24 acre lot without having the home so tall that it will ruin the ambiance of the community? She said she is also concerned that the ground will be built up behind their lot. That has been done in other areas where PUD's have been developed. She said the largest concern is making the homes taller so that it will spoil their view and their privacy.

**Greg Hansen**, 3253 Spring Day Lane (lot 36), said he is concerned about increased traffic. Is there a way to install speed bumps that will slow the traffic down? He said they will be looking into monster homes.

Senior Planner Schindler said the maximum building height is 35 ft. He said the requirements in this subdivision are the same as the Ivory PUD. He said the lot sizes will be the same.

City Engineer Klavano said they are looking into traffic calming measures on that street. Speed bumps are frowned upon because of snow removal issues, etc.

Mr. Hansen said his concern is with people using 10950 South to get to 3200 West.

**Mark Haaga**, 10483 S. Sage Vista Way, asked if there is an open space requirement for PUD's? Senior Planner Schindler said they have to stay within the designated density, but open space is not specifically required. He said sometimes a small park is installed in subdivisions with more acreage. He said in a multi family PUD, open space is required. It is not required in a single family PUD.

Chairman Johnson closed the public hearing.

Commissioner Woolley asked if the rear lot line setback is different in a PUD? Senior Planner Schindler said no, unless that is stipulated in the Conditional Use Permit. The

standard rear setback is 25 ft. In this subdivision, all standard setbacks have to be met. He said sometimes a 25 ft. front setback is proposed to move the homes closer to the front.

Commissioner Woolley asked what is the difference between this subdivision and the Ivory subdivision? Senior Planner Schindler said not much. He said the Ivory subdivision has a 25 ft. front setback and an 8 ft. side yard setback. The minimum square footage for the homes is the same. He said the PUD will require more brick and stone. He said the garage size is standard. He said the Ivory subdivision had some open space because they had 120 acres to develop and they wanted a pool/club house in their community. He said that is not feasible in a 13 lot subdivision.

Chairman Johnson asked will they have to build this property up? City Engineer Klavano said they don't know at this time.

**Les Clawson**, engineer for the applicants, said they will be moving some dirt from one cul-de sac to the other, but they will not be building up the property. He said there are no plans to increase the elevation next to the Day Spring subdivision.

Commissioner Woolley asked if the ground will continue to slope to the south? Mr. Clawson said yes. He said the homes at the end of the cul-de-sac will probably have walk out basements.

Commissioner Kankamp said having a 25 ft. front yard minimum setback is a good idea. He said he is concerned about the proposed gates for the subdivision. He said the gates may work on the smaller cul-de-sac, but it will be more difficult for the longer cul-de-sac.

Commissioner Woolley said he struggles with the concept of a gated community between two subdivisions that are homogeneous to each other. He said he does not feel this is appropriate.

Commissioner Perry said he does not see why they should have a gated community in this area; the stacking for cars won't work. Commissioner Woolley said if they address the stacking, the property owners do have the legal right to develop their property, if they can meet the City's standards. Senior Planner Schindler said the gates don't have to be approved. He said the property owners do have the right to develop the PUD because they meet the requirements.

The Planning Commission discussed other subdivisions with similar gates. Senior Planner Schindler said the minimum distance for vehicle stacking has to be 40 ft.

Commissioner Mabey said the proposal is consistent with the area. Gates can be a hazard if there is not enough room for cars to stack. He said he is not opposed to the subdivision, but he does not like the gates. He asked if the gates are part of the Conditional Use Permit? Senior Planner Schindler said they could modify the gates, or require room for at least 2 cars to stack. He noted that any condition from the Planning Commission can be appealed to the City Council.

