

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

May 12, 2015

Present: Chairman Russ Naylor, 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 Recorder Cindy Valdez

Absent: Commissioner Beverly Evans

Others: See Attendance Log (Attachment A)

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone present and noted that Commissioner Evans is not going to be here today and is excused. All other Commissioners are present.

B. Motion to Approve Agenda

Commissioner Feist made a motion to approve the May 12, 2015 Planning Commission Agenda. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Evans was absent from the vote.

C. Approval of the Minutes from the Meeting held on April 28, 2015

Commissioner Morrissey made a motion to approve the April 28, 2015 Planning Commission meeting minutes as printed. Commissioner Woolley seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

Staff Attorney Steven Schaefermeyer said as part of the code the Planning Commission should adopt rules of procedure for the Planning Commission meetings. We talked about this at the last Planning Commission Meeting. City Council has passed a resolution pre-empting the Planning Commission from adopting rules beyond those contained in the Roberts Rules of Order. The Commission should adopt a rule under Roberts Rules of Order if you want to continue considering items via the consent calendar.

Commissioner Mark Woolley motioned to adopt a rule allowing the Planning Commission to hear lot line adjustments by consent calendar under Roberts Rules of Order. Commissioner Richard

Feist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was absent from the vote.

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 SOUTH STATION MULTI FAMILY # 2
PRELIMINARY PLAT**

Address: Approx. 5000 West Daybreak Parkway

File No: SUB-2015.21

Applicant: Kennecott Land

City Planner Greg Schindler reviewed background information on this item.

Commissioner Feist said have any decisions been made to the extension route of the UTA Trax line yet?

City Planner Schindler said I am not sure.

Gary Langston, 4700 Daybreak Parkway South Jordan, Utah 84095 – said we held a neighborhood meeting on April 23, 2015 for about an hour, and we had about 10 people attend from adjacent neighborhoods. We sent out notices to a larger area than what is required by statute for a plat. Generally speaking I think the feedback was pretty good. Most of the people were interested in the architecture, height, landscaping and who the builder was going to be. As City Planner Schindler mentioned the builder is going to be Garbette Homes. That is all that I had to add, but I am here to answer any questions that you may have for me.

Commissioner Feist said will these be similar to the ones to the east?

Mr. Langston said they will have a similar character to them. These are designed to have the shorter units closer to the single family homes, and the taller units are along Daybreak Parkway.

Commissioner Jolley said I would like to know about the open-space around the Trax area. Is that going to be maintained by UTA or the HOA?

Mr. Langston said right now it is still owned by Kennecott Land, and at this time we have put some sod down so that it would not become a weed patch City Planner Schindler did a great job describing the potential uses. Likely it would take on an urban form. We have had conversations anywhere from a small commercial building to a farmers market, it largely will depend on what we decide to do when the market is ready.

Chairman Naylor opened the Public Hearing to comments.

Andy Boyer – said I live on Wesley Lane, so I have a concern regarding the “use” on Wesley Lane. If there is going to be 60 town homes going in there, and there are already 14 houses on that lane, there will be 28 cars from those houses, and another 120 cars that will be using that lane. There are a lot of kids that live on that street and will be using that lane. I would like to know if they are going to be widening that road, or is it going to stay the same. We did not get notified regarding this project, and nobody I talked to on the street knew about it until we got this letter about the Public Hearing. I would also like to know the timeline on this, and what it looks like.

Chairman Naylor closed the Public Hearing.

Mr. Langston said we are widening Wesley Lane a little bit. By virtue of the building height it becomes a fire lane so we have to have 26’ of width, and you will also have the driveway lengths from the setbacks to the garage, which are about 4 or 5 feet. Regarding the traffic; interestingly enough when we line both lanes with single family homes the traffic counts are much higher than when we put single-family on one side and multi-family on the other side. Regarding the traffic, I do understand Mr. Boyer’s concern about children playing in the area, but it is a public street that is meant for cars first. We certainly encourage people to use those pathways as they feel appropriate, but it is intended for the use of cars first, so please use caution and watch your children.

Commissioner Jolley said it appears that half of the lanes are coming off Daybreak Parkway, is that correct?

Mr. Langston said none of the lanes access Daybreak Parkway directly. They are shared driveways if you will, or private lanes that access off of Wesley Lane.

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

Commissioner Woolley motioned to approve File No.SUB-2015.21 with the (1) requirement by staff. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was absent from the vote.

**B.1. Issue: ACCESSORY BUILDING
CONDITIONAL USE PERMIT**

Address: 10519 Royal Tee Cove

File No: CUP-2015.05

Applicant: Mr. & Mrs. Scott Nell

City Planner Greg Schindler reviewed background information on this item.

Commissioner Woolley said the staff reports says; “and receive all City approvals for the necessary lot line adjustments or subdivision amendment,” so if it is going to be included doesn’t it have to be a subdivision amendment?

City Planner Schindler said the State Law says that lot line adjustments can be approved regardless if it changing the boundary of the subdivision. The way the code reads it is very liberal. If both parcels were not part of the subdivision they wouldn’t require your approval at all, but because their current lot is in a recorded subdivision, and the other is not, it is a meets and bounds parcel. If they both were meets and

bounds parcels they wouldn't require City approval at all, they could go to the County and records the deeds.

Commissioner Woolley said how would the CC&R's play out in the subdivision in that case?

City Planner Schindler said I do not know that. The City does not regulate the CC&R's that would be considered a civil matter.

Commissioner Woolley said I would just be concerned that we are approving something that would be done anyway with the CC&R's of that subdivision.

City Planner Schindler said if the City approves it, they can do it. Someone else in the neighborhood would have to sue them and go to court to stop them from building because it is a violation of the CC&R's, and we don't over rule the CC&R's but we can't regulate the CC&R's either.

Commissioner Woolley said I understand that, but I am hesitant without knowing what is in the CC&R's to address this quite frankly.

Staff Attorney Steven Schaefermeyer said it is an interesting question as to whether that acquired piece becomes part of the subdivision or not.

City Planner Schindler said if they did a subdivision amendment it would become part of the subdivision.

Staff Attorney Steven Schaefermeyer said it is my inclination that it will become part of the subdivision, and obviously it would be our preference to have them do a subdivision amendment. It is much cleaner and much clearer to future property owners. However, the law is very liberal regarding this.

Scott Nell 10519 S Royal Cove South Jordan, Utah 84095- said we are looking to purchase that property so we can have a garage that doesn't take up our whole property. The property owner has agreed to sell it to us, but I have to decide if the City will let us build a 3,000 sq. ft. building, or do I need to do two buildings, and then I have to decide if I want to pay for two buildings.

Chairman Naylor said will you be ok if the building needs to be slightly less than 3,000 sq. ft.

Mr. Nell said that would be fine, I don't have a problem with that. When I originally came in to inquire about the building they told me I could do the footprint of the property, but when I came back a few months later they told me it was 60%, so that is why we are applying for a conditional use permit.

City Planner Schindler said the records that we have state the footprint is 3,096 sq. ft. so as long as it does not exceed the footprint of the home they can build a building the size of the footprint.

Mr. Nell said I just want to build a garage to store some collector cars that I have so they are not out in the weather.

Chairman Naylor opened the Public Hearing to comments.

Steve Peterson, 1194 W. 10550 S. South Jordan, Utah 84095 – said my north property adjoins the property in question, and my west property line shares part of the property with Scott & Pat Nell. I am here to ask for a 10 day continuation on this application simply because I did not know anything about this application until today. I talked to Mr. Schindler earlier and found out that I was on the mailing list,

but either due to a mail error, or something else, we didn't know anything about this until today when my wife found out by a casual conversation with another neighbor that asked if we were going to the meeting tonight. We have not had the proper time to research this and I am concerned about a 3,000 sq. building being in my backyard that is currently 11% larger than the County records have recorded for Scott Neil's primary residence, it not only exceed the current guidelines of 60% it also exceeds the 11% of his primary residence according to the County records. I would like at least 10 days to properly research and really know what is going on. I have owned this property for 17 years and I have has a verbal agreement with Ted and Anita Sharp for a first right of refusal. This is the first time I have heard about it, and then Scott Neil told me he has been speaking with Ted Sharp about it for the last 2 months. I am really surprised the Scott Nell didn't reach over the fence and let me know what he was considering doing, so for that reason I would like to ask for a 10 day continuation. I currently have water rights from Utah Water Canal Company and I am concerned about the impact of water in that area due to piping, and also the visual impact.

Commissioner Morrissey said how would this impact/effect you regarding the water?

Mr. Peterson said I would not be able to water my lawn or my garden.

Commissioner Morrissey said are you saying that basically all your water is dependent on that?

Mr. Peterson said yes.

Chairman Naylor said that would be a detail that would need to be worked out. If this application is approved, the applicant would have to maintain the irrigation of water way on his property.

Chairman Naylor opened the Public Hearing to comments.

Jill Peterson, 1194 W. 10550 S. South Jordan, Utah 84095 – I also have some concerns regarding this application. I would like to first off say that we were not notified. I know we were on the list, but I don't know how this went so many months without hearing a word about it. We are concerned about access, and how they will be granted access. There is a private lane that is on the east side of our property that goes back to Mr. Sharp's property and we have granted an easement to Mr. Sharp and his guests, but that is all the easement that we are going to grant. We will not grant any additional easement to access any property back there. We are also concerned about their access and if they are planning on getting to their property through their driveway which would extend clear back to that area. When we first purchased our property and applied for a building permit we were instructed about fire access, and if you put a building in that area that they are wishing to acquire, how are they emergency vehicles going to have access to them? Fire engines cannot go down the private lane because it isn't big enough for the fire engines to go down the east side and turn around the way the City Ordinance requires it to. I would also like to mention that Mr. and Mrs. Nell own a pawn shop, and we understand that in part this building will be used for commercial through the acquisitions through the Pawn Shop. If that is the case we would have a problem with zoning because they would have commercial in a residential agricultural area. We do have some concerns as a community because we have heard that Mr. Neil is planning on storing some of his cars that he has acquired through his pawn shop.

Robert Stouten, 1220 W. 10550 S. South Jordan, Utah 84095 – said my concern is also regarding the water rights on the west side of the property. When I owned that property it was subdivided and I gave 5 water shares to the City for secondary water in that area, but it has never been put in. There is a pipe circling that whole subdivision that has never been used. I would like to know why we have not gotten secondary water there. They made me put it in, took my shares and nothing has happened.

Chairman Naylor said were you anticipating that the City or a developer was going to put the secondary water system in?

City Planner Schindler said I think it is already in. It is a dry system, but I don't think it has been charged.

Mr. Stouten said who do I need to speak with regarding they secondary water?

City Planner Schindler said I would speak with the Public Works director first. If you would like to speak with me after the meeting I will provide you with the contact information for Public Works.

Mr. Stouten said that solves part of the problem I guess, but it just seems like the City took advantage of me. They made me give them the shares and told me they would put in secondary water, and they have not put it in. It has been quite a few years and I think I have been quite patient.

Randy Hughes, 10497 Royal Tee Cove South Jordan, Utah 84095- said I have no problem with the Nell's adding a building on that property, I think it is a good use for that property. I know the folks that live behind us don't have horses, and I am always afraid that it is going to get subdivided, so I would rather have this than to see apartments pop up. In regards to the water on each lot in that subdivision, part of the cost of the lot was to have the pipes put in for the secondary water. Mr. Stouten donated 5 water shares and those shares that were donated to the City are being use for something. The pipes are there and it has never been connected. I have heard the argument that the pipes are old and so that is why they don't want to connect it, because they may burst. If they don't want to charge it so we can use it, then they should reimburse us for the pipes and the water.

Chairman Naylor closed the Public Hearing.

Chairman Naylor reopened the Public Hearing for comment.

Pat Nell, 10519 Royal Tee Cove South Jordan, Utah 84095 – said I would like to address the comments that were made about the pawn shop. We have bought a couple of antique cars because we like them. You have a garage on your property and you can put whatever you want in it. We rent a building for our pawn shop that we store our stuff in. We have things in our home that we take home from work, because that is what we do for a living. That is not why we are building a garage. I think that is an invalid reason for that to have been brought up, we are not using that for commercial it has never been our intent. If we buy nice things because we can afford it, we can put them in our garage. I think there has been a lot of wrong information brought up, and that was very unfair. I know that when we talked about building a garage on the lot that we have they told us that we have a 10ft easement, but there would not be a problem putting a driveway over that 10feet. Regarding if there was ever to be a fire, the fire department would have no choice but to go down that lane if there was a fire. I think a lot of these things are not valid, and we have a counter argument. That land is landlocked and they won't let him build houses on it and subdivide it.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said I know the notices went out so I can't imagine why they did not get the information. My inclination is to just have staff verify the size of the house and establish what the limit is on the garage.

Commissioner Woolley said what I hear is two arguments. The first one is that the footprint of the property needs to be verified because sometimes the County records are not accurate. The second concern

is regarding the secondary water, and that can also be addressed by staff. I think both of these issues can be addressed in our motion to have staff follow up with them. I am in favor, and I think with those two items address we can move forward.

Commissioner Jolley said I agree, I think this is a multi-task process. The adjacent property owners have time look in these issues, because tonight we are just approving this so they can put a building on their property. I think the (2) conditions that we have listed in the staff report are protection for this anyway.

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

Commissioner Jolley motioned to approve File No.CUP-2015.05 for a Conditional Use permit with the (2) requirements and adding (3) additional requirements:

- 1. The adjacent property shall be acquired and added to the applicant's property. All deeds shall be recorded prior to final building permit submittal.**
- 2. The Applicants shall submit application and receive all City approvals for the necessary lot line adjustments or subdivision amendment.**
- 3. City Staff will verify the existing square footage of the home on the subject property, and if the findings are that the structure is smaller than what is stated in the staff report the proper adjustments will be made to the Conditional Use Permit.**
- 4. City Staff will verify that irrigation water easement is protected before issuing a building permit.**

**Commissioner Feist seconded the motion. Roll Call Vote was 5-0 unanimous in favor;
Commissioner Evans was absent from the vote.**

**C.1. Issue: EAGLE POINTE DEVELOPMENT OFFICE ADDITION
SITE PLAN AMENDMENT**

Address: 9450 South Redwood Road
File No: SP-AMEND-2015.14
Applicant: Bill Whitney, RT Engineers

Planner Greg Schindler reviewed background information on this item.

Chairman Naylor said how are you going to change the roof so that you will have a pitched roof on that side?

Bill Whitney, 5829 S. Meadow Crest Murray, Utah – said we will put a gable going the other direction. This building was a horse corral 15 years ago, and couple of years ago we added an addition, and now we are adding an addition to the other side.

Chairman Naylor opened the Public Hearing to comments.

Gary Nelson, 1673 Peaceful Circle, South Jordan, Utah – said I live directly across the street from the proposed facility. At this time the Cottages at the Temple View complex have 94 homes, and my concern is putting in this facility. I don't know if there is going to be a lot more people coming in and out of that driveway to complicate the problem that we already have on Redwood Road. Just down the street from that we have the "Mothers Helper Day Care" and that has already created a real problem trying to get out. If you want to turn left at the Cottages, you have to wait forever and turn into the left turn lane, and if

people are coming out of the “Mothers Helper Day Care”, it is really scary trying to get out on to Redwood Rd, sometimes you can wait up to 5 minutes. If we are adding more people to this facility that is proposed it is going to make it more complicated. Keep in mind they are not a bunch of young drivers they are old men like me.

Chairman Naylor closed the Public Hearing.

Commissioner Woolley said the concerns that were expressed are valid if this was during the really busy times, but I don't think this will add much to the traffic that is already there.

Commissioner Jolley said what is the nature of the business?

City Planner Schindler said it is a development company.

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

Commissioner Woolley motioned to approve File No. SP-AMEND-2015.14. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was absent from the vote.

**D.1. Issue: BECKSTEAD LANE P.U.D.
AMENDING PARCEL A**

Address: 11081 South Beckstead Lane

File No: SUB-AMEND-2015.27

Applicant: David George

Planner Greg Schindler reviewed background information on this item.

Commissioner Feist said on this map it looks as though not only are we moving open space where parcel (A) was, it looks like parcel (A) is not going into a lot, is that correct?

Planner Schindler said it is not going to because it is part of the parking lot and I think there is going to be a fence there, or there may be some pedestrian access put in there, I am not sure at this point.

Commissioner Jolley said what is your idea and thoughts on the timeline for the landscape improvements?

Planner Schindler said I don't know because they haven't constructed the homes there yet.

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

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

Commissioner Jolley motioned to approve File NO.SUB- AMEND-2015.27 to approve the Beckstead Lane P.U.D., Amending Parcel A subject to the (4) requirements by staff. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Evans was 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 May 12, 2015 Planning Commission meeting adjourned at 7:45 p.m.

Meeting Minutes were prepared by City Recorder Cindy Valdez.

This is a true and correct copy of the May 12, 2015 Planning Commission meeting minutes, which were approved on May 26, 2015.

Anna M. West

South Jordan City Recorder