

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

June 23, 2015

Present: Chairman Russ Naylor, Commissioner Sean D. Morrissey, Commissioner Mark Woolley, Commissioner Richard Feist, Commissioner Beverly Evans, City Planner Greg Schindler, Planner Brad Sanderson, Planner David Mann, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Shaefermeyer, City Recorder Anna West

Absent: Commissioner T. Earl Jolley

Others: See 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 Jolley is absent tonight.

B. Motion to Approve Agenda

Commissioner Evans made a motion to approve the June 23, 2015 Planning Commission Agenda. Commissioner Feist seconded the motion. Vote was unanimous in favor. Commissioner Jolley absent.

C. Approval of the Minutes from the Meeting held on June 9, 2015

Commissioner Woolley made a motion to approve the June 9, 2015 Planning Commission meeting minutes as printed. Commissioner Feist seconded the motion. Vote was unanimous in favor. Commissioner Jolley absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

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

IV. SUMMARY ACTION

- A. Issue: LOT LINE ADJUSTMENT BETWEEN LOTS 673-674 & 677-678 DAYBREAK PLAT 9 SUBDIVISION**
Address: 10368, 10372, 10388, and 10394 South Crow Wing Drive
Applicant: Jody Cavaros, Holmes Homes
- B.1 Issue: LOT LINE ADJUSTMENT BETWEEN LOTS 265-266 OF DAYBREAK PLAT 7**
Address: 4503 W. South Jordan Parkway & 4497 W. South Jordan Parkway
Applicant: Jody Cavaros, Holmes Homes
- C.1 Issue: LOT LINE ADJUSTMENT**
Address: 1061, 1065, & 1071 West 10550 South
Applicant: Cheril Humphries, Century 21 Everest Realty Group
- D.1 Issue: LOT LINE ADJUSTMENT OQUIRRH MOUNTAIN MARKETPLACE AMENDED**
Address: 11514 South & 11522 South 4000 West
Applicant: Joshua Binkley, SJ Marketplace LLC
- E.1 Issue: LOT LINE ADJUSTMENT**
Address: 1328 – 1386 West Wheadon Glen Cove, including Wheadon Glenn Phase
1409 – 1469 West Homecoming Avenue
10048 – 10056 South Remembrance Lane
10058 – 10063 South Neighborhood Court
Applicant: Gough Construction and Project Funding II LLC

Commissioner Woolley made a motion to approve Lot Line Adjustments on Summary Action Items A through E. Commissioner Feist seconded the motion. Roll Call Vote was unanimous 5-0 in favor. Commissioner Jolley was absent.

V. OTHER BUSINESS – NOT PUBLIC HEARINGS

- F.1. Issue: CONDITIONAL USE PERMIT FOR ACCESSORY BUILDING FOOTPRINT EXCEEDING 60% FOOTPRINT OF MAIN BUILDING**
Address: 3860 West Graymalkin Circle
File No: CUP-2015.08
Applicant: Kevin Theetge

Planner Brad Sanderson reviewed the background information from the Staff Report on this Item. He said just as a reminder, this is not a Public Hearing. This has already had a Public Hearing and you tabled it. The Planning Commission wanted to have the applicant demonstrate or provide some elevations that showed that this was within the character of the neighborhood. They are here today and I will turn it over to them.

Kevin Theetge, 3860 West Graymalkin Circle, SJC (Applicant); Mr. Theetge referred to photos on the overhead. He said it won't have the lean-to on the side and the door will be over on the east side of the building and it will have two overhead doors. This is just for RV storage. It will be the tan color with the brown metal trim for the gutters and brown doors. He said I have a picture of my house that is included showing it flows with the house. I have included some aerial pictures of some of the other 6 metal buildings in the neighborhood.

Commissioner Morrissey asked if the ones in the neighborhood exceed the footprint as well like this one is. City Planner Schindler said this one definitely does. None of them meet the current guidelines of the code because the code was changed a year ago and all of these were constructed long before the code was changed when it was much more lenient than it is now.

Mr. Theetge said 3 of them were built within the past 6 months.

Commissioner Morrissey asked what the purpose of the change to the ordinance was intended for.