**Commissioner Kankamp made a motion to approve File #SUB-2005-83, Application for Conditional Use Permit-Preliminary Plat approval for Chateau Estates Subdivision, a 13 lot Planned Unit Development located at approximately 11030 South 3200 West in the R-2.5 Zone District, with the following conditions:**

- 1. All lots will not be less than 10,000 square feet in size and will have sufficient buildable area. Variances will not be granted.**
- 2. The retention pond will be sprinkled and landscaped with trees and sod and maintained by the homeowners association. The lot will not be used as a building lot until such time as a storm drain system is available.**
- 3. 3200 West will be installed (or bonded) to City Standards.**
- 4. The plat will be noted that there can be no structures constructed on the Jordan Aqueduct Easement.**
- 5. A sign will be installed at the south end of 3210 West to read that the road will continue with future development and is not intended to be a “dead-end” road.**
- 6. All houses will be a minimum of 3600 square feet of livable area not included a garage.**
- 7. A minimum 22’ X 22’ double garage is required.**
- 8. 3’ X the perimeter of the house, not including the garage will be brick or stone.**
- 9. All City requirements to be met including Planning, Engineering and Fire Departments.**
- 10. The front yard minimum setback is to be set at 25 ft.**
- 11. No gates are to be installed in the PUD.**

**Commissioner Mabey seconded the motion. The vote was 4-1 in favor, with Commissioner Woolley opposed.**

Commissioner Woolley said he has a problem with the 25 ft. front yard setback when the lots are so narrow already. He said it impacts the neighbors behind them. Commissioner Kankamp said because they did not change the side yard requirement, he did not feel that they needed to adjust the rear setback.

- C. File #REZ-2005-40, Application to amend the City’s Zoning Map for approximately 3.74 acres of property generally located at 10537 South 2200 West from Agricultural (A-5) & Residential (R-1.8) to Residential (R-2.5), Brian Sudweeks (applicant)*

Senior Planner Schindler reviewed the background information on this item.

**Brian Sudweeks**, applicant, 9137 S. Monroe St., said they developed the Meridian 1 subdivision. This is just the next phase. The lots will be about 15,000 sq. ft. He said they will be doing a road connection at 2200 west. He said they will probably use Gough construction again. This subdivision will be very compatible with the area.

Chairman Johnson opened the public hearing.

**Sheila Buchei**, 2117 W. Meridies Drive, said their notice indicated that the property was only 1.93 acres. She said she wonders how many houses can fit on that amount of property versus the 3.74 acres. Senior Planner Schindler said the notice was incorrect. Ms. Buchei said they were not properly notified. She asked that this issue be tabled until the notice is done properly.

Community Development Director Preece said the notice is sent as a courtesy; it is not legally required. It was correct on the agenda, which is the legal notice requirement.

The Planning Commission told Mrs. Buchei that she could make comments on the subdivision when the plat is brought forward. Commissioner Woolley encouraged Ms. Buchei to work with the developers and let them know of their concerns up front.

Commissioner Woolley noted that he lives in Meridian Point. He said he has no financial interest in these plans so there is not a conflict of interest.

**Randy Buchei**, 2117 W. Meridies Drive, said they have concern because their property will be directly affected. He asked how can they make a determination on the zoning if they don't have a plot plan?

Senior Planner Schindler said they are considering the zoning for this property in relation to the conformance to the master plan. Community Development Director Preece said staff assumes the worst case scenario regarding density and determines if that will work on the property. They also consider the City's general plan in relation to the proposed zoning.

Mr. Buchei asked if the engineers have looked at this project yet? City Engineer Klavano said the engineers don't get involved until the site plan process.

Mr. Buchei said his concern is that the zoning affects his property because of the turn about. He said they need to know tonight if they are leaving the turn about or taking it out.

Commissioner Mabey said the issue tonight is if this is the right place to have 1/3 acre lots. If the rezone is approved tonight and by the City Council, the developer will draw up the plans.

Chairman Johnson closed the public hearing.

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for Ordinance #2005-06-Z. Commissioner Perry seconded the motion. The vote was unanimous in favor.**

Community Development Director Preece discussed Senate Bill 170. He encouraged the people to educate themselves on that bill.

- D. *File #SUB-2005-86, Application for Preliminary Plat approval for Jones Farm West Subdivision located at approximately 3715 West 10200 South on 25.31 acres, Peterson Development L.L.C. (applicant).*

Senior Planner Schindler reviewed the background information on this item.

