

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

July 22, 2014

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

Others: See Attendance Log (Attachment A)

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 at tonight's meeting.

B. Motion to Approve Agenda

Commissioner Evans made a motion to approve the July 22, 2014 Planning Commission Agenda. Commissioner Haymore seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on July 8, 2014

Commissioner Evans made a motion to approve minutes from the July 8, 2014 Planning Commission meeting as printed. Commissioner Feist seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Calendaring Items

None

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 PLAT 10G
PRELIMINARY PLAT**
Address: 4950 West 10500 South
File No: SUB-2014.36
Applicant: Kennecott Land

City Planner Greg Schindler reviewed background information on this item.

Gary Langston (Kennecott Land) 4700 Daybreak Parkway South Jordan, Utah 84095 – said I really don't have anything more to add to the review, we are just very excited to get this project going. I am here to answer any questions you may have for me.

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

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

Commissioner Evans motioned to approve File No.SUB-2014.36 with the (1) recommendation by staff. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**B.1. Issue: GREASE MONKEY QUICK LUBE AND GORILLA CAR WASH
SITE PLAN/CONDITIONAL USE PERMIT**
Address: 3694 West 11400 South
File No: SP-2014.12
Applicant: Steve Cloward

Planner Jake Warner reviewed background information on this item. He said that a (4th) requirement was added by staff: (4.) "The applicant will provide the owner's affidavit properly executed prior to a building permit being provided."

Chairman Naylor said I am curious why we are doing a site plan and there is not a subdivision. They can't get a permit or anything, can they?

City Planner Warner said I don't want to speak for the applicant, but they don't want to purchase the property unless they can build the project as well.

City Planner Schindler said they can build it without the subdivision, what they can't do, is buy the property without the subdivision, that is why we need the current owner's affidavit for the application because 7-11 needs to sign off that it is ok to have this on their property until they actually sell it.

City Planner Warner said staff is aware that the applicant intends to purchase the property. There is nothing in the code that restricts them from building if 7-11 is on board with it.

Steve Cloud, (applicant) – said this will be our 4th location. We have one up on Timpinogas Highway and this one will be very similar in appearance. We have done a lot of work on this one already. We have received a letter from 7-11's attorney with the attached clean copy of the revised sales contract. We have signed it and returned it to 7-11 it is now in their hands. I have also paid for the re-plat through my civil engineer and now 7-11 has both documents. We have also added a paragraph on the re-plat with the cross easement wording, in-fact 7-11 needs it more than we do because they really don't have good access unless they come through the drive on our property. All we are waiting for is a few signatures. We are so confident that we have already paid \$45,000.00 to move the telephone pole on that site, and the guide wire so we can have the full use of the property. We are ready to start construction the 2nd week in August.

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

Chairman Naylor said Sean and I saw this design at the ARC Meeting, and it is an attractive building.

Commissioner Haymore said can anyone tell me why we are requiring a conditional use permit?

City Planner Schindler said it is because there is a car wash.

City Planner Warner said all auto uses are a conditional use in this zone.

Commissioner Haymore said I think more specifically, when we designate something as an allowed use with a conditional use permit that is typically saying: "that there is something that could potentially bother something around it."

City Planner Schindler said it could be noise from the car wash, or even noise from the open bays. The one good thing about this is that the bays face north and west, and there are not residents that face north or west.

City Planner Warner said staff tries to anticipate those impacts, and I have worked with the applicant on the sound issue. The applicant has provided some sound readings and based on that he does meet the requirements set by the Health Department.

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

Commissioner Feist motioned to approve File No. SP-2014.12, approving a site plan/conditional use of a quick lube and care wash located at 3694 W. 11400 S. with the 3 requirements by staff and including a (4th) requirement:

4. The applicant provides the owners affidavit properly executed prior to a building permit being provided.

Commissioner Haymore seconded the motion. Roll Call vote was 5-0 unanimous in favor.

**C.1. Issue: STERLING RIVER
 CONDITIONAL USE PERMIT AMENDMENT**
Address: 11700 South 1000 West
File No: CUP-AMEND-1014.10
Applicant: Nick Mingo

City Planner Brad Sanderson reviewed the background information on this item.

City Planner Sanderson said I am providing a complaint letter that was received from Angela Healy (Item C) to all of the Planning Commissioner's and the Deputy Recorder Cindy Valdez.

Chairman Naylor said doesn't that mean that once the house is finished the engineered certificate needs to be provided to document the fact that it was constructed a couple of feet above the flood plain prior to the permit?

City Planner Sanderson said they would have to do it prior to the permit, but they would actually have to have it surveyed when they pour the footings.

Commissioner Feist said how does that impact the homes on the west side of the River Front Parkway?

City Planner Sanderson said on the west side they are going to be slightly below the grade, but they are going to have to build up around those lots a little bit as well.

Nick Mingo, (applicant) – said Planner Sanderson did a great job on the review of this project. I don't really have anything more to add, but I am here to answer any questions you may have for me.

Commissioner Feist said what changes have been made from the last time it was presented at the Planning Commission and this time?

Mr. Mingo said a year ago when it was presented here at the Planning Commission I was not involved with the project. Once I got involved I basically we redesigned the entire project. We have completed all the big picture items that fed into this last bit, and as we finalized all of the details it was apparent that science supported basements in this area.

Commissioner Haymore said do you know how much higher it is this going to make the grade of these houses and the houses to the south on the Riverton side.

Mr. Mingo said directly south there are no homes. Everything is to the west and they are significantly above the grade.

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

Chairman Naylor said I think this is a good change.

Commissioner Evans said I think this is a much more thorough evaluation of the flood plain. I know that when we first saw this, there was a lot of discomfort making sure that they thought it all the way through. I think those issues have been worked out, or we would have a lot of those people here that had flooded basements.

Commissioner Haymore said this is one of those projects that all along I had certain level of discomfort not being an engineer, and not fully understanding the ramifications of the water tables. We have relied heavily on engineers, and studies, and I do appreciate this being looked at once again.

Commissioner Feist said what happens when there ends up being problems down the road. I know several residents in Riverton that have water issues every spring, and I am sure engineers signed off those homes. We haven't even had a flood yet, that is just the water table that comes up every spring. We are talking about a lot of soil compaction here. I read in the staff report that this road will be in a planned development, will it be in a PUD?

City Planner Schindler said it will be in a PUD, this is a public street.

Commissioner Haymore said I guess we can't for-see everything could happen, but I think all the precautions that are available have been included in this project.

Commissioner Jolley said I think the developer is being proactive in raising this to help mitigate this to eliminate the problems that we have had quite often here in the valley. I think that raising this 6' to 7' creates a great buffer.

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

Commissioner Haymore motioned to approve the CUP Amendment, amending original condition #7 to allow for basements within 500 year flood plain subject to the (3) requirements made by staff. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**D.1. Issue: CAFÉ TRANG'S BANH MI
 CONDITIONAL USE PERMIT**
Address: 10350 South Redwood Road
File No: CUP-2014.09
Applicant: Kim Nguyen

City Planner Greg Schindler reviewed background information on this item.

Kim Nguyen, 1442 E. Draper Parkway South Jordan, Utah – said I don't have anything more to add and I am here to answer any questions you may have.

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

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

Commissioner Evans motioned to approve File No. CUP-2014.09 for a Conditional Use Permit for a Restaurant Use in the Mixed Use-City Center Zone (MU-CITY) Located at 10350 South Redwood Road, with the (1) requirement by staff. 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)

- E.1. Issue: OQUIRRH MOUNTAIN MARKETPLACE/SJ CITY
LAND USE AMENDMENT & REZONE
Amending Land Use from Village Mixed Use to Office Use &
Rezoning from Agriculture (A-5) to Professional Office (P-O)
Address: 11601 South 4000 West**
- File No: LUA-2014.11 & REZ-2014.13**
- Applicant: City of South Jordan**

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

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

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

Commissioner Jolley motioned to forward a recommendation of approval to the City Council to adopt: Resolution R2014-60 approving an amendment to the Future Land Use Map, and Ordinance No. 2014-14-Z approving an amendment to the Zoning Map. Commissioner Feist seconded the motion. Roll Call Vote was 5-0 unanimous in favor

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

F. iPad Training

ADJOURNMENT

Commissioner Evans motioned to adjourn. All Commissioners voted in favor.

The July 22, 2014 Planning Commission meeting adjourned at 7:40 p.m.

Meeting Minutes were prepared by Deputy Recorder Cindy Valdez.

This is a true and correct copy of the July 22, 2014 Planning Commission meeting minutes, which were approved on August 12, 2014.

Anna M. West
South Jordan City Recorder



JULY 22, 2014

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Ha Kim Nguyen

1442 E Draper Parkway, Draper UT 84020

Cody Burns

11534 S. Bluerise Ave S. Jordan UT 84095

GARY LANGSTON

4700 DAYBREAK PKWY S.JORDAN

Richard & Adelle Dorrance

11709 So Lempton View Dr 84095

July 22, 2014

To the South Jordan Planning and Zoning Staff and City Council,

My name is Angela Healy and I live at approximately 11777 S. 925 W. and my home borders the property for the proposed Ivory Homes development. I am unable to attend tonight's public hearing but I am extremely concerned and outraged about the changes being proposed to the originally approved development agreement. Ivory Homes' proposal to allow basements along the eastern river front corridor and bring in at least 6 feet of fill is way beyond what was originally planned for the property. I and my neighbors have been opposed to the development for multiple reasons including concerns about the flood plain and the meander corridor, high ground water, collapsible soils, destruction of wildlife habitats, and heavy traffic, to name just some of them. And we are extremely opposed to this latest change. (My home and several other homes have had serious problems with collapsible and shifting soils. Some of the homes have had to be placed on helical piers in order to stabilize them. We've also had extensive flooding and groundwater issues). Now we are looking at having 3 story homes on top of the existing grade, with extensive levels of fill being brought in to raise the level of the roadways and to back-fill the homes. This is unacceptable in my view. How is the soil grade-level going to impact me as a homeowner? If the level of the soil is raised to the degree proposed, it will be higher than the existing fences and backyards of the homes in my neighborhood. How is this acceptable or feasible? This proposal will certainly have a negative effect on mine and other's property values and quality of life.

I realize that I am a Riverton resident and that South Jordan City really doesn't care about mine or my neighbors' opinions or concerns. But they should be concerned about the future South Jordan City residents and homeowners in this proposed development. It is my understanding that Ivory Homes will be having each homeowner sign a disclaimer that they are not liable if their homes flood or have subsidence issues - basically absolving them of any responsibility if something bad happens to the homes or property. But where is the City's responsibility to future homeowners? Will the City be liable and responsible when their residents have problems with a home in an area where they approved a development, under conditions which were unsafe and should not have been approved?

There are also questions of legality for a party to purchase property, change the zoning, submit development plans, acquire permits and then sell the property to another party. (I don't know if this question has been raised in this instance but I know it has been in similar instances).

I would ask you to please consider the best interests of the current and future homeowners, before you give your consent in consideration of the mega development company of Ivory Homes, and in the self-interests of South Jordan City for property tax revenue.

Thank You,

Angela Healy
(801) 254-1670
11777 S. Whatta View Place