

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

March 25, 2014

Present: Chairman Russ Naylor, Commissioner T. Earl Jolley, Commissioner Sean D. Morrissey, Commissioner Richard Feist, Commissioner Beverly Evans, Commissioner Jason Haymore, Community Development Director George Shaw, City Planner Greg Schindler, Assistant City Attorney Ryan Loose, Assistant City Engineer Shane Greenwood, City Recorder Anna West

Absent: Commissioner T. Earl Jolley

Others: See sign in sheet - Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone to the meeting.

B. Motion to Approve Agenda

Commissioner Haymore made a motion to approve the March 25, 2014 Planning Commission Agenda. Commissioner Evans seconded the motion. Vote was unanimous in favor. Commissioner Jolley was absent.

C. Approval of the Minutes from the Meeting held on March 11, 2014

Commissioner Haymore made a motion to approve minutes from the March 11, 2014 Planning Commission meeting as printed. Commissioner Feist seconded the motion. Vote was unanimous in favor. Commissioner Jolley was absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Calendaring Items

Community Development Director Shaw said previously we announced two dates that the City Council would like you to meet with them. Right now we are not sure which date the City Council wants to use. The first one is April 1st and it would be sometime between 4-6 p.m. That is also the night that we will be presenting future land use map options to the Council by their direction so if it ends up being that night you can come and stay for both if you desire. The other date is April 29th and the Council also indicated that when they have a 5th Tuesday in a month where we don't have a Planning Commission meeting or a City

Council meeting then that would be a good time to meet with the Planning Commission and review various issues. As soon as we know the date we will shoot an email out to you letting you know and send you a copy of the Agenda.

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: DAYBREAK VILLAGE 5 PLAT 2
PRELIMINARY PLAT**
Address: Approx. 10550 South 5195 West
File No: SUB-2014.11
Applicant: Kennecott Land

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

Gary Langston, 4700 Daybreak Parkway South Jordan, Utah; said he has nothing to add at this time and is available for questions.

Chairman Naylor opened the Public Hearing to comments. None. He closed the Public Hearing.

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

Commissioner Haymore made a motion to approve File No. SUB-2014-11 with the following: 1) that all South Jordan City requirements are met prior to recording the plat. Commissioner Evans seconded the motion. Roll call vote was unanimous 5-0 in favor; Commissioner Jolley absent.

**Issue: EQUESTRIAN ESTATES PHASE II
AMENDMENT AND EXTENSION OF A SUBDIVISION – SINGLE
FAMILY RESIDENTIAL SUBDIVISION**
Address: 1901 West 11400 South
File No: SUB-2013.49
Applicant: David Jenkins, Ensign Engineering

City Planner Greg Schindler reviewed the information on this item from the packet staff report. Everything meets our code and staff is recommending approval along with the 8' masonry wall.

David Jenkins, Ensign Engineering -11447 Polo Club Court, South Jordan, Utah; he said this is exciting to finally have this happen in our neighborhood and be able to create two more homes that will fit right in with the existing homes. I do request that we get that 8' fence along the boundary because the commercial property is quite unsightly. I wish the City could do something about that if you have a way to convince the property owner to beautify his property a bit that would be great.

Chairman Naylor opened the Public Hearing to comments. None. He closed the Public Hearing.

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

Commissioner Evans made a motion to approve Application SUB-2013.49 to allow for an amendment and extension of the Equestrian Estates Subdivision on property located at 1901 West 11400 South with the following: 1) That all Municipal Code requirements are met and approving the 8' masonry wall. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0 in favor; Commissioner Jolley was absent.

**C.1. Issue: RIVER HEIGHTS COMMERCIAL SUBDIVISION
SUBDIVISION AMENDMENT
Address: 10640 South River Heights Drive
File No: SUB-AMEND-2013.60
Applicant: Warren Kirk**

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

Commissioner Feist asked what Lot #3 is for. City Planner Schindler said they don't have a specific idea of what they want to build on lot 3 yet and that is one of the reasons City Council did not approve the zoning change on it. They need to come forward with a concept plan of what they want to construct on that then they can come back to Council and ask for a zoning change at that point. If they wanted to build an office space then they could just come back with a concept plan and a rezoning to the office. If they wanted to build commercial or retail they would again have to have a concept and also do a land use amendment to change it to commercial.

Chairman Naylor said we are amending their previous subdivision plat to add lot 2 and lot 3.

Director Shaw said that accommodates their zone change application that you saw previously which the Council has now approved. The approval of the zone change to add to that land use at that site necessitates an amendment to the commercial subdivision.