**Brandon Peterson**, 225 S. 200 E., Suite 300 (SLC), said he has met with the neighbors and worked with them a lot on this project.

Chairman Johnson asked about the proposed height of the homes? Mr. Peterson said they have committed to no more than 1 ½ story homes. He said he believes that building height is 35 ft.

Chairman Johnson opened the public hearing.

**Liz Taylor**, 3785 W. Norfolk Bay, said the zoning on this property was changed September 20, 2005. Since that time, there has been much communication with Mr. Peterson and Craig Taylor who has represented the neighbors. She said some of their concerns have been satisfied. She said there were several comments made in the September 20, 2005 City Council meeting encouraging the developer to develop larger lots on the west side of the subdivision. She said they thought that they had the support of the City for the ½ acre lots next to their subdivision. She said the developer does not want to do more than 1/3 acre lots and he can't be required, legally, to do more than 1/3 acre lots. She said she feels like the City Council and the developer deceived them. She said as soon as the zoning is changed, they have no recourse; the developer has the choice at that time. She said they need to be honest and upright for the residents that come in. She asked that the plat not be approved until all of their concerns are met. She said she appreciates the cooperation from the developer, but all of their concerns have not been met. She said if the subdivision plat is approved, the residents have to live with it.

Chairman Johnson said when a zoning application is presented, they are only allowed to take comments relative to zoning.

**Craig Taylor**, 3785 W. Norfolk Bay, said he met with the developer and tried to represent the views of the neighbors. He said they made an agreement with Brandon Peterson. They are asking that this development be postponed or denied until the safety and traffic issues are addressed. He said the traffic flow issues through Whispering Sands and Ashford Acres has not been addressed. He said the building elevations need to be defined. The agreement is that a 1.5 story home would be built, but there needs to be some definition on the actual height of the buildings. He said the City Council misled the residents that ½ acre lots would be placed next to Ashford Acres. When the zoning is passed, the developer only has to meet the Ordinance. The developer did reduce the number of lots next to them from 12 to 11, but the footage was only added to the corner lot. The other 10 lot sizes remained the same. He said he is grateful for the fencing requirements. He said the pressurized irrigation system existing in Ashford Acres could

be improved to carry the new homes, existing parks and other growth such as the tree farm, with proper planning and water flow areas. Mr. Taylor said Peterson Development is allowing access to the school through this development and that is appreciated.

Commissioner Woolley asked if the height restriction could be eliminated, if ½ acre lots were developed as a buffer? He said it is unreasonable to require both. Mr. Taylor said he would like to go forward with the height restriction. He said the neighborhood has concern over a misrepresentation with what the city was doing and what the Ordinance could actually enforce.

Commissioner Woolley asked if there is a secondary water plan for this subdivision? City Engineer Klavano said that will be addressed. A secondary water system will be required, if it is feasible.

Mr. Taylor said he feels an appropriate building height is 18-25 ft.

The Planning Commission discussed the required roof pitch, which is 5:12.

**Curt Lytle**, 10169 Dunsinane Dr., said his biggest concern is safety. He said he is concerned that speed bumps are not allowed because of snow plow drivers. He said the safety of kids and citizens should come first.

**Rochelle Thompson**, 9979 S. City Lights Cir., asked if there is any requirement for rodent control? She said they have a huge problem with that; they back the Junior High. She asked if a spray could be required?

Senior Planner Schindler said in the long run, this will be better for rodent control. It could be problematic during construction. He said he is not aware of a requirement that can be stipulated.

Chairman Johnson closed the public hearing.

Chairman Johnson asked about the proposed building height? Brandon Peterson, applicant, said they have signed an agreement relative to a 1.5 story home.

Commissioner Woolley asked about the ½ acre lot request next to Ashford Acres. Mr. Peterson said the buyers of the lots have to be considered also. He said he has worked with the neighbors to the west. He told them from the beginning that he did not want to develop ½ acre lots.