City Planner Schindler said the change in the rule came up because there was a building that was approved because it met all of the requirements of code at that time. It was a two story accessory structure and we got a lot of complaints from neighbors and a lot of threats made to the applicant saying they wanted to burn his house and the building down. It went to City Council and they decided that buildings of that size were too large for neighborhoods. They gave direction to staff to change the ordinance so it didn't exceed 60% footprint and if over two-story there could be no windows on the side of the building that faced a neighbor's yard. This was all from one incident. Often it just takes one to make changes to codes. Some of the changes were good because some parts of the code now require that it fit the neighborhood. Previously you could have accessory living units over secondary garages. If it seems to fit with the neighborhood and there are other buildings like it and the materials blend in well then those are criteria for you to approve with Conditional Use.

Commissioner Feist said that is why this was tabled; to see if it fit within the neighborhood. The applicant brought back exactly what I was looking for as far as examples of what is in the neighborhood and I got a chance last evening to drive around there and there are numerous ones like this. In fact I think a new building like this would look better than many of the others I saw. I think it will definitely fit in with the neighborhood and would not detract from it.

Commissioner Woolley said that was the discussion we had and concern. I had gone out before and as I saw the size of the lot and tried to take it all into account I was struggling internally because I like the newer ordinance. When you look at the color scheme that is what sold me. It's not too tall and it fits the property and I love the color scheme that fits with his house and fits with the neighborhood.

Commissioner Evans said I think it is well planned and consistent with the neighborhood. We didn't have much to go on last time and it was abstract and a concept that we couldn't grasp. I appreciate him coming back.

Staff Attorney said we need to be careful describing it as an exception. Remember this is a conditional use. If you approve it you are saying there are no detrimental effects. Nothing in your conversation says otherwise but to keep this in mind as we're discussing it.

Commissioner Woolley said for me the color was what made me comfortable with it so I hope that whoever makes the motion they would consider that the color be the approximate scheme that he has shown us tonight.

Commissioner Morrissey asked Staff Attorney Schaefermeyer what a detrimental effect would be.

Staff Attorney Schaefermeyer said that is a good question. It's a case by case determination. For example going to the color scheme if you find that there is a detrimental effect that it doesn't blend in with what is existing we need to have some sort of evidence on that. Those are the types of conditions you can put on or a "reasonably anticipated detrimental effect."

Chairman Naylor said another one that we talked about is primarily does it fit in with the character of the neighborhood.

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

Commissioner Woolley made a motion to approve Conditional Use Permit CUP-2015.08 for an Accessory Building Footprint Exceeding 60% footprint of the main building located at 3860 West Graymalkin Circle in South Jordan and adding that the color scheme be compatible with that of the main dwelling of the property. Commissioner Feist seconded the motion. Roll Call Vote was unanimous 5-0 in favor. Commissioner Jolley was absent.

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

**G.1. Issue: AUTOZONE SITE PLAN
Address: 3735 West South Jordan Parkway
File No: SP-2015.17
Applicant: Colby Anderson**

Planner David Mann reviewed the background information from the Staff Report on this Item.

Colby Anderson, (applicant); said he had nothing to add.

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

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

Commissioner Morrissey made a motion to approve File No. SP-2015.17 for a retail auto parts store located at 3735 West South Jordan Parkway provided that all applicable City Department Requirements, as stated in the Municipal Code, are met. Commissioner Evans seconded the motion. Roll Call Vote was unanimous 5-0 in favor. Commissioner Jolley was absent.

**H.1. Issue: FALCON'S PLAZA SITE PLAN & CONDITIONAL USE PERMIT
Address: 10977 South Redwood Road
File No: SP-2015.18
Applicant: Tim and Deborah Tilley**

Planner David Mann reviewed the background information from the Staff Report on this Item.

Commissioner Woolley asked where the enclosure for the trash will be located. It seems like an odd place both in terms of it being out against Redwood Road and also there is an existing residence next to this and it is going to be a nuisance there.

Planner Mann said as you can see here this is in the North West corner of the property so the trash enclosure is shown on the eastern portion of the outlined area, so it will be in between the residential property to the north that you are talking about.