Chairman Naylor said they can't do anything with that lot 3 until they come back and show us what their plans are; is that right?

City Planner Schindler said that is right, because it is currently zoned agriculture. Lot 3 can be part of the subdivision but it can't be developed.

Warren Kirk, (applicant); said I just want to clarify one thing. He said Think Storage on the top northeast corner is .66 acres that was combined into the total plan. He showed a picture to the Commissioners how the area originally looked.

Chairman Naylor opened the Public Hearing to comments. None. He closed the Public Hearing.

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

Commissioner Evans made a motion to approve File No. SUB-Amend-2013.60 to amend the River Heights Commercial Subdivision as proposed. Commissioner Feist seconded the motion. Roll Call Vote was unanimous 5-0 in favor; Commissioner Jolley absent.

D.1. Issue: AT&T FACILITY EXPANSION AT JORDAN RIDGE ELEMENTARY SCHOOL SITE PLAN / CONDITIONAL USE PERMIT AMENDMENT
Address: 2635 West 9800 South
File No: CUP-2014.02
Applicant: Bill Daley

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

Denise Cardinal, 1519 Magnolia; she said she is here for Bill Daley. I just wanted to add that this is part of an initiative after hurricane Katrina where the FCC has mandated having the generator for back-up power.

Chairman Naylor opened the Public Hearing.

Randy Satchwell, 2578 Country Bend Dr., South Jordan, UT; my property is on 9800 South which is really close to this generator. I was in favor of the microwave station when they put it in many years ago. One of the conditions of the Commission was that they would never expand that based on noise factor and microwave for the school, therefore a lot of us in the neighborhood approved the microwave station because they would not put a generator there. We asked back then what they would do for back-up power and one of the things suggested was solar power. I suggest this be looked at instead of the generator. Generators are too loud when running and unsafe to have around kids. I request denial of this and have them go back and look at the agreement of the original CUP. We should not have to put up with the noise and safety hazards.

Chairman Naylor closed the Public Hearing.

Chairman Naylor asked staff if they have looked at the notes from the previous Conditional Use Permit and any restrictions he is talking about.

City Planner Schindler said no I have not read it; I don't know if there were any restrictions or not. I would have to find it because I am not sure how old it is.

Chairman Naylor said this is an emergency generator and I think the only time it will go on is if the power goes off.

Ms. Cardinal said the noise level is low. If the power goes off it will switch automatically to the back-up generator. The school generator is located in the same area and their generator would go on if there is loss of power. The FCC mandate is to provide a minimum of 8 hours back-up power during an emergency.

Commissioner Haymore asked Ms. Cardinal if solar power is an option. Ms. Cardinal said I can't answer about solar power. I have not seen solar with any other sites.

Commissioner Feist asked if there would be additional diesel fuel stored on the site or would it just be the tank capacity. Ms. Cardinal said it would be the tank capacity only.

Commissioner Evans said the only purpose of this is to have power in an emergency is that correct? Ms. Cardinal said this is to comply with the FCC mandate for back-up power. She said we have an agreement with the school.

City Planner Schindler said it will be enclosed with a wall around it that will block most of the sound.

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

Commissioner Evans made a motion to approve the Site Plan and Conditional Use Permit CUP-2014.02, allowing AT&T to expand their site area in order to allow for additional ground equipment at their current Jordan Ridge Elementary Facility generally located at 2635 West 9800 South. Commissioner Haymore seconded the motion. Roll Call Vote was unanimous 5-0 in favor; Commissioner Jolley absent.

**E.1. Issue: WHEADON GLENN
 PRELIMINARY SUBDIVISION
Address: 10090 South 1300 West
File No: SUB-2014.04
Applicant: Dennis Peters**

Community Development Director George Shaw reviewed the information on this item from the packet staff report. He said the original development agreement allowed up to 30 lots and based on the configuration here if they were to build both phases as shown on the preliminary plat there would be 26 lots instead of 30 lots.

Commissioner Haymore asked for clarification on why the streets can't connect. He said I understand that it is because there is a need to get the permission of the property owners to the west.

Director Shaw said the streets are private streets; even though the plat shows that street platted to the property line it is not built to the property line in Reunion Village, there is a gap there plus a protection strip that was allowed. It would take a lot of doing now or in the future to get connection. You would have to several property owners, including the Home Owners Association's to agree to the connection. The recommendation before you tonight is from the Fire Marshall in lieu of the emergency issues that are raised when you have a dead-end system like this. We feel that those measures are adequate to protect the public and those who will be building homes in here. This is a gated community.

