

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

June 10, 2014

Present: Chairman Russ Naylor, Commissioner Sean D. Morrissey, Commissioner T. Earl Jolley, Commissioner Richard Feist, Commissioner Jason Haymore, Assistant City Attorney Ryan Loose, City Engineer Brad Klavano, Planner David Mann, Planner Brad Sanderson, Planner Jake Warner, Planner Damir Drozdek, Deputy City Recorder Cindy Valdez

Absent: Commissioner Beverly Evans

Others: Nefi Garcia, Dakota Hawks, Richard Schettler, Ron Beck, Paul Stringham, Gary Bushnell, Kerry Pan, Michelle Thompson, Max Johnson, Sharon Ward, David Redford, Kenny Pierman, Gary Shaw, Chris Ramos, Michelle Thompson.

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone to the meeting and noted that 5 of the Commissioners are present at tonight's meeting. Commissioner Evans is absent.

B. Motion to Approve Agenda

Commissioner Jolley made a motion to approve the June 10, 2014 Planning Commission Agenda. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Evans was absent from vote.

C. Approval of the Minutes from the Meeting held on May 27, 2014

Commissioner Morrissey made a motion to approve minutes from the May 27, 2014 Planning Commission meeting as printed. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Evans was absent from vote.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Calendaring Items

City Engineer Brad Klavano said there was some consideration to not have the Planning Commission Meeting on June 24, 2014 because of the voting for elections, but Interim City Manager Gary Whatcott has made the decision to have the meeting.

B. Comments from Planning Commission Members

None

C. Staff Business

None

D. New Business

None

III. CITIZEN COMMENT

Chairman Naylor opened the Citizen Comment. No speakers. He closed the Citizen Comment.

IV. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

A.1. **Issue: VERIZON WIRELESS - MONOPOLE HEIGHT & SITE AREA
EXPANSION
SITE PLAN / CONDITIONAL USE PERMIT**

Address: 9811 South 4800 West
File No: CUP-2014.07
Applicant: Verizon Wireless Communication

Planner Brad Sanderson reviewed background information on this item.

Commissioner Jolley said could you tell us where the new rite-of-way is going to be located on 4800 W.

Planner Sanderson said it sits roughly about 3' or 4' west of the property line.

Chairman Naylor said it puts it awfully close to the road doesn't it?

Planner Sanderson said yes it does. There is a slope from the rite-of-way up to the fence and it is pretty steep, so for that reason we have asked them to move the fence to the other side.

Commissioner Feist said so that would be on the east side?

Planner Sanderson said that is correct.

Nefi Garcia, 5710 S. Green St. Murray, Utah – said I am her tonight to seek your approval for this application. Verizon had put this on the back burner and now they are putting this on the front burner, so that is what brings us back before you today. We had it re-surveyed so we could show what 4800 W is going to look like, and also we have a temporary construct easement that will run through the premise. On the map the red part is the rite-a-way for the road, and the west line runs right along the property line. That is why we have to move the gate to the opposite side and because of that there will

not be room to put landscaping on the west side, but we will still put landscaping on the south and east side. The blue line is the temporary construction easement that was granted which cuts through the lease premise and Sprints equipment. They cannot move there so we are going to wait until they are done which will be about 7 to 8 months then we will come in with our building permit to construct that site. I am here to answer any question s you may have for me.

Commissioner Jolley said could you describe to us the stealth measurements that are used on the antennas.

Mr. Garcia said slim lines are what we are doing at this location. The lower antennas are Sprints and everything above that will be Verizon. The width of the pole is going to stay the same as it already is with an extension on it.

Commissioner Jolley we are right adjacent to the 4800 W rite-of-way and the City Code states on section 17.112-E “monopoles should not be more than 18’ away from any street rite of way”.

Mr. Garcia said does it say monopole or co-location?

Mr. Jolley said it is under the section for monopoles only.

Mr. Garcia said I think that because it is an existing tower, and it is already there, it is a co-location. I think that is why staff is recommending approval for this because it would be very challenging to put this in a new location, so that is why we decided to go with what is already existing.

Chairman Naylor said so are we basically making this a non-conforming use?

Assistant Attorney Ryan loose said yes, anytime you have a “legal existing thing” in this case a “monopole”, either the ordinance or the law around it changes, or the circumstances that make it non-compliant. It would become a pre-existing non-conforming use, a lot of people call it grandfathered in. Monopoles are little bit different because of all the FCC regulations that come with them. There can be a certain amount of changes up to 10% that are considered a typical use of the pole, but they are not considered changes under the FCC. We are playing with various areas of law regulating these, but what I can tell you is that the pole is legally-existing, and co-locating will not change the use that is already there.

