

CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS

February 24, 2015

**Present:** Commissioner Sean D. Morrissey, Commissioner T. Earl Jolley, Commissioner Mark Woolley, Commissioner Richard Feist, City Planner Greg Schindler, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, Deputy City Recorder Cindy Valdez

**Absent:** Chairman Naylor, Commissioner Beverly Evans

**Others:** See Attendance Log (Attachment A)

6:30 P.M.

**REGULAR MEETING**

**I. GENERAL BUSINESS**

A. Welcome and Roll Call

Vice Chair Richard Feist noted that all Commissioners are present tonight except Chairman Naylor and Commissioner Beverly Evans; they have been excused.

B. Motion to Approve Agenda

**Commissioner Jolley made a motion to approve the February 24, 2015 Planning Commission Agenda. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Chairman Naylor and Commissioner Evans were absent from the vote.**

C. Approval of the Minutes from the Meeting held on February 10, 2015

**Commissioner Morrissey made a motion to approve the February 10, 2015 Planning Commission meeting minutes as printed. Commissioner Jolley seconded the motion. Vote was unanimous in favor; Chairman Naylor and Commissioner Evans were absent from the vote.**

**II. INFORMATIONAL ITEMS AND OTHER BUSINESS**

A. Staff Business

None

B. Comments from Planning Commission Members

None

**III. CITIZEN COMMENT**

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

**IV. PUBLIC HEARINGS AND POTENTIAL \*\*ADMINISTRATIVE ACTION ITEMS**

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

**A.1. Issue: DAYBREAK VILLAGE 4 EAST CONDOS NO. 3  
CONDOMINIUM PLAT  
Address: 4585 West Crosswater Road  
File No: SUB-2015.07  
Applicant: Kennecott Land**

City Planner Greg Schindler reviewed background information on this item.

**Gary Langston, 4700 Daybreak Parkway South Jordan, Utah 84095-** said I would just like to clarify a few things. We did (1) preliminary plat for this entire project, but we will divide it into a few different final plats. The builder will be Destination Homes and the models will open this weekend. I will answer any questions that you may have for me.

Vice-Chair Feist opened the Public Hearing for comments.

**Ariella Noriega, 10627 Oquirrh Lake Road South Jordan, Utah 84095-** said I would like to know what the height of the building is going to be, and what is going to be put to the north, and to the south.

**Ryan Kemp, 10326 Oquirrh Lake Road South Jordan, Utah 84095-** said I have some concerns that they are going to have some trouble with parking in thoroughfare to these condos. The whole community is in trouble with the way the parking and the roads were designed. We get so much traffic through there already that the parking is going to get locked up.

Vice-Chair Feist closed the Public Hearing.

City Planner Greg Schindler said the height will be similar to any other two story building in Daybreak. The area to the north and south has been platted for single family housing. Regarding the traffic and parking the houses have 2 car garages, as well as parking on the road. The community was designed to have additional parking on the road. It is likely that the tenants that buy these condos will be able to park on the street if they so choose, but they all have garages as well.

Vice-Chair re-opened the Public Hearing.

**Arilla Noriega, 10627 Oquirrh Lake Road South Jordan, Utah 84095 –** said I just want to know if the two story buildings are going to block our view of the mountains.

City Planner Schindler said we don't place limitation on the height in a PC Zone in Daybreak, so I cannot answer that.

Vice-Chair closed the Public Hearing.

Commissioner Woolley said do you know how many spaces for parking are allowed per unit?

City Planner Schindler said I think on these units it is 1 1/2 spaces per unit in single family housing.

Vice-Chair Feist said from my standpoint it looks pretty consistent to what Daybreak has been developing throughout and the street parking is done by design.

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

**Commissioner Woolley motioned to approve File No. SUB-2015.07 Daybreak Village 4 East Condos No. 3 Condominium Plat located at 4585 W. Crosswater Road subject to the (1) requirement made by staff. Commissioner Jolley seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Chairman Naylor and Commissioner Evans were absent from vote.**

**B.1. Issue: FELICIDAD SUBDIVISION  
PRELIMINARY SUBDIVISION PLAT**  
**Address: 11239 South Lucas Lane**  
**File No: SUB-2015.06**  
**Applicant: Gordon Jacobsen**

City Planner Greg Schindler reviewed background information on this item.

**Gordon Jacobsen, 2470 Cheshire Drive Sandy, Utah** – said the only thing I would like to add is that the barn that was on the property is no longer there, that has been taken out. I would like some clarity on the masonry wall. The current lot line goes right to the fence on the property to the north separating his front and back yard, I think ideally and aesthetically it would look better to have that masonry wall just border Lot 102.

Vice-Chair Feist opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Commissioner Morrissey said I think it is pretty straight forward and it fits in the dynamics of the area.

Vice-Chair Feist said what about the request that was brought up regarding the fence to only be on lot 102?

