

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

May 13, 2014

Present: Chairman Russ Naylor, Commissioner T. Earl Jolley, Commissioner Sean D. Morrissey, Commissioner Richard Feist, Commissioner Beverly Evans, Commissioner Jason Haymore, City Planner Greg Schindler, Planner Brad Sanderson, Planner David Mann, Assistant City Attorney Charity Brienz, Assistant City Engineer Shane Greenwood, Deputy Recorder Cindy Valdez

Others: Richard, Dorrance, Adelle Dorrance, Gordon Milar, Alex Winder, Gordon Hoffman, Jeremy Ferril, Dan Milar, Kurt DeHart

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone to the meeting and noted that all Commissioners are present.

B. Motion to Approve Agenda

Commissioner Jolley made a motion to approve the May 13, 2014 Planning Commission Agenda. Commissioner Haymore seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on April 22, 2014

Commissioner Evans made a motion to approve minutes from the April 22, 2014 Planning Commission meeting as printed. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Calendaring Items

None

B. Comments from Planning Commission Members

Chairman Russ Naylor said I am sure by now everyone knows that George Shaw is no longer with South Jordan City and I am sure that it came as a shock to many because of how fast it happened. I enjoyed working with George. I thought he was very professional and I think he will be sorely missed. I wish him well in his retirement and I think he did a wonderful job for the City.

Commissioner Evans said I think we will look around and see his handprints over a lot of the City. I also think that when we look back we will see a lot of the leadership and influence that he provided. I really appreciate the job that he did for our City.

C. Staff Business

City Planner Greg Schindler said we have (2) Commissioners that are on the Architectural Review Committee, so I would like to remind you that there is an ARC Meeting scheduled for tomorrow May 14, 2014 at 8:00 a.m.

Chairman Naylor said I will be on a plane at 6:00 a.m. so I will not be attending the meeting in the morning.

D. New Business

None

III. CITIZEN COMMENT

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

Chairman Naylor welcomed the scouts from Troop 1678 to tonight's meeting.

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.1 AMENDMENT
CONDOMINIUM PLAT AMENDMENT**
Address: 4700 West Boathouse Circle
File No: SUB-AMEND-2014.20
Applicant: Kennecott Land

City Planner Schindler reviewed background information on this item.

Jeremy Ferril, 67 S Main Layton, Utah 84041- said I really don't have anything to add, but I am here to answer any questions you may have for me.

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

Commissioner Beverly Evans motioned to Approve File No.SUB-2014.20 with the (1) requirement by staff. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimously in favor.

**B.1. Issue: JORDAN HEIGHTS PUD PHASE 5
SUBDIVISION AMENDMENT**
Address: 11225 South 4150 West
File No: SUB-AMEND-2014.26
Applicant: Patrick Moffat

Planner Brad Sanderson reviewed background information on this item.

Dan Milar, 10696 S. Bison View Cove South Jordan, Utah 84095 – said we have already pre-sold a number of these lots. How we discovered this issue was that we had already issued lot 503 and it is pretty close to issuing a permit, so on 503 and the ones in the corner we would like to get a little more height out of it. The way we have designed it we will have the driveway on the low side and the porch on the high side, and there are steps going up to the porch from the driveway. We are trying to only have a 1' of slope on the low side from the driveway. We took a laser out to that site and on lot 501 there is a little more than 10' front to back slope. We can deal with that by putting in a 6 or 7ft retaining wall on the back. On lots 507 and 508 the drawings show a driveway that wraps around and slopes up with a side entrance. They are the two steepest lots. We were also hoping to get a finished elevation on lots 511 and 512. As planner Sanderson said recommendation #3 and #4 are not as big of a concern because it is more about the transition. On recommendation #5 we could do a design, but the lots we have already sold do not have landscaping included on them. I don't know if we can work something out with that or not.

Chairman Naylor said the houses up at Daybreak are so far up the hill that adjusting the grades a couple of feet here is really not going to have a major impact on those homes, is that accurate?

Planner Sanderson said at Daybreak they sit up approximately 21' from front to back. There are some in Daybreak that sit up even a little higher. We don't feel that there is a lot of impact if any on those.

Chairman Naylor opened to the Public Hearing to comments.