Chairman Naylor said I don’t know how the rest of you feel, but I would rather have them co-locate on this pole than to have them put another pole in another location.

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

Commission Jolley said my only issue would be with removing the landscaping on the West side and I know the residents have expressed some concern.

Chairman Naylor said I do know that we required them to have a rod-iron fence. Do you consider that the best approach, or do you think some kind so screening fence would be better option.

Commissioner Morrissey said I would like to know more about what the neighbors have said I was not aware that there were any complaints.

Commissioner Jolley said I live in the area and some people have approached me with their concerns. There is a concern with the pole being 70' tall and it being significantly taller than anything else in the area. They would like to see some measures to disguise and stealth the pole. They have taken measures to stealth the antenna, but I would like to see some measure to make sure that structure is disguised as well.

Planner Sanderson said we have been asking the applicant to overlay the right-of-way on the site plan that was initially shown to you, but he just got that to me afternoon and I have given each of you a copy because it did not make your packet. On the plan you can see on the screen that the blue line represents their fence, or also their lease area. I don't know if it is a design flaw, but none of the trees to the north, east, or south are actually on their site. That might be something the applicant can address, but as a suggestion they might be able to move the fence in a few feet and still accommodate the landscaping.

Mr. Garcia said the northern portion of the fence cannot be moved because it butts up against Sprints equipment, but once you get past that there is some room to move the fence and put some landscaping in.

Chairman Naylor said I would be happy to leave that up to staff to decide what kind of landscaping should be put in there.

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

Commissioner Morrissey motioned to approve Site Plan and Conditional Use Permit to upsize an existing monopole from 70' to 100' in height and expand the site area with the (4) recommendations by staff; with (1) additional recommendation that the fence on the west side be moved in where feasible, and landscaping added on the west side, and this is to be worked out with staff and the applicant. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was absent from vote.

B.1. Issue: JIFFY LUBE CONDITIONAL USE PERMIT AND SITE PLAN APPLICATION

Address: 3324 West South Jordan Parkway
File No: SP-2014.15
Applicant: Richard Schettler

Planner David Mann reviewed background information on this item.

Richard Schettler, 4061 Cumberland Drive – said this is a site that has been around for a while and with all the development going on over there currently, there has been a little more interest in commercial sites in that area. Jiffy Lube has expressed an interest in expanding to this site, and therefore we have made the submittal of these plans. We have tried to make it attractive with architectural appeal. We are excited to be in the area. We have worked with Planner David Mann in addressing any concerns, and we are looking forward to proceeding forward.

Chairman Naylor opened the Public Hearing to comments.

David Redford, 10339 S Harvest Crossing- said we are concerned about the traffic on Desert Valley Road because right now we have one access in there, we can go out on River Heights Drive, and at that location we have one stop sign. We have traffic that is going in and out of Wal-Mart, and traffic going in and out of Harvest Crossings. We are worried that if you now put in a Jiffy Lube, and eventually other establishments that is just going to add more traffic to an already congested area. I almost got into an accident tonight making a left hand turn on to River Heights Drive because of people coming into Wal-Mart. We are concerned and would like to see something done about this issue.

Chairman Naylor said how many vehicles a day do you think you would circulate through your facility?

Mr. Redford said I am going to refer that question to Kenny Piermen who is the CFO for Jiffy Lube.

Kenny Pierman, 8040 S. Obar Drive, Sandy Utah – said we project that there will be 40 to 50 cars per day. That would be over a 10 hour period per day because our business hours are from 8:00 to 6:00 p.m.

Chairman Naylor closed the Public Hearing.

Commissioner Haymore said I don't see this establishment having a huge impact at this time, but I think we will be adding a little more traffic every time we add a new business, so at some point this will need to be re-assed, but how and when do you do that. I would assume that our City Engineers have looked at that long ago and know how much traffic that area can handle.

City Engineer Brad Klavano said the Jiffy Lube itself is a low traffic generator for this project which is good, because on this property you could have a lot higher traffic generator. As the rest of the property develops we know we are going to have to relook at that intersection into the Wal-Mart, and we have had some discussions with Paul Stringham who is with Peterson Construction regarding this. We will have to look at some considerations in the near future. Just as an FYI, UDOT has committed to put dual lefts in all directions at South Jordan Parkway and River Heights Drive prior to the Costco opening. It is around the first of August that they will be completing the portion that needs to be done. We will be monitoring that intersection into the Wal-Mart where Desert Valley Road ties in as this project further develops.

Chairman Naylor re-opened the Public Hearing.