City Planner Greg Schindler said the code says that farm animals cannot be kept on the front or the side yard, but he has an acre lot so he could keep animals in the front or on the side if he chooses to do so. It is required that the fence be put in to accommodate farm animals. Even though his house sits back and there are no farm animals at this time, it doesn't mean that there won't be in the future. The code does not give the Planning Commission the latitude to make changes on the fencing.

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

**Commissioner Jolley motioned to approve application SUB-2015.06 allowing for subdivision of property located at 11239 South Lucas Lane in two lots. Commissioner Woolley seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Chairman Naylor and Commissioner Evans were absent from the vote.**

**C.1. Issue: HAWTHORN ACADEMY  
SITE PLAN**  
**Address: 1300 West 11400 South**  
**File No: SP-2015.05**  
**Applicant: Tyler Bodrero, Pace Management**

City Planner Greg Schindler reviewed background information on this item.

Commissioner Jolley said do we have any protections in place on the right-of-way?

City Planner Schindler said I do believe that they are proposing a fence along the canal. It is on the west side but it stops on the northern corner of the greenspace. You will need to find out where the canal company is going to access, because you can't block their access. The canal companies a lot of times do not like to have them fenced because they have to take on all of the liabilities.

**Tyler Bodrero, 3248 S 750 W. Syracuse, Utah** – said I am representing Hawthorne Academy here tonight. I think our first meeting with staff was last year and we have gone through the design to arrive at what you have before you here tonight. In regards to the question about the access and the canal company, the existing curb cut access for the canal is to the west. We are actually meeting with the canal company tomorrow to discuss the fencing, but from the curb and gutter on the west side of the parking lot there is approximately 20ft from the property line to the 20ft easement on the east side. The intent is to have that secure because there will be pedestrian movement on the site, so part of what we are meeting to talk about is the access.

Commissioner Woolley said can you clarify if there is a plan to put a fence in?

Mr. Bodrero said the plan is to put a fence in and it will be a 3 1/2 inch black powder coated chain link fence.

Vice-Chair Feist said could you please address the parking and traffic flow.

Mr. Bodrero said as Planner Schindler said there was a small change and the stop bar moved just a few stalls, and regarding the parking for the school, they delineate daytime parking which is what they would most often use for parents, teacher's aids, and those visiting the school. They try to have additional parking that would allow for other functions such as: plays and back to school night. The school does delineate the two, but if you add them two together the total amount of combined parking stalls is 179, which far exceeds the required 135. The purpose of the dual striping is to pull the traffic off the public roadway and to have that stack on site.

Vice-Chair Feist said what is the amount of students attending?

Mr. Bodrero said this school will have 700 kids and will have grades K-6<sup>th</sup> grade.

Commissioner Woolley said my concern is the cars waiting to pick up their children. I understand that you have more than the needed amount of parking stalls, but as I go around the valley one of the things that I see at Public as well as charter schools, is that as the parents come to pick up their children in the afternoon, I have yet to see any that haven't spilled out to the roadway.

Mr. Bodrero said the engineers have calculated the number of onsite stacking. The maximum capacity of moving 700 students is 2.2 to 2.8 students per vehicle. That is what the traffic studies have indicated.

Vice-Chair Feist opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Commissioner Woolley said I have a related and unrelated question that doesn't apply to this application, but will apply overall. On the entrance to the east that is going to be in the future used for an ingress, and egress to the property to the east. Although it is not going to be required here, would it not be wise to consider an acceleration lane coming out to mirror the deceleration. I realize this doesn't apply to this applicant, but the curbing would be affected in this particular place.

Assistant City Engineer Shane Greenwood said this applicant has been working with UDOT on their frontage and the next applicant would have to also work with UDOT.

Commissioner Woolley said I do understand that, but the curb that is being put in by this applicant will stay based on this drawing unless the City changes that; why would they want to put it in and have to tear it out in the future?

City Planner Schindler said it might be best to have them move the curb a little south.

Commissioner Woolley said I would actually just leave it out. I think it is better to not put it in and then have to tear it out later.

Commissioner Jolley said I think the existing home there will be greatly inconvenienced and I am surprised they didn't show up tonight. I see people stacking in that de-set lane and out past the taper which may be a concern for law enforcement, because that is where the stacking is going to occur.

Commissioner Morrissey said I think all of my concerns have been addressed. I am pretty happy with the way the discussion went forward regarding the stacking, and the secondary option of moving traffic around the building, and the way of setting this up for expansion in the future if necessary.