Deborah Tilley, 2662 W. 11275 S., SJC (applicant); we have worked hard to get to this point. We will occupy 70% of the property with Godfather's Pizza that has an expanded menu.

Chairman Naylor opened the Public Hearing.

Paul Kafer, 10887 S. Redwood Road, SJC; voiced his concerns with traffic issues on Redwood Road and Beckstead Lane. When people bought in this area they anticipated a quieter area. I am not certain that a fast food type restaurant with a lot of increased traffic and noisy trash pick-up. It is not the right thing to do at this time considering the type of residences surrounding the area.

Joby Kamp, 10948 S. Crystal View Way, SJC; wanted to know what the hours of operation will be, and where will the oven vented out and where will the smoke go. She said we live to the east right behind this.

Lynette Gurr, 11026 S. Crystal View Way, SJC; my concern is that there are already two pizza parlors that are right in that area and this will be a 3rd. I am also concerned about the smell and traffic.

Nancy Mattingly, 10879 S. Redwood Rd., SJC; I live by these tall senior citizens houses and their garbage removal comes in at 3 or 4 in the morning already. My concern is that when they start to dig this building they need to use water trucks to water down the dust. My grandson has pulmonary and heart disease and I can't have that dust all over the place. This is very critical that they use a lot of water trucks to stop the dust.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said this is zoned for exactly this kind of business we anticipated here. I would like to ask staff if the City has an ordinance that they have to control the dust. Assistant City Engineer, Shane Greenwood, said I know that our inspectors as they watch the sites they make sure it is controlled.

Commissioner Morrissey said it is a big concern for me as far as the health and safety of the citizens and their children; especially with someone known with issues. If we can eliminate that and if that's doable, it's okay with me.

Chairman Naylor said as far as the garbage collection it seemed like to me that could be something that as a detrimental effect we could ask them to contract with their waste management company to do that.

Staff Attorney Steven Schaefermeyer said the challenge would be that the conditional use is for the drive through only. The only detrimental effects would have to be connected to the drive through. You can direct staff to control things like dust and the placement of garbage.

City Planner Greg Schindler said the garbage pickup at 4 in the morning is in violation of our code. It is against code for trash pickup between the hours of 10:00 p.m. and 7:00 a.m. and that applies to deliveries as well. Business operation itself can go 24 hours.

Commissioner Evans asked the applicant come back up to address these issues.

Staff Attorney Schaefermeyer said there is a whole array of uses that could go in. What I am saying is the Tilley's after they receive site plan approval could choose not to put the business in that we are talking about.

Ms. Tilley said as I stated, we have not got anything in the end with the drive up. As to the pizza, it is the largest part of the building with about 3,000 left on the east end. Garbage is quite a ways between; that's a bit ahead of our planning at this time. The Pizza hours would be 10:30 a.m. to 11:00 p.m. This is a buffet sit down family restaurant.

Commissioner Woolley said we didn't talk about the venting or the smells.

Chairman Naylor asked if they would be doing any frying or will it just be pizza ovens.

Ms. Tilley said pizza ovens and broasted chicken. We have quite an extensive package planned for inside the building.

Commissioner Woolley said I am still concerned about the venting. We have establishments here in the City that throw out such enormous smells and this is so close to residential that I think that is a detriment. We don't know what could go in later and if I was there it would be a detriment and we have had major problems where venting has been a problem in our City in the last couple of years.

Staff Attorney Schaefermeyer said the conditional use permit is for the drive through only. So if you can connect the drive through to smells or something else then that would be the case; however, without the drive through you could still have restaurant uses?

Planner David Mann said the drive through portion being conditional use is based on cars being stacked that might cause traffic issues with cars spilling out onto the road or clogging up parking lanes, emission issues and headlights that might shine into neighboring properties. It is the actual drive through portion, not any use connected with the drive through that is the conditional use.

Staff Attorney Schaefermeyer said if you don't approve the drive through then either you would have to direct staff to come back that doesn't show the drive through and as well state what the detrimental effects are related to the drive through.

City Planner Schindler said this application is only for the conditional use for the drive through not the business that will be associated with it. Whatever it is it will be a permitted use. I can tell you we have drive-through windows all over the City adjacent to residential homes and the noisy part is the speakers. The drive through window itself doesn't affect anyone.