Ron Beck, 3356 W. Snow Moon Place South Jordan, Utah 84095 – said was there was a traffic study done on River Heights Drive prior to the Wal-Mart and the Costco going in there, and if so, is it available to look at?

City Engineer Brad Klavano said yes, they were done a number of years ago. Both of those businesses came in and got approvals and then sat for quite some time, and in the mean time they were actually approved and the South Jordan Parkway was built. That was when we got a lot more traffic improvement completed. We do have some traffic studies if you would like to submit a GRAMA Records Request to the Recorder's Office we can provide those for you if you would like.

Chairman Naylor closed the Public Hearing.

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

Commissioner Jolley motioned to approve a Conditional Use Permit and Site Plan Application to allow for construction of a commercial building for automotive services on property located at 3324 West South Jordan Parkway with the (1) requirement by staff. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was absent from the vote.

**C.1. Issue: ROSEMAN UNIVERSITY PARKING EXPANSION
SITE PLAN**

Address: 10920 South River Front Parkway

File No: SP-2014.16

Applicant: Robert Pinion, MHTN Architects

City Planner Damir Drozdek reviewed background information on this item.

Gary Shaw, 10713 N 6340 W. Highland, Utah – said Mr. Pinion could not be here tonight so I am here in place of him tonight. My name is Gary Shaw, I am with Roseman University and I am the director of the Sody operations. Basically, what we are looking to do is increase some of our parking. Our programs are starting to expand so we are adding our 4th dental class this August, so we will need some more parking to accommodate that.

Commissioner Jolley said who owns the property to the West?

Mr. Shaw said we have purchased that whole area about 10 acres to the west of us. The master plan includes an additional building in that area, and that expansion will come in the next few years.

Chairman Naylor opened the Public Hearing to comments.

Chris Ramos, 10923 S. 1055 W. South Jordan, Utah 84095 – said I live directly west of this property, and I am also here to represent my neighbors to the North and South, one of them is out of the country and the other one is out of the state. The only concern on the parking is the lighting that is going to be put in there. I would like to know what their intentions are because right now there are 2 heights of lighting. I am guessing on the heights, but I think you have some 15' lighting, and also some 25' intermittent lighting, and those light poles put out a lot of light. I don't know if you have been out there or not, but our homes are elevated, so at this moment lighting is a big concern. There are ways to deflect it, especially on the perimeter, and height would be helpful.

Chairman Naylor closed the Public Hearing.

Commissioner Haymore said I would like to get the applicant back up her to address the lighting issue.

Chairman Naylor said did you submit a photo metric plan?

Mr. Shaw said yes we did.

Chairman Naylor said have they reduced the pole heights as they get closer to the homes on the west?

Mr. Shaw said they have gotten them quite low on the west end of the parking lot.

Chairman Naylor said what are their light levels on that end?

Planner Drozdek said they are between 0 and 1.

Chairman Naylor said that is quite low, we normally do commercial parking lots in the 2' to 3' candle range.

Mr. Shaw said there is quite a large buffer between where the back of this parking lot is, and by the time it reaches the property the light levels will be zero.

Commissioner Feist said it sounded like Mr. Ramos said they were already having some light issues, is it in the line of sight?

Mr. Ramos said yes it is in the line of sight. When there is nothing in between you and the light it stands out a lot more than if there was something breaking it up. When you are elevated and light poles are at 25' to 30' it is right in your view in the evening. I understand that it is necessary and it is needed, but if we could keep with the smaller ones it would be a lot better.

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

Commissioner Feist motioned to approve application SP2014.16 approving the parking expansion for Roseman University generally located at 10920 South River Front Parkway with the (2) requirements by staff. Commissioner Haymore seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was absent from vote.

V. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

**D.1. Issue: ROSEMAN UNIVERSITY
REZONE FROM A-5 TO P-O**

Address: Approximately 10920 South River Front Parkway
File No: REZ-2014.11
Applicant: Robert Pinion, MHTN Architects

City Planner Damir Drozdek reviewed back ground information on this item.

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

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

Commissioner Morrissey motioned to forward a recommendation of approval to the City Council to adopt: Ordinance No. 2014-13-Z approving an amendment to the Zoning Map. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

None

ADJOURNMENT

Commissioner Haymore motioned to adjourn. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

The June 10, 2014 Planning Commission meeting adjourned at 8:30 p.m.

Commissioner Haymore motioned to reconvene the meeting for Citizen Comment.

Michelle Thompson, 2102 West Lawrence Circle South Jordan, Utah 840985 - (See Attachment A – Citizen Comment)

Commissioner Haymore motioned to adjourn at 8:45.

Meeting Minutes were prepared by Deputy City Recorder Cindy Valdez.