Community Development Director Preece said they can look at the elevation drawings, but they can only hold the developers to the code.

Commissioner Woolley said he would rather see a height restriction on the homes over the larger lots. Community Development Director Preece said that can be done with a deed restriction. Mr. Peterson said he is okay with that. Commissioner Woolley said a

single story home with a bonus room is still considered a 1 story house. The developer has agreed to that. He said he would favor a stipulation of a single story home, with a roof pitch of 5:12.

Commissioner Kankamp said the developer has fulfilled the City's requirements. He could have planned larger lots, with two story homes on all of the lots. Commissioner Woolley concurred and said he would prefer the height restriction over the larger lots.

Commissioner Mabey said when the zoning was approved, he had no misconceptions about the lot size of the subdivision. He likes the compromises that have been made. This is the right thing to do between the Bangerter Highway and a ½ acre lot subdivision.

Chairman Johnson said the developer has tried to work with the neighbors. She feels that the developer performed as she expected.

**Commissioner Woolley made a motion to approve File #SUB-2005-86, Application for Preliminary Plat approval for Jones Farm West Subdivision located at approximately 3715 West 10200 South on 25.31 acres, with the following conditions:**

- 1. Applicant is to follow the Preliminary Plat design, along with Staff conditions.**
- 2. Applicant is to submit a topographical illustration showing typical home elevations based on finished grade, in relation to the adjacent finished grade, for lots 17-27.**
- 3. A sound wall is to be installed along the east boundary, but cannot encroach into the UDOT right-of-way.**
- 4. That all other Public Services, Planning, Fire, and Engineering requirements are met through the Final Plat application, and that all remaining red-lines be corrected, and completed plans submitted before Final Plat approval.**
- 5. It is recommended that the CC & R's be written to require a 5:12 roof pitch and single story homes on the west side of the development.**

**The motion died for lack of a second.**

Commissioner Mabey said their responsibility is to make sure that the plan meets City Ordinances. He said legally, the developer can put 2 story homes throughout the whole development. He said he has a hard time taking away property rights.

Commissioner Woolley said it is nice to have it stated clearly when the homeowners want single story homes and the developer has basically agreed to that. Commissioner Mabey said they have not agreed to a specific height of the home.

**Commissioner Mabey made a motion to approve File #SUB-2005-86, Application for Preliminary Plat approval for Jones Farm West Subdivision located at approximately 3715 West 10200 South on 25.31 acres, with the following conditions:**

- 1. Applicant is to follow the Preliminary Plat design, along with Staff conditions.**

2. **Applicant is to submit a topographical illustration showing typical home elevations based on finished grade, in relation to the adjacent finished grade, for lots 17-27.**
3. **A sound wall is to be installed along the east boundary, but cannot encroach into the UDOT right-of-way.**
4. **That all other Public Services, Planning, Fire, and Engineering requirements are met through the Final Plat application, and that all remaining red-lines be corrected, and completed plans submitted before Final Plat approval.**

**Commissioner Kankamp seconded the motion. The vote was 4-0 in favor, with Commissioner Woolley abstaining.**

Commissioner Mabey encouraged the developer to come up with a height restriction that they can agree to with the neighbors.

Commissioner Woolley said he would like to vote no because he would like to put some restrictions on this, but he is not sure that is allowed. He said that is the reason for abstaining from the vote.

- E. File #CUP-2005-18, Application to amend Temple Vista Village Subdivision Conditional Use Permit located at 10342 South 1300 West on 6.596 acres, South Jordan Development (applicant).*

Senior Planner Schindler reviewed the background information on this item.

Chairman Johnson asked if they make these types of amendments, does it infer rights to other PUD's to ask for a 20 ft. garage? Senior Planner Schindler said other developers can always make a request. It does not mean that it will be approved. Commissioner Woolley said a 22' X 22' garage is larger than a 20' X 24' garage.

**Dan Gifford**, South Jordan Development, said they have had several homes go through the building department and approved. He said this change in garage size will only effect 8-9 homes in the subdivision because it is only built for one specific home model.