Dennis Ferritt, #3 Northridge Way, Sandy, UT; I am the substitute applicant and a member of the project funding group. Director Shaw has explained this in great detail and I have no comments at this time.

Chairman Naylor took a few minutes to explain to the public what is being considered here tonight. He said the property has been rezoned now so all we are talking about tonight is if the applicant has met all requirements of the City Ordinance for a subdivision. There is no access to any of your developments so this stands on its own. The exit will be off from 1300 West. I'd like to compliment staff with my background as an architect for what I think is a pretty innovative solution with requiring sprinklers on the houses that are a distance away that might be difficult to get a fire apparatus back there.

Chairman Naylor opened the Public Hearing.

Leona Winger, 1643 West Cornerstone Dr., South Jordan, UT; with the clear and concise understanding that you are not now or in the future coming into Cornerstone residence nor seeking admission in there. Cornerstone ages run about 74 to 75 years of age and have 80 to 85 widowers. We feel a unique and very deep sense of protecting every one of those citizens. We will support this 100% based on your not coming into Cornerstone.

Bonnie Lindsey, 1452 W. Cornerstone Dr., South Jordan; we welcome this new subdivision and look forward to having them. The clarification I wanted to make was Cornerstone does not have a street that would be accessible. The paved area is not a street. My husband is disabled in a wheelchair and the only way I can get him into the car is to park in my driveway to get him in and out of the vehicle.

Gary Nelson, 1475 W. Easy Street, South Jordan; the west end of the proposed development phase two, how far will that be from the west end of the proposed project?

Chairman Naylor said it is 12 ½ feet. He pointed out the location on the overhead map.

Mr. Nelson asked what the developer's intent is for the perimeter fencing and will he use the existing vinyl fence as a perimeter fence for the subdivision or will they construct additional fencing.

Bob Winder, 1456 Homecoming Avenue, South Jordan; I am the Vice President of the HOA of Reunion Village. I would like to thank the staff and the developers for doing a phenomenal job in meeting the concerns and the needs of the Village. It has been an emotional issue and I have fielded many calls and concerns. It appears to me that much work has gone into this proposal and I would simply like to thank those who have done a phenomenal job.

Kris Cunningham, 10063 S. Neighborhood Cove, South Jordan; we have had trouble in our community with green areas in our development that fill up with water during the spring runoff. This has no green areas and I was wondering where the extra water will go when we have a lot of spring runoff because that could be a danger to our community. We have also had trouble with parking. There are no parking spaces here; we have parking spaces and we still have parking problems.

Chairman Naylor said it was pointed out by Mr. Shaw that understanding that they are private drives, before the city could even consider allowing them to amend the plan and go through your properties they would have to get all the homeowners and the HOA to agree to let that happen. It is not something that we are going to have to regulate for you.

Chairman Naylor said with regard to drainage, a professional engineered drainage study and plan will have to be submitted and approved before the final subdivision plat would be approved by staff.

Deputy Engineer Shane Greenwood said it is my understanding that the drainage would connect to the 1300 W. storm drainage system. We will not be draining into the canal.

Chairman Naylor as far as parking goes, it is anticipated that when the houses are developed would have some parking in their driveways.

Director Shaw said this is a private street so the City will not be regulating the gate, the street or any connections. There will be parking in front of the garage doors. If there is other parking that could be made we would encourage the developer to do that. Possibly put something in their CC&R's about parking on the street because as I understand the asphalt width will be similar to a public street where people are allowed to park on the street. If that gets out of hand it compromises the fire code issues that we talked about.

Chairman Naylor asked about the perimeter fence around the development.

Director Shaw said that wasn't addressed in the staff report and my understanding is because these are single family homes there is not a requirement to do that. It might be well to ask the applicant what they have in mind. I would hope they would do something consistent that would be conducive to the neighborhood.

Ms. Cunningham said a lot of people are concerned about their property values going down because the view of the Temple will be compromised.

Chairman Naylor said we while we sympathize with you, there is nothing we can do to protect the view you currently have.

Commissioner Evans said this is a private property issue and the developer has guaranteed by legislative statute with personal property rights to develop the property.

Chairman Naylor said I believe these homes will be comparable size to the home you have there in Reunion Village.

Chairman Naylor closed the Public Hearing.

Mr. Ferritt said we are going to use the existing fence that surrounds the property. This is going to be HOA and to control the conformity of the subdivision we'll have the fences coincide with the vinyl fence between the homes.