Gordon Milar, 2599 Royalty Lane South Jordan, Utah 84095 – said there is common area between us and Daybreak so it should not affect any of the views. I would like to address requirement #5. My difficulty is that I already have 6 of the homes sold, so for us to have to go back to the buyers and tell them that they have to put their landscaping in before they close is going to definitely create a hardship for them. Regarding Lot 504, it is the steepest lot from front to back, and when we get to lot 501 each lot next to it gets lower, and lower.

Commissioner Morrissey said on recommendation (#5) Mr. Milar mentioned that it would be a hardship to have landscaping in before they closed, is there a requirement per code, regulation, ordinance?

Planner Sanderson said we do require landscaping to be installed. If it is in the winter months we do allow them to bond for it. In this case we would rather have the builder install the landscaping and it doesn't have to be before they close we can put a time frame on it. We would rather keep this recommendation with the builder than to have to deal with a dozen homeowners, or however many lots have already been sold.

Commissioner Feist said if we are talking about having the homeowner be responsible for dealing with these tiered retaining walls that would be a concern. If we have to deal with each individual homeowner on 10' to 12' retaining walls, that is a concern because those are some sophisticated walls.

Assistant City Engineer Shane Greenwood said I think we have to look at it as one wall, but you would have to have it designed for that size of wall.

Chairman Naylor said I don't see the City granting an occupancy permit with that kind of slope without the retaining walls being constructed and installed before the house can be occupied.

Commissioner Haymore said there are already landscaping requirements written in the code, so how are we altering that?

Mr. Milar said with the slope that is there you can go in 4' increments without having to have it engineered, and you can go up to 7' with the right kind of netting behind there. The people have spoken with some landscaping engineers and have gone over what they would like to do. The difference is that we are able to let people take care of their own landscaping. It is difficult for me to go in and guess what type of landscaping the people will want on their \$600,000 home. I could go in there and put bushes, a few trees, and they are going to go in and tear it out and get what they want. That is why we close on it, they bond for it, and they can get what they want. If we were to go to them now and tell them they need to do the landscaping before they close that would be a hardship for them. We have never had anyone tell us we had to have them put in walls and landscape before they close. I don't think they required that on the temple lots, so I don't think they should change the rules half way through, when to my knowledge they have never required that before.

Planner Sanderson said this is a PUD so it does act as a conditional use. There is some discretion that the Commission does carry to mitigate concerns. I don't know what the discussion was with the developer, but this isn't the first time we have done this. We required them to do the landscaping when we did Brooklyn Meadows, and there have been others as well that is just the one that comes to mind. If the concern is the time frame I don't think that is too much of a concern for us. We don't necessarily have to put the landscaping in before it can be occupied, it is mainly an aesthetics issue.

Commissioner Haymore said is the hardship regarding landscaping going to be on the people that have already purchase the lots, or those that are going to?

Mr. Milar said if someone comes in to buy a home and we tell them they have to put in their landscaping, walls, and everything done before they can occupy the home, that will be a problem. We will be starting the homes in June so they won't be occupying the homes until the winter and they cannot put the landscape in at that time. The homes that we have already sold will have an added hardship because on a \$500,000 or \$600,000 home the landscaping will be about \$30,000 and that would be a hardship.

City Planner Schindler said we don't normally require any builder in a PUD to have the landscaping in before they occupy. They always have the option to bond for it. Our concern is that we do something aesthetically to the appearances of the foundations. In a PUD you can also increase the amount that the bond would be because this is going to be more expensive landscaping. I think in Ivory Crossing they bonded for \$2,000. We hardly ever require them to have the landscaping in at occupancy. They usually get 1yr to have the landscaping in after occupancy.

Commissioner Morrissey asked do we need have a discussion regarding requirement #5.

Chairman Naylor said we do need to have a discussion on what to do with requirement #5.

Commissioner Feist said I would like to suggest that on items 2, 3 and 4 we increase them 200' each so there are incremental increases and it will allow them the maximum height. I think regarding requirement #5 we have City ordinances and State Law that does not let them exceed a 4' retaining wall, so that is going to limit what they can do there. If they need design, I would suggest that they bond for \$2,000, or possibly \$2,500 to encourage them to properly landscape the frontage. That would allow them to move in and finish it in the spring.

City Planner Schindler said I would like to give you a suggestion to add a requirement that they landscape, or they add some kind of treatment to the exposed part of the foundation.