This is a true and correct copy of the June 10, 2014 Planning Commission meeting minutes, which were approved on June 24, 2014.

Anna M. West

South Jordan City Recorder

June 10, 2014

RE: 2084 West South Lawrence Circle

South Jordan City Council,

I am appalled at the complete disregard for the zoning and city planning that has occurred regarding the apartment/boarding house being constructed at 2084 West Lawrence Circle. The proposed structure was a garage with a bedroom, bathroom, storage space and office above the garage. I was termed a "guest house" by its owner. "Guest" being a term that means NOT PAYING and TEMPORARY RESIDENT. Instead a full blown, separate 1500 square foot apartment is being built. Which is within 100 square feet of the size of the upstairs of the main house.

This second story apartment violated the Codes, Covenants and Restrictions for the neighborhood. Which CC&R's state clearly that homes will be one level, 80% brick or rock structures with siding only allowed under the eaves of the property. All of the homes in this project are on ½ acre plus lots and it is zoned AG-1. These CC&R's were implemented to give maximum backyard privacy to the inhabitants of the neighborhood. Due to its AG-1 zoning additional tenants in the neighborhood would include livestock such as a horse, cow, sheep, chicken, ducks or geese, not a permanent, transient renter or boarder community. South Jordan codes prevent detached garages or shops being used for commercial purposes. However this above garage apartment is being used for commercial purposes as a money making venture.

South Jordan approved this structure without approval from the registered architectural control committee for the subdivision. The registered members of the Architectural Control Committee are as follows:

Craig Erickson	801-254-2818	2037 West Lawrence Circle
Bob Cowley	801-254-4930	2028 West Lawrence Circle
Bert Kolman	801-254-1787	1787 West Lawrence Circle

Additionally there is a water users HOA for the subdivision. President Kevin Williams, Vice President Tom Stephens, Secretary Jodee Crump. This body was not notified regarding the structure. How did the city pass over two registered bodies for this subdivision prior to approving this change in zoning??? The issue with the structure is not parking, the issue is reduced privacy, increased population density, changed skyline and blocked views. There are plenty of rentals available a few blocks north at 9400 South Redwood Road, 9200 Redwood road next to the theaters, and 9800 South just across the Jordan River. Proximity to rental housing is not an issue for the area.

To remedy the problem of this apartment I would like to propose the following.

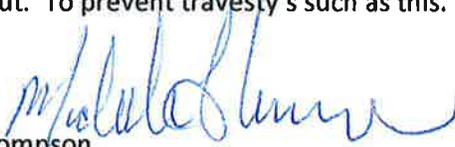
1. It be finished as a guest house as initially proposed; NO KITCHEN. It would remain temporary quarters for temporary residents.
2. The windows on the West side be reduced to present width by 2 feet deep and be required to have **occluded glass**. This will help to preserve some of the privacy lost by the next door neighbor. Big windows on the West side are foolish due to the additional cooling required on a

second story residence to cool the space. If the natural light requirements are not met with the smaller windows then skylights should be required or the regulation amended for this particular project.

3. The plans be submitted to the Architectural Control Committee for approval of exterior finishes of the living space.
4. This residence is a complete second home and the South Jordan Sewer District should be able to charge a monthly connection fee accordingly.
5. Since the city seems unable to keep track of the architectural control committees for its various subdivisions, an ordinance requiring CC&R's to be presented with the proposal of any construction project over 900 square feet, and an additional \$50 permit fee be assessed to send a notice to the entire neighborhood requesting members of the architectural control committee come forward to review plans prior to permitting.
6. When a second home/apartment on a single family lot is used for commercial gain, a \$1.00 per square foot annual permit fee be assessed to the structure. If the structure is occupied by a first degree relative, ie, parents, children, siblings, the fee will be \$100 annually. Relationship will be verified by presentation of birth certificates. Exceptions will be for Grandparents or Grandchildren and once again relationship will be verified by presenting a combination of birth certificates. The funds collected will be used to police the rental units to make sure they are not boarding houses.

South Jordan is a community of with many single family homes on larger lots. There are very few areas still zoned AG-1. Why is the city failing to value this very unique and limited characteristic of the city. Newer projects have greater density. The lower density areas should be preserved. AT the time of this hearing I had a collapsed spine, and I was not getting out. I expected as a residence of South Jordan that the Guest House/office described by my neighbor was what the city was approving. I was never notified that an apartment was being constructed next door. Terminology is important. The City needs to provide the proper terminology in notices or require a second notice to be sent out. To prevent travesty's such as this.

Thank you,



Michelle Thompson

2102 West Lawrence Circle, South Jordan, Utah 84095