Director Shaw asked if the applicant would be willing to put something in the covenants that would control whatever fence you decide upon that is it uniform so that individual property owners can't go in and take the vinyl out and put other things in with a Heinz 57 mix.

Mr. Ferritt said I think that would be wise.

Chairman Naylor asked what style of homes will go in.

Mr. Ferritt said we will build as large a home as we can with three car garages. There should be plenty of parking in the driveways. The size of the homes will be around 2,000 square foot.

Commissioner Morrissey said it has been discussed about the parking issue on the street and how that might cause some concern as far as emergency vehicles entering and exiting. Have you considered any type of limited use as far as street parking?

Mr. Ferritt said we have not addressed that but we could take a look at it.

Commissioner Morrissey said would you be open to having a condition as far as limited parking like Chairman Naylor spoke of where only one side of the street was used for parking.

Mr. Ferritt said I think we could do that.

Director Shaw said just to clarify the road width will be the width of a standard street which does allow parking but depending on how people park it could possibly impede emergency vehicles.

Commissioner Morrissey said I am even concerned about people parking in the hammerhead turn around area. That would be a huge problem for emergency vehicles.

Director Shaw said that is a good comment and I don't know how you want to deal with that because it is private. We have found where you have these dead-end turnarounds you often find where someone will park an RV there and next thing you know you don't have the access that you thought you had.

Commissioner Morrissey said I live in an area where my house is really the last house on our street and my driveway is continually used as a turnaround.

Mr. Ferritt said I think we can address that in the CC&R's.

Chairman Naylor asked if we see the CC&R's. Director Shaw said no; this is a private development. We typically review them with the final plat and we can look for those things in there. That's why I wanted it on record if they are willing to do that in the covenants.

Mr. Ferritt said I think those are very good suggestions.

Commissioner Haymore asked what exactly can we do with regards to the parking here.

Assistant City Attorney Ryan Loose said it is administrative standard. Legislative standard is that broader discretion to say we like this, we don't like this. That happens at rezone by the City Council that makes the laws and has that authority. Administrative standard is, are they following the rules, the ordinance. In this case since there is a development agreement that was put in place during that legislative standard, are they following that? I just checked the development agreement and I couldn't find anything specific to parking or building height. Then you would fall back on what the code requires. The code requires 20 feet of clear access at any given time throughout. That is going to be something that if there is a fire and they need to get through then they are going to move whatever necessary. I wouldn't want my car moved that way but they will do what they have to do. It would

really be up to them regardless of the CC&R's from a liability perspective to maintain that. If they put it in their CC&R's and you would like us to check, we can check as it comes through. Because it wasn't mandated during the legislative process to be in the CC&R's we can't for them to now. If he is voluntarily agreeing to it at this stage, we can check to make sure it is in there and if it is not in there bring it back to you so they can tell you why they didn't do what they agreed to do.

David Jenkins with Ensign Engineering said what really happens in this case is just like with any private development on a commercial site the Fire Marshall has the say on the requirements. What will happen is that hammerhead turnaround would be striped red and will say fire access only. That way it will be totally monitored by the Fire Marshall and they have jurisdiction over this whether it's private or not. That is how you control it.

Mr. Ferritt said we just want to let the neighbors know that we want to be a good neighbor and have an upscale development.

Commissioner Haymore said I think we need to be realistic and know that we can't add extra requirements at this point but we can certainly follow up to find out why promises were not followed through. It is a unique development and I applaud the developer and neighbors. There are some very sensitive issues here that affect a lot of property rights and everyone seemed to work through them amicably.

Commissioner Evans said I think our staff needs to be commended in developing a plan that meets the requirements of the Fire Marshall, protects the new residents that will be moving into this new development and doing it in an amiable way that does not interfere with the current existing communities. I feel very comfortable as we go forward with this development.

Chairman Naylor temporarily opened the Public Hearing to hear comments from Karin Adam.

Karin Adam, 10019 Remembrance Lane, South Jordan; I just learned that they are going to be using our existing fences. There are a lot of trees and stuff growing on that side and we had to replace part of those fences before. Since they are using our fences, who will be paying for maintenance and repairs of the fences.

Chairman Naylor said the fence is yours. They are not required to have a fence.

Director Shaw said that is a civil matter that would have to be resolved between the property owners.

Chairman Naylor closed the Public Hearing again.