Commissioner Woolley said the garage standard was set at 22 ft. Community Development Director Preece said it was in the Ordinance. Mr. Gifford said some of the homes have already been built with a 20 ft. garage. He said he would like the 20 ft. garage available for the homes that have already been sold or are under contract.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

Commissioner Mabey said if the home is already built, he is okay with the 20 ft. garage. If the home is not already built, he does not want to approve the 20 ft. garage because it is contrary to the Ordinance.

Mr. Gifford asked why staff recommended approval of this? Senior Planner Schindler said staff did not feel that the request posed any significant change to the subdivision or the approved home elevations. Commissioner Mabey said the Planning Commission works independently from staff.

Senior Planner Schindler asked if they have sold all of the homes with the 20 ft. garage? Mr. Gifford said yes.

**Commissioner Perry made a motion to approve File #CUP-2005-18, Application to amend Temple Vista Village Subdivision Conditional Use Permit located at 10342 South 1300 West on 6.596 acres, and to allow 20 ft. garages on the 8-9 models that are currently under contract. The motion died for lack of a second.**

**Commissioner Woolley made a motion to approve File #CUP-2005-18, Application to amend Temple Vista Village Subdivision Conditional Use Permit located at 10342 South 1300 West on 6.596 acres, but that the amendment to the PUD only be allowed for those lots that have building permits issued. Commissioner Mabey seconded the motion. The vote was 4-1 in favor, with Commissioner Kankamp opposed.**

Commissioner Kankamp said the garages should be 22' X 22' for all lots.

- F. Resolution #2006-05 amending the City's Future Land Use Map & Ordinance #2006-07-Z amending the City's Zoning Map regarding property located generally between 11000 South to 11400 South and between 3600 West to 4200 West in South Jordan. The current land use designations are Commercial, Highway Corridor Mixed Use, Recreation Open Space, and High Density Residential. The application requests changes from these designations to High Density Residential, Medium Density Residential and Highway Corridor Mixed Use and rezoning the property from A-5 and A-1 to Residential (R-3), Residential (RM-6), and Bangarter Highway Mixed Use (BH-MU).*

Community Development Director Preece reviewed the background information on this item. He said staff is recommending a condition to this approval that a development agreement be drafted. He said that way they can give the City Council and the public more concrete answers. He said the BHMU zone is a more flexible zone. He said they would like to have certain size lots on the west side of the Lucas Dell subdivision. He said they want to have limits on the amount of commercial development. He said a development agreement would spell that all out.

The Planning Commission discussed the location of 4000 West on the map. They reviewed existing land uses and zoning on the property.

**Wade Williams**, Boyer Company, 90 S. 400 W. Suite 200 (SLC), said when this project first started, they did not realize there would be a second LDS Temple built in this area.

He said they have worked with the LDS church and they believe that they have come to an agreement on the 4000 West alignment. He said they have eliminated the commercial property on the west side of Bangerter Highway. He said they are also proposing a much less dense residential zoning than they originally anticipated. He said they hope to resolve the development agreement quickly.

Chairman Johnson opened the public hearing.

**Bruce Burt**, 11098 S. Mesa Vista Ct., asked what does the development agreement mean?

Community Development Director Preece explained what contract zoning is. He said they can do a development agreement. He said when the zoning is approved, then the agreements in the development agreement are binding.

Mr. Burt said the map is so vague that he doesn't know what "residential development" means next to the Lucas Dell subdivision. He said the proposal tonight does not designate what the property adjacent to the Lucas Dell subdivision will be. He said one of the proposed structures for the south west portion of the mixed use zone is conceptually a larger structure, perhaps even 4-5 stories. He said that will obstruct their view entirely. He said he also has concerns with the height differential between their property and the property to be developed.

Community Development Director Preece said staff has similar concerns as Mr. Burt and that is the reason for the development agreement.

**Aaron Griffin**, 11123 S. Mesa Vista Ct., said there is a significant drop in elevation when you go into the Lucas Dell subdivision. He asked if they could have a larger setback restriction on the lots that border the Lucas Dell subdivision? Community Development Director Preece said that can be looked at. He can't guarantee what will happen.

