CITY OF SOUTH JORDAN
PLANNING COMISSION MEETING
COUNCIL CHAMBERS

October 11, 2016

Present: Commissioner Mark Woolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner T. Earl Jolley, Commissioner Brady Quinn, Commissioner John Ellis, City Planner Greg Schindler, Planner David Mann, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, City Recorder Anna West

Others: See Attachment A

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone and noted all Commissioners are present.

B. Motion to Approve Agenda

Commissioner Holbrook made a motion to approve the October 11, 2016 Planning Commission agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on September 27, 2016

Chairman Woolley asked to confirm that comments from Commissioner Holbrook's email to Deputy Recorder Cindy Valdez were in fact used to recreate the minutes for the September 13th meeting minutes when the recording failed. Also, he asked to reflect that same information in the minutes of September 27th due to the nature and scope of the discussions the Commissioners were attempting to recreate from the September 13th meeting.

Commissioner Holbrook motioned to approve the September 27, 2016 Planning Commission meeting minutes with Chairman Woolley's comment added. Commissioner Jolley seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Mark Woolley opened for Citizen Comments. No speakers. He closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

A.1 Issue: **DAYBREAK COMMERCE PARK PLAT 4 PRELIMINARY PLAT**
Address: Approximately 7000 West Old Bingham Highway
File No: SUB-2016.61
Applicant: Daybreak Communities

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

Chairman Woolley asked Mr. Langston if he would talk about the P Lot.

Gary Langston, Daybreak Communities, 4700 Daybreak Parkway, South Jordan, Utah 84095; when we plated Bingham Creek there were a series of P lots that were created and when we created those we held them a little bit short so that as we platted these future lots in Commerce Park or anything on the South side of Bingham Creek that we could fill in the gap. We didn't want to make it too large and have to do plat amendments every time we came in to subdivide something. As it relates to the parcels themselves, we have an agreement with the Freeport Group to purchase 125 acres. They purchased the first half in March of this year and this allows them to purchase the remaining portion for which they are under contract. They are future light industrial uses.

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

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

Commissioner Jolley made a motion to approve File No. SUB-2016.61 with the one requirement that all South Jordan City requirements are met prior to recording of the plat. Commissioner Holbrook seconded the motion. Roll Call Vote. Vote was unanimous 5-0 in favor.

B.1 Issue: **DAYBREAK SOUTH STATION MULTI FAMILY #1 AMENDED SUBDIVISION AMENDMENT**
Address: Approximately 5000 – 5070 West Daybreak Parkway
File No: SUB-AMEND-2016.63
Applicant: Daybreak Communities

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

Gary Langston, Daybreak Communities, 4700 Daybreak Parkway, South Jordan, Utah 84095. The reason the adjustment is we elected to split the project in half and have two different builders. Garbett Homes will build half and Sego will build the other half; in order to accommodate their product we had to make some minor adjustments.

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

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

Commissioner Ellis made a motion to approve File No. SUB-2016.63 with the one requirement that all South Jordan City requirements are met prior to recording of the plat. Commissioner Morrissey seconded the motion. Roll Call Vote. Vote was unanimous 5-0 in favor.

C.1 Issue: **WEST RIVER ESTATES PHASE IV AMENDED SUBDIVISION AMENDMENT**
Address: 9769 South Lazy Water Cove
File No: SUB-AMEND-2016.62
Applicant: Benson White, Legacy Fields

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

Commissioner Quinn asked who will be responsible for the cost of removing the pavement. City Planner Schindler said that will be at the cost of the buyer of new lot where the existing easement is.

Commissioner Quinn asked what size are the lots. City Planner Schindler said they are around ½ acre so when combined it makes almost an acre.

Commissioner Quinn asked about the zoning for farm animal uses. City Planner Schindler said yes.

Commissioner Holbrook asked why they want to move the easement. City Planner Schindler said when they combine the lots and build their house in the center of the lots.

Chairman Woolley asked if we need to make the applicant responsible for the repaving and removing and replacement of the fence as we do the approval of this. I think that has to be part of what we are looking at being changed.

Staff Attorney Steven Schaefermeyer said this is a question that I asked of Damir as well. I would turn to Shane to understand how that would work in their approval process.

Assistant City Engineer Shane Greenwood said I have not had any conversations with Jared who is the Engineer on this.