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

Commissioner Haymore made a motion to approve the Wheadon Glenn Subdivision with the following provisions:

- 1. That the necessary right-of-way along 1300 West is to be dedicated with the final plat.**
- 2. That the temporary turn-around is to be improved with asphalt as part of the first phase.**
- 3. That the waterline is installed with a minimum of two sources as part of phase I, and/or as otherwise directed by the City Engineering Department.**

4. That any structures located beyond 600' as measured from 1300 West, unless a second access can be provided, are to be fire sprinkled as determined by the City's Building Code.
5. That all easements, as determined by the City's Engineering Department, are to be recorded with the first phase.
6. That all other notes, including ground water, soil conditions, etc..., as determined by the City Engineer are to be recorded with the first phase.
7. That the Developer is to install a minimum of two, 1 ½' caliper shade trees per lot frontage within eight feet of the sidewalk, or back of curb where no sidewalk is present.
8. That the proposed subdivision is to meet the requirements of the approved Development Agreement along with all other South Jordan City Zoning and Development Codes.

Also adding the understanding that the CC&R's will address the parking issue and if there are no provisions for parking in it that the applicant will come back and talk to us about that. Also adding that if the representations concerning the fencing today change going forward that the applicant will also come back and talk to us about that. Commissioner Feist seconded the motion. Roll Call Vote was unanimous 5-0 in favor; Commissioner Jolley was absent.

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

The March 25, 2014 Planning Commission meeting adjourned at 7:55 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the March 25, 2014 Planning Commission meeting minutes, which were approved on April 8, 2014.

Anna M. West

South Jordan City Recorder



MARCH 25, 2014

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Denise Cardinal

1519 Magnolia, Norman, OK

Bill SANDRE

5670 WILSHIRE BVD. LOS ANGELES, CA

Carlisle & Joyce Barber-Shultz

1622 W Cornerstone Way - S.J. UT
1531 W Cornerstone Dr. S.J. UT

Sonnie Lindsay

1452 Cornerstone Dr. S.J. UT

Connie Richard Lavelle

1573 Cornerstone Dr S.J. UT

Lowell TRIPP

1458 CORNERSTONE DR SOUTH JORDAN UT

Randy Subharel

2578 Country Bend Dr South Jordan UT

Louise Street

10142 Cornerstone Lane S Jordan

Shirley H. Lovitt

1578 W Cornerstone Dr S.J.

Julian Peters

1432 Cornerstone Drive S.J.

JACK ROBERTS

" " " "

Bill BUCHANAN

1538 W Cornerstone Dr

AETON Beckstrand

10155 S. Cornerstone Dr

Tom a. Holt 10071 So 1700 W.
 Cheryl H. Bunderson 1521 W Cornerstone Dr
 Muriel (Miki) Keele 1517 W Cornerstone Dr.
 Robyn Gault
 Ben Bunderson 1521 W. Cornerstone Dr
 E. Mason 1434 Homecoming
 Jake DeMunn 1396 E 8425 S.
 Karen Wood 1419 Homecoming Ave
 DENNIS BERRETT 3 Northridge Way S
 Jeff Meising
 Marty Meising
 Kavin Adam 10019 Remembrance Lane
 Max Adam //
 Kris M. Cunningham 10063 S Neighborhood Cove,
 Peggy W. Smith S.T. 1638 W. Cornerstone Drive
 James B Smith " " " 5935 Firestone Cir.
 Tanner Phillips
 Richard Whitaker 10154 Cornerstone Lane
 Shirley + Tim Lunt 10059 Neighborhood Cove Remin
 George & Sharon LeBaron 1471 Cornerstone Drive
 Clark & Colleen Larsen 1536 Cornerstone Dr.
 Luida Erickson 1597 " "
 Ramona Erickson 1558 " "

MARCH 25, 2014

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Mary Michaelis

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Carole Monsen

1611 Cornerstone Dr.

Roger Monsen

1611 Cornerstone Dr.

William Keil

1634 Cornerstone Way

Alex & Aileen Christensen

10053 Neighborhood Court

GARY C NELSON

1475 EASY ST

Colvin & Roba Kowallis

1634 Cornerstone Dr. South Jordan

Carol & Paul Nuttall

1619W Cornerstone Dr. UT

Ralph Gundersen

10155 So. Cornerstone Dr.

Wanda Kirk

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Mona & Hege Rickardson

10135 Cornerstone Dr.

Bob & Shauna Whitaker

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Elyse Bustin

1576 Cornerstone Way S.J. 84095

Patrick C. Farts

1654 Cornerstone Way SJ 84095

Leona Wynn

1643 W. Cornerstone 84095

Barbara Jack

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Mark Sathales

~~May Clark~~

Steve Shreeve

~~Sarah~~ Shreeve

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"

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