Commissioner Woolley said I am not concerned with the drive through. I am concerned that if it is approved, what could happen in terms of other issues coming in that are not acceptable.

City Planner Schindler said it is difficult to determine what might happen. There are going to be cars. There is probably no detrimental effect for the drive through on the people across Beckstead Lane because they are so far away. The immediate neighbor to the north would be the only one it would have an effect on.

Chairman Naylor said we could put some kind of reasonable condition to address the potential impact of the intercom for the drive-through. I just don't see how within the ordinance we have to work with that we have a reason why we can deny this application.

Commissioner Woolley said I am not against it I am concerned of the impacts.

Chairman Naylor said I don't see them doing a whole new site plan and taking off the drive-through and then coming back with another application to amend the site plan. Based on my experience the reasonable place to put the speaker system would be right there where the notch-out is in the upper west corner so that it is back about three cars from the actual window itself.

City Planner Schindler said one thing about that location would be the closest location to the house to the north. If you make a finding that the detrimental effect is the noise and it would have a detrimental effect on the neighbors if it is after 10:00 p.m., you could place the condition on it that they can't operate the drive through after 10:00 p.m. If the applicant doesn't agree with that they can always appeal your decision to City Council and let them make the final decision. If you approve it without then the residents themselves could appeal the decision.

Staff Attorney Schaefermeyer said the detrimental effect is to the zone and if you will notice the house to the north is in the same zone.

Commissioner Evans said we have a motion on the floor to approve this.

Commissioner Morrissey said I am prepared to second the motion now.

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

Commissioner Evans made a motion to approve File No. SP-2015.18 for a retail building located at 10977 South Redwood Road provided that all applicable City Department Requirements, as stated in the Municipal Code, are met. Commissioner Morrissey seconded the motion. Roll Call Vote was 4-1. Commissioner Woolley voted No; Commissioner Jolley was absent.

**I.1. Issue: HERITAGE HEIGHTS NO. 1
SUBDIVISION AMENDMENT**
Address: 10660 South 2755 West
File No: SUB-AMEND-2015.30
Applicant: Sam Swenson

Planner Brad Sanderson reviewed the background information from the Staff Report on this Item.

Alex Swenson, 13088 S. 2830 W., Riverton, UT (representing applicant); I am here representing the applicant Sam Swenson. We got a letter from the City back in 1980 saying that once it is extended it goes back into the trust and then he disperses through his kids. That's all I have today.

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

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

Commissioner Feist made a motion to approve SUB-AMEND-2015.30 Heritage Heights No. 1 Subdivision Amendment as proposed, subject to the provision that the applicant shall provide the necessary deeds with their appropriate legal descriptions in order to convey property. Commissioner Woolley seconded the motion. Roll Call Vote was unanimous 5-0 in favor. Commissioner Jolley was absent.

**J.1. Issue: SASINE SUBDIVISION
PRELIMINARY SUBDIVISION
Address: 9944 South 1300 West
File No: SUB-2015.22
Applicant: Bob Elder**

Planner Brad Sanderson reviewed the background information from the Staff Report on this Item.

Bob Elder, 2605 W. Carriage Oak Court, SJC (applicant); the information provided is correct. There are five lots and one of the existing lots will continue to contain the Sasine's home. The road widening as indicated, the private drive will be expanded to a 50 foot right of way, on the north side of the road would be a standard public right of way width where you would have a walkway and a parkway adjacent to the curb and gutter. The asphalt and the paved roadway match the city standard. Along the south side of the road typically you would have a planter strip and a walk. In this particular case because of the existing vegetation and improvements along the existing homes, that walk has been waived and so we have kept the 5 foot vegetation landscape buffer that contains the existing trees.

Chairman Naylor opened the Public Hearing.

Shirley Matthews, 9923 Shady Glen Lane, SJC; my backyard overlooks the proposed subdivision. I am concerned about the height of the homes. I would like to know what size they will be.

Chairman Naylor said they would have to meet the required code and the maximum height is 35 feet.