Mr. Griffin said South Jordan is losing some recreation/open space with this proposal. Chairman Johnson said the City does not own the land and cannot control the open space. Community Development Director Preece said if the City wants the open space, they would have to buy the property. The open space is a land use recommendation, there is no zoning for open space.

Mr. Griffin said he is concerned about the idea of a 4-5 story building at the corner of 11400 South Bangerter. He said nothing else in the area is close to that. He asked if the building could be built down in the ground? Chairman Johnson said that would have to be addressed with the site plan.

Mr. Griffin said with The District being built, he has concern with the RM-6 zoning. They don't want this to turn into the low rent district.

Community Development Director Preece said the quality of the development can be addressed in the development agreement.

**Trae Stokes**, 11297 S. Via Bonito Dr., said he is concerned about the potential density in the BH-MU area. He said a density of RM-8 is high. He said he would like to see something compatible with what is in the Lucas Dell area, at least by the boundary of their subdivision. He said a development agreement may be a good way to approach that. He asked if they would have advance notice of the development agreement?

Community Development Director Preece said staff would be available to answer questions before the City Council meeting, but the agreement would be officially presented at the City Council meeting. He said public comment would likely be allowed on the development agreement. Mr. Stokes asked if densities will be part of the agreement? Community Development Director Preece said that is the main reason for the development agreement. There may be an RM-8 density proposed, but they might do 1/3 acre lots and then cluster the smaller lots further away.

**Brian Davis**, 4388 Cool Canyon Ln., said his main concern is the appearance of the area. They have done a lot of work to make the area look nice. He said his concern about the RM-6 by the entrance of Daybreak is that it could destroy what they have worked to achieve. He said with the Temple in the area, they want to preserve the value of the area.

**Craig Taylor**, 3785 W. Norfolk Bay, said the City needs to decide where they are going, and what they want to accomplish. He asked if South Jordan is going to be on Redwood Road or on Bangerter Highway? He said it is like they are creating a whole other City along the Bangerter Highway. He said the City has to decide what they want to do and how they are going to get there. He said lawsuits seem to scare them whether they can meet an Ordinance or protect landowner's rights. He said the City needs to work those issues out. When they put together a future plan, and then say it is just a great idea, they are then saying why have a Planning Commission? They should just develop the whole thing, zone the whole City, and get it over with. He said they are taking one piece of property at a time and putting smaller lots by larger lots. He said they keep changing plans and he wonders what they are trying to accomplish. He expressed concern about developing both the Redwood Road and Bangerter corridors. When they develop two different corridors, one lives and one dies. He said Ashford Acres was the southern most subdivision for a long time. There were agreements made in the past and that is now all for not. He said all of the property is going one piece at a time.

Community Development Director Preece said the BHMU zone has been in place for some time. He said the City master plan is considered as part of the process; they like to create commercial in a central location.

**Christine Anderson**, 11348 Via Benito Dr., asked if the developer is going to build single family homes next to them, and what is the price of the homes that will be built? She said she is also concerned about the height of the office building.

Chairman Johnson closed the public hearing.

**Wade Williams**, Boyer Company, said it is their intent to do larger lots next to Lucas Dell and then do smaller lots from there. He said they will try to work out those issues in a development agreement. He said they want to do a quality development. He said they are trying to come up with a plan that will meet the needs of the community. He said a lot of people in this area are looking for services that are not being met.

Commissioner Mabey asked about the proposed height of the office building. Mr. Williams said they want to do a research and development park, if there is a demand for that. He said this would be a good location for someone's corporate headquarters. He noted that the research park at the University of Utah is almost out of land. He said they will try to push the office building against the Bangarter Highway.

Community Development Director Preece said the maximum office building height in the BH-MU zone is 4 stories. It is limited to 2 stories within 400 ft. of a single family residential zone.

Chairman Johnson said if the Boyer Company and the City can come up with a working development agreement that helps the citizens be buffered, that is a great recommendation. Commissioner Mabey said the purpose of the mixed use zone is to provide some flexibility, but it also brings up a lot of concerns and questions. He said the recommendation to the City Council should be that this proposal needs to have a development agreement.

Commissioner Mabey said there are areas in Daybreak that are high density. If this development is done properly, the RM-6 could have a similar feel to what is already developed in the area.

Community Development Director Preece said they would like to address the entire area, not just the BHMU portion, with the development agreement.

Commissioner Mabey said the proposal is an improvement over what currently exists. The development agreement would give them more clear guidance.

Commissioner Woolley said they need to properly buffer the Lucas Dell subdivision and border their subdivision with conducive homes.

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for Resolution #2006-05, with the caveat that a development agreement should be approved by the City Council for this recommendation to carry.**

Commissioner Woolley said the development agreement should include transitioning and proper buffering. Commissioner Mabey concurred.

**Commissioner Woolley seconded the motion. The vote was unanimous in favor.**

**Commissioner Mabey made a motion to forward a favorable recommendation to the City Council for Ordinance #2006-07-Z, with the caveat that there needs to be a development agreement in place. Commissioner Perry seconded the motion. The vote was unanimous in favor.**

**Commissioner Kankamp made a motion to take a break. Commissioner Mabey seconded the motion. The vote was unanimous in favor.**

G. *Ordinance #2006-02 Amending the City's Development Code, Title 16 concerning requirements for signage within the C-F Zone in South Jordan City, City Initiated (applicant).*

Community Development Director Preece answered questions on this proposed Ordinance.

The Planning Commission clarified that the pylon sign would be permitted only in the C-F zone within 250 ft. of the I-15 right-of-way line.

Commissioner Woolley asked why would they increase the size of the pylon signs? Community Development Director Preece discussed the size of the signs in relation to the speed of traffic. He said one option for the businesses would be to combine their signs so that they have one larger sign instead of a lot of smaller signs.

The Planning Commission made some grammatical changes to the Ordinance.

Commissioner Kankamp asked if other cities give the bonus height along the freeway? Community Development Director Preece said it has been done in other areas; he is not sure if it is done in other places along the freeway.

Chairman Johnson said they need to be clear that if they put up a new sign, or if businesses join on a pylon sign, the existing signs would have to be removed.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

Commissioner Mabey said he has concern with the potential of a 75 ft. pylon sign.

The Planning Commission discussed businesses that combine on one pylon sign and a needed clarification in the Ordinance that the businesses must be adjoining neighbors.

The Planning Commission discussed this increase in size of signs compared with other cities signs. Senior Planner Schindler said he feels the proposed signage is more restrictive than most. Commissioner Mabey said that is what they want.

Commissioner Woolley said he would like to see a comparison with signs in other cities. Commissioner Mabey said he would like to review this issue again after the changes are made.

**Commissioner Mabey made a motion to table this issue until staff makes the changes that have been discussed. Commissioner Woolley seconded the motion. The vote was unanimous in favor.**

## **V OTHER BUSINESS**

### *A. Calendaring Items*

Senior Planner Schindler noted the certified citizen planner seminar. He said it is a good program. The next session is June 8<sup>th</sup> and 9<sup>th</sup>.

### *B. Planning Department Matters*

The Planning Commission determined to table the landscape plan discussion. Community Development Director Preece said the issue is what is acceptable in park strips. He said the Ordinance is currently loose.

**Commissioner Kankamp made a motion to table the landscape plan discussion to the next Planning Commission meeting. The discussion should start at 6:15 p.m., unless there is a light agenda and staff feels 6:30 is appropriate. Commissioner Mabey seconded the motion. The vote was unanimous in favor.**

Community Development Director Preece discussed setting up tours of the City for the Planning Commission periodically. He said they could look at subdivisions after they are done and discuss their successes and failures.

## **VI ADJOURNMENT**

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

The January 24, 2006 Planning Commission meeting adjourned at 10:33 p.m.