Planner Sanderson said I don't know that it is required but they usually use some kind of textured plaster.

Chairman Naylor said we were talking about something more like stone or brick. I would think that on a \$600,000 home they would want to use something other than just plaster.

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

Commissioner Jolley motioned to approve the Subdivision Amendment with the following requirements:

- 1. The finish floor elevation of Lot 501 is not to exceed 4' from top back of curb.**
 - 2. The finish floor elevations of Lots 502 and 512 are not to exceed 8' from top back of curb.**
 - 3. The finish floor elevations of Lots 503 and 511 are not to exceed 10' from top back of curb.**
 - 4. Finish floor elevations of Lots 504 through 510 are not to exceed 12' from top back of curb.**
 - 5. We propose that the Home Owner bonds to the City for \$2,000.00 for landscape improvements to the front yard be completed within 1 year of occupancy. The front foundation finish should not exceed 2' of a plaster concrete finish to be exposed above grade.**
 - 6. The proposal meets the requirements of all other City and Development codes.**
- Commissioner Evans seconded the motion. Roll Call Vote was 5-0 unanimous in favor.**

**C.1. Issue: CLOVER RIDGE LOT 54
SUBDIVISION AMENDMENT**
Address: 11723 South Lampton View Drive
File No: SUB-AMEND-2014.19
Applicant: Todd Bradford

Planner Brad Sanderson reviewed background information on this item.

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

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

Commissioner Haymore motioned to approve the Cover Ridge Lot 54 Subdivision Amendment as proposed. Commissioner Evans seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**D.1. Issue: MAXIMUM DANCE
CONDITIONAL USE PERMIT**
Address: 10128 South Redwood Road, Suite 1
File No: CUP-2014.03
Applicant: Mark and Taralee Lowrance

Planner Brad Sanderson reviewed background information on this item.

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

Commissioner Evan said looking at who is occupying this right now, the number of parking lots, the variables, and the fact that there has been a lot of turnover and vacancies. I think it will be a good thing to have this business move in there.

Commissioner Haymore said when I looked at the application and looked at the number of trips, and times, it didn't seem to have any more traffic than any other retail establishment, and I certainly didn't see any detrimental effect.

Chairman Naylor said I always thought this was a strange layout.

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

Commissioner Evans motioned to approve File No.CUP-2014.03 with the (2) recommendations by staff. Commissioner Haymore seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**E.1. Issue: SOUTH MOUNTAIN COMMUNITY CHURCH OFFICES
CONDITIONAL USE PERMIT**
Address: 11748 South 3600 West
File No: CUP-2014.05
Applicant: Kurt DeHart

Planner David Mann reviewed background information on this item.

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

Kurt DeHart, 11748 S. 3600 W. South Jordan, Utah 84095 – said in the morning the building will be used for bible studies. During the day it will be used for office use, and there will only be about 2 individuals in the building during the day. In the evening they will have youth groups, band practice, choir, women's craft, and those types of things. We are looking at a little bit of a change because we are going to also use it as an assembly area with (2) classes and a bible study.

Chairman Naylor 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 Conditional Use Permit for an office/assembly space within an existing building in the BH-MU Zone located at 11748 South 3600 West with recommendations by staff. Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

**F.1. Issue: TAYLORS COVE SUBDIVISION
PRELIMINARY SUBDIVISION**

Address: 10605 South 2200 West
File No: SUB-2014.17
Applicant: Alex Winder

Planner David Mann reviewed background information on this item.

Alex Winder, 1169 W Koradine Dr. South Jordan, Utah 84095 – said I don't have anything to add but I am here to answer any questions you may have for me.

Commissioner Feist said is the home on 101 owned by your development company or is it owned by an individual, and are they willing to accept Lot 101 in this subdivision?

Mr. Winder said we will own it until we close on it and then we might tear it down. I don't think it has been decided yet.

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

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

Commissioner Feist motioned to approve File No. 2014.17 for a 12 – lot preliminary subdivision of real property subject to meeting all City requirements. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

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

The May 13, 2014 Planning Commission meeting adjourned at 7:45 p.m.

Meeting Minutes were prepared by Deputy Recorder Cindy Valdez.

This is a true and correct copy of the May 13, 2014 Planning Commission meeting minutes, which were approved on May 27, 2014.

Anna M. West

South Jordan City Recorder