John Adams, 9915 S. Shady Glen Ln., SJC; I have a request and a complaint with regard to the Sasine proposed property. He said the South Jordan canal runs along the west of the proposed property and South Jordan Canal Co. does a pretty good job of coming through and recently removed a lot of the big thistle along the canal. When the canal company came through they left a lot of vegetation along an old barbed wire fence, about a 3' strip. I would like to see that cleared out and the barbed wire fence removed. I think it is an eyesore. He spoke about a dog that barks and chases them when they are out walking along the canal road and there is an area that is not fenced.

Chairman Naylor said understand that they are not issues that are part of what we are considering tonight. They are present have heard your neighborly request.

Debra Adams, 9915 S. Shady Glen Ln., SJC; I don't know if this is the appropriate time but has it been discussed about a contractor for this property.

Chairman Naylor said no. I don't know where the applicant stands on obtaining bids from a construction company to do these improvements. Normally they don't do that until they get all of the City approvals.

Ms. Adams said when it would be the appropriate time to discuss CC&R's. Planner Sanderson said they are not proposing any CC&R's. This is not a PUD and there is not common space so there is no need for that. City Planner Schindler said the City does not regulate CC&R's.

Ms. Adams asked if she could go on record to request the Sasine's do CC&R's. My preference would be to not have four separate contractors building four separate homes.

Chairman Naylor said knowing this applicant quite well and I can pretty much assure that what will be built is going to be of at least the same quality as the other homes on that cul-de-sac.

Chairman Naylor closed the Public Hearing.

John Sasine, 9950 S. 1397 W. (applicant); I have lived there for 12 years. We bought the original house and then added that property to insure that the properties would be consistent with the rest of the houses down the lane. There was a time when there was a proposal to put three duplexes on that same piece of property. We bought the property at even much higher rates that now to keep it consistent with what the neighborhood is. I know that the city allow heights of 35' but that is not anything I would be interested in. I would want something around 28'.

J2. Potential Action Item – (See VI.J.1)

Commissioner Evans made a motion to approve SUB-2015.32 Sasine Subdivision subject to the following provisions:

- 1. “No Parking” signage shall be placed along the north, south, and west sides of the cul-de-sac prohibiting on street parking; and**
- 2. The waterline connections shall be coordinated with the adjacent property to the north; and**
- 3. A snow removal easement shall be included on the recorded plat at the end of cul-de-sac; and**
- 4. The finished grade shall be within one foot of existing grade near all adjoining property lines as directed by the City Engineering Department; and**
- 5. A 6 foot tall vinyl fence shall be installed and maintained along the canal right-of-way; and**
- 6. A 6 foot tall masonry wall shall be installed along those properties that are both zoned for and large enough to have large farm animals, as required by City Ordinances; and**
- 7. A secondary irrigation system shall be required as determined by the City Engineer upon further review of a feasibility study.**

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

Commissioner Jolley was absent.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

None

ADJOURNMENT

Commissioner Evans motioned to adjourn. All Commissioners were in favor. Commissioner Jolley was absent.

The June 23, 2015 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 June 23, 2015 Planning Commission meeting minutes, which were approved on July 14, 2015.

Anna M. West

South Jordan City Recorder

" Attachment A "



SOUTH JORDAN
U T A H

JUNE 23, 2015

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Alex Swanson	2735 West Cowish Lane
NANCY MATTINGLY	—
JOHN ADAMS	9915 SHADY GLEN LANE
SHIRLEY MATTHEWS	9923 SHADY GLEN LANE
Lynette Gunn	11026 So Crystal View Way
Janet Denney	2068 W 1297AS
James + Lucy Crookston	9166 So 1306 W.
Glenn Barton	1596 Moonstone St
JEFF MERRILL	988 E. Crosswind
Dan & Joby Kamp	10948 S Crystal View Way
Deborah + Tim Tilden	2662 W 11275 So 84095
JOHN SASINE	1797 W. 9950. South 50p
PAUL KAFFER	10897 S. REDWOOD
Darrell Deem	525 N B St SLC 84183



JUNE 23, 2015

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Robert Elder

2605 W. Carriage oak Ct

TIM ANDERSON

8043 S. Sweet Basil S.