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

**Commissioner Woolley motioned to approve application SP-2015.05 allowing for Hawthorn Academy to be constructed and operated on property approximately located at 1300 West 11400. South with the (1) requirement by staff, and should the facilities not be able to handle the pickup and drop off on the premise, that a (2<sup>nd</sup>) requirement would be added; applicant would go to Plan B (to open up the access on the south side of property do that traffic with be contained on site). Commissioner Morrissey seconded the motion. Roll Call Vote was 4-0 in favor; Chairman Naylor and Commissioner Evans were absent from the vote.**

Commissioner Morrissey said I would like to commend the applicant and the City on the great job they did on this application. A lot of hours went into this and it was planned out thoroughly and I appreciate that.

**D.1. Issue: NIELSEN'S CUSTARD  
CONDITIONAL USE AND SITE PLAN  
Address: 3787 West South Jordan Parkway  
File No: SP-2014.31  
Applicant: Ryan Peterson, Peterson Development**

City Planner Greg Schindler reviewed background information on this item.

Commissioner Jolley said I have a question on the shared parking agreement. The parking that is being placed on the City property, is that cost shared by the City or is that being paid by the applicant?

City Planner Greg Schindler said that I do not know because it is negotiated outside of our department, the applicant may be able to better answer the question.

Commissioner Woolley said with this being a shared parking, what happens in terms of liability?

Staff Attorney Steven Schaefermeyer said the liability would be addressed in the shared parking agreement and that agreement would be recorded on both properties.

**Brandon Peterson, 220 South 200 East Salt Lake City, Utah** – said the applicant is Ryan Peterson and I am representing him here tonight. We have been working with Nielsen's Custard for a long time on this project. We own the property and we will continue to own the property until they build. We have worked with the City on the tiered parking. The last thing I heard about the shared parking from Don Tingey is that he has been working with the attorney's here at the City to work the shared parking out, but that is all that I know at this point. Nielsen's Custard has one in bountiful, St. George, Highland Drive, and Fort Union. This is family business, and they have a good reputation and a good product.

Commissioner Jolley said have you met with the Welby Canal Company yet?

Mr. Peterson said we have been meeting with them for a few months and we have to get an encroachment agreement, actually it is the City that needs to get that agreement because they own the abutting property.

Commissioner Jolley said is the canal company agreeable to a fence going up?

Mr. Peterson said yes, we asked that question after the ARC Meeting and they were agreeable to a fence going up for safety.

City Planner Schindler said I would like the Commission to know that they are putting up a fence there, but the City has no intentions on putting a fence on their property. The City has never felt that there was a safety issue with the canals. Our ordinance does require a fence that is perpendicular to the canal, but it does not require a fence parallel to the canal. We can talk to Don Tingey about the style of fence that they use. They use a chain link type fencing because they do controlled burns and that type of fence works the best, so we could talk to him about putting in chain-link instead of the split rail.

Vice-Chair Feist opened the Public Hearing for comments. There were none. He closed the Public Hearing.

Commissioner Woolley said this is a tough little piece and this actually is a great little project that goes on that parcel. I think with the park and what else is around there I think it is a great use, as long as legal can do what they need to do for liability for both owners, I think it is a win, win for everyone.

Vice-Chair Feist said I agree, I think it is a tough parcel, but otherwise it sits vacant or you would have to put something in that doesn't make it, or you have problems. I think the park with compliment this business, people who are jogging, or at the park can get a drink, or have some custard.

Commissioner Jolley said I am excited to see it I think it will be a great addition to the area.

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

**Commissioner Jolley motioned to approve Application SP-2014.31, which is requested by Peterson Development for site plan and conditional use permit approval to construct and operate a Nielsen's**

**Custard on property located at approximately 3787 West South Jordan Parkway with the (1) requirement by staff. Commissioner Morrissey seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Chairman Naylor and Commissioner Evans are absent from the vote.**

**E.1. Issue: CHIRO FUSION, SPORT & SPINE  
CONDITIONAL USE PERMIT  
Address: 968 West South Jordan Parkway  
File No: CUP-2015.02  
Applicant: Chad Adams**

City Planner Greg Schindler reviewed background information on this item.

**Chad Adams, 10828 S. Canterwood Court South Jordan, Utah** – said I think it is pretty cut and dry that this is not a high volume clinic. There will not be any dangerous materials on site although, it is a sports physician's office and there is no requirement to have biohazard materials on site. It will be a low volume clinic and the most volume we will have in an hour is 6 people.

Vice-Chair opened the Public Hearing to comments. There were none. He closed the Public Hearing.

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

**Commissioner Morrissey motioned to approve the Conditional Use Permit with the (2) requirements by staff. Commissioner Woolley seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Chairman Naylor and Commissioner Evans were absent from the vote.**

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

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

None

**VI. OTHER BUSINESS – NOT PUBLIC HEARINGS**

None

**ADJOURNMENT**

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

The February 24, 2015 Planning Commission meeting adjourned at 7:55 p.m.

Meeting Minutes were prepared by Deputy Recorder Cindy Valdez.

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

*Anna M. West*

**South Jordan City Recorder**