Staff Attorney Schaefermeyer said normally for an improvement like this we would require a bond because this was included in the original bond for the subdivision and that is how we get performance. I think you could require before recording of the plat that the issue of how the access gets paved whether a bond gets posted would be worked out between staff.

Chairman Woolley I just think it just needs to be memorialized somewhere. Staff Attorney Schaefermeyer said the City Council still needs to vacate the easement and there is time between now and then to work out the details.

Commissioner Quinn said if we were to approve this tonight can we forward a recommendation to City Council regarding the easement and who would be paying for changes.

Staff Attorney Schaefermeyer said the plat before you shows that it has been vacated and moved.

Commissioner Holbrook asked if the easement is being moved to the south lot. City Planner Schindler said it is moving to what is now lot 404. Lot 405 is not large enough to have large animals and if this is approved the combined lots 403 and 404 will so there is a requirement of a masonry wall to be installed between lot 405 and the new lot.

Staff Attorney Schaefermeyer said this is the preliminary plat you would be approving. It shows there is still a drainage easement down the middle of the lot and the access easement has been moved.

Commissioner Holbrook said I was wondering how that would impact the lot owner of 405 because it wasn't close to his property and now it is. City Planner Schindler said I don't know if lot 405 is owned by the original developer or sold to someone else. Whoever owns it was noticed of this meeting.

Staff Attorney Schaefermeyer said there will also be a notice of the vacation by City Council which is also an opportunity for them to come to City Council as well.

Commissioner Ellis asked if the drainage easement through the lot will remain. Staff Attorney Schaefermeyer said that is what is on the plat. We have the applicant here and they can address that.

Benson Whitney, 6033 N. Mountain Green, Morgan Utah (Applicant); I wrote down all the questions and I will answer them first; then I have some conditions that I would like to add to the motion. First question regarding removal of the asphalt; that will be done by us, the applicant. Also the vinyl fence will be removed by us. The lot sizes are half acres. Commissioner Holbrook asked about the house in the middle of the lot. The house is halfway built right now and hoping to have the house done by January with approval of this tonight and by City Council. On the question regarding who will be responsible for removal of the pavement and issue of the bond. We will be removing the old pavement and installing the new pavement and we would like to not post a bond because that is cash. With regards to vacation of the easement, as your attorney Steven stated, it is not a complete vacation of the easement. There is currently a storm drain line that goes down that easement so there will be a utility easement there but not a public access easement. The storm drain line will remain there. Questions regarding farm animals; the applicant is not going to put large farm animals there and we are happy to waive that and say they will not be allowed. This will be a 2 million dollar home and they don't want animals. Commissioner Holbrook brought up the neighbor that this will impact. You can see by consolidating these that it helps with less traffic and more open space. It does affect Coby Glazier and he is here today. We have talked to him on ways that we could be good neighbors and to mitigate any issues that may impact him and to reduce them as much as possible. We would like to add this to the record and you can add this as condition for approval if you see fit. We are not putting in a vinyl fence we will be putting in rhino rock cement fence to add security. One of their biggest concerns is their house they are building right now is right up against their setback so we would like to put in a 10 foot asphalt and then 5 foot of trees and a weed barrier for security and buffer. These are the conditions we came up with that Coby agreed to.

Commissioner Jolley asked if there would be a fence on both sides. Mr. Whitney said yes. We will build a 6' high fence and then drop it down to 4' for the clear line of vision. We will check with Code on when we would make that transition.

Commissioner Ellis asked how often the easement is used. Mr. Whitney said he has been out to the site three times and one of the three times he saw someone riding their bike on it.

Chairman Woolley opened the Public Hearing.

Coby Glazier, owner of Lot 405; my wife and I are building our home there. We are in favor of this with the conditions that were outlined earlier.

Brent Callan, owner of Lot 408. We are building a home there and have five small kids. We don't fully understand the purpose of this and why they want two lots instead of one. We are opposed to the location of the new easement. When we decided to buy this lot, one of the main reasons we chose this lot was where the easement currently is you can see it is down the street from where out lot is. Moving it puts it very close to the opening of our lot and makes us very nervous for our little kids. We probably wouldn't have chosen this lot if we knew the easement would be moved so close to our home. We wouldn't be opposed to having it moved to the other side to the north.

Kevin Cameron, 9782 Lazy Water Cove, SJC; we are in lot 409 across the street. The trees and the pathway sound great; my question is who will be responsible for the maintenance of the trees and mulch. Don't want them to be allowed to go into disrepair.

Mr. Whitney said the new owner will be responsible for maintenance of that. We will be running sprinklers and a drip line to maintain it.

Chairman Woolley closed the Public Hearing.

Commissioner Quinn said I like the relocation and the fact that we are creating a bigger property line and reducing traffic. I understand the concerns with the children's access. I think it will be well maintained and I recommend that the Commission approve this.

City Planner Schindler said the Planning Commission cannot require maintenance of the landscaping because it would be in our easement. Technically we would be responsible to maintain things in the easement. They need the 15 feet of pavement so they can get vehicle access. Our Public Works would have to sign off on that before that can happen. The masonry fence is required by code. His property will have animal rights but the neighboring property does not. The fence will be 6' down to the setback then 4' for clear vision requirement.

Chairman Woolley said this is a gorgeous subdivision and a nice addition to our community.

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

Commissioner Woolley made a motion to approve File No. SUB-AMEND-2016.62 allowing for a merger of two lots, creating one single lot, subject to the City Council approval of the easement vacation and relocation. Commissioner Jolley seconded the motion. Roll Call Vote. Vote was unanimous 5-0 in favor.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

D.1 Issue: DAI OUTSIDE STORAGE
LAND USE AMENDMENT AND REZONE

Address: Approximately 1099 West South Jordan Parkway
File No: LUA-2016.06 & REZ-2016.16
Applicant: Mindy Dansie

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

Commissioner Holbrook asked what the property to the left of this is zoned. Planner Mann said it is also Zoned Commercial. It is owned by a different property owner.

Chairman Woolley said it looks like the property to the east has a similar condition and is R-1.8 with the same issue. Planner Mann said yes; that would need to be cleaned up as well if it were developed.

Mindy Dansie, Representing DAI (Applicant); present but had nothing to add at this time.

Chairman Woolley opened the Public Hearing.

Hal Naylor, 1083 W. 10550 S., South Jordan, UT; there is a change on 10550 S. and would like it explained to me.

Chairman Woolley said typically when some properties are developed the original property line went to the middle of the road. At different points in time that has then been deeded as a right-of-way but sometimes it still shows up on the County's records as the lot line going to the center. It just hasn't been changed to reflect on the property owners records.

Chairman Woolley closed the Public Hearing.

Commissioner Holbrook said I am happy that the applicant is taking care of this.

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

Commissioner Holbrook made a motion that the Planning Commission forwards a recommendation to the City Council to approve the following:

1. **Rezoning the subject property from R-1.8 to C-C.**
2. **Amending the Land Use from Rural to Commercial**

Commissioner Ellis seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

VIII. OTHER BUSINESS

Chairman Woolley said I have talked with Commissioner Holbrook and with staff regarding the language changes we made and then forwarded to the City Council and they have not yet addressed back to staff so we are waiting for that.

Chairman Woolley said a couple of us have talked about our new website and the difficulty in finding Planning Commission Agendas, minutes and packets. I spoke with Tina Brown, Communications Coordinator, to see if they can make this a bit easier to find things. I told her we would talk about it in our meeting tonight formally and they are in the process of making some changes and updates. I would like to know if there are some other points besides that that we need to address.

Commissioner Quinn said easier access is so important for everyone. There are times when I have difficulty in finding the Agenda and supporting documents.

Commissioner Jolley said the calendar used to be user friendly and it is not easy anymore. I would like to see easier access to all Agendas, minutes and recordings.

Chairman Woolley said they are only posting the last meeting where they used to post the archive of meeting minutes and recordings. I would like to see that changed so we have access to view more of them.

Commissioner Quinn asked if we have another combined Work Session scheduled with City Council this year.

Chairman Woolley said I will speak with Mayor Alvord to see if we can get something scheduled.

ADJOURNMENT

Commissioner Holbrook motioned to adjourn. Commissioner Jolley seconded the motion. Motion was unanimous. The October 11, 2016 Planning Commission meeting adjourned at 7:25 p.m.

These meeting minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the October 11, 2016 Planning Commission minutes, which were approved on October 25, 2016.

Anna M. West

South Jordan City Recorder

10-11-16 PC Meeting - Attachment A

SOUTH JORDAN
UTAH

ODCTOBER 11, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
Neil & Barbara Naylor	10836 10550 S
KEVIN & MEREDITH CAMERON	9782 LAZY